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ACTS

OF

THE GENERAL ASSEMBLY

OF

4118

HIS MAJESTY'S PROVINCE

OF

NEW BRUNSWICK.

PASSED IN THE YEAR

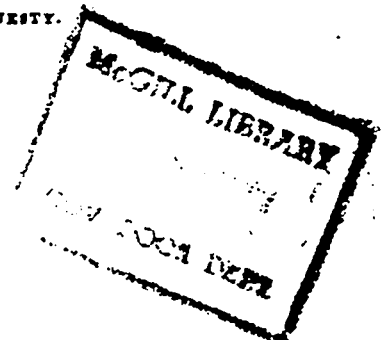
1836.



FREDERICTON:

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

MDCCCXXXVI.



Anno Regni GULIELMI IV. Britanniarum Regis Sexto.

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

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OF THE
GENERAL ASSEMBLY, &c.

CAP. I.

An Act for the better regulating of the Office of Sheriff in this Province.

Passed 8th March 1836.

‘ **W**HEREAS it is expedient to regulate the office of Sheriff in this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Sheriffs of the several Counties in this Province, as well as the Sheriff of the City and County of Saint John, shall be appointed annually by the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, on the first Tuesday in April in each and every year.

Sheriffs to be appointed annually.

II. And be it enacted, That every Sheriff already appointed, or hereafter to be appointed, shall remain in office until another shall be appointed and sworn in his stead.

Continuation in office.

III. And be it enacted, That every Sheriff hereafter to be appointed, in addition to the bond required to be given to His Majesty, shall give bond with two good and sufficient sureties in the sum of five hundred pounds to the Lieutenant Governor or Commander in Chief for the time being, to answer for any monies or damages that may be recovered against the said Sheriff for or by reason of any act, misdoing or neglect of such Sheriff, or any of his deputies, in the discharge of the duties of his office for the year for which he may be so appointed; which bond shall be of the tenor and effect of the form contained in the Schedule to this Act annexed: and a new bond shall be annually given by every Sheriff, although such Sheriff shall be reappointed and continued in office.

To give bonds annually with sureties in addition to the bond to the King.

IV. And be it enacted, That every such Sheriff shall, forthwith after his appointment, lodge such bond herein before required, in the office of the Secretary of the Province, to be by him laid before the Lieutenant Governor or Commander in Chief for the time being, for his approval of the sureties therein named, and the bond shall not be deemed to be perfected until such approval shall be given and endorsed on the bond; and in case of the failure of any Sheriff to give such bond with sureties that shall be so approved of, for the space of

Bonds to be lodged in the Secretary's office for the approval of the Lieutenant Governor.

one

one month after his being appointed, another person shall be appointed in his stead for the then current year, to end on and with the first Tuesday in April then next ensuing.

Bonds to be sent to the Clerk of the Pleas.

V. And be it enacted, That every such bond when perfected in manner before mentioned, shall be transmitted by the Secretary of the Province to the office of the Clerk of the Pleas of the Supreme Court, and shall be filed by him, and remain on file with the papers and records of the said Court.

On a return of *nulla bona* on a writ of *feri facias* against a Sheriff, bond may be put in suit.

VI. And be it enacted, That if any person or persons shall recover a judgment against any Sheriff in any Court of Record in this Province, for any monies due to or damages sustained by him or them for or by reason of any act, doing, misdoing or neglect of such Sheriff, or any of his deputies, in the discharge of the duties of his office during the year for which any such bond may be given, and shall issue any writ of *feri facias* upon such judgment into the County where such Sheriff may reside, and a return of *nulla bona* as to the whole or any part of the amount of such judgment shall be made upon such writ of *feri facias*, such person or persons may forthwith, upon such return being made, apply to the said Supreme Court or any Judge thereof, and such Court or Judge shall thereupon grant an order for such bond to be put in suit by such person or persons; and such person or persons may thereupon bring an action of debt upon such bond in the Supreme Court in his or their own name: Provided always, that no action shall be brought upon any such bond, unless the suit in which such judgment shall have been obtained against such Sheriff for a cause of action accruing during the year for which such bond was given, shall have been commenced before the expiration of one year after the end of the year for which such bond was given; nor shall any such action on such bond be brought after the expiration of one year from the day of the signing of such judgment recovered against such Sheriff: Provided also, that no order for the putting such bond in suit shall be made, unless the requisite facts shall be made to appear by affidavit to the satisfaction of the Court or Judge.

Proviso:

Certified copy of bond to be good evidence.

VII. And be it enacted, That a copy of any such bond, certified under the seal of the Supreme Court, shall in all cases be good evidence thereof without the production of the original.

Amounts recoverable upon the bonds defined.

VIII. And be it enacted, That the person or persons by whom such action of debt upon such bond shall be brought, may recover in such action the amount of the judgment recovered against the Sheriff with costs of suit, provided that the amount of such judgment does not exceed the penalty of the bond, and the amount of debt recovered in any action on such bond shall be deemed a satisfaction of the bond *pro tanto*; and in case of a subsequent order being obtained for putting the bond in suit at the instance of any other party, there shall be recovered in such subsequent action no more than the residue of the penalty which may remain after such part satisfaction of the bond in such former action, together with costs of suit, and so on *toties quoties*; and the aggregate of the debts recovered in all actions upon any such bond shall never exceed the penalty of the bond; and in case any action shall be brought upon any such bond wherein there shall be nothing recovered, the defendant or defendants shall have judgment with costs of suit.

Retaining money after demand.

IX. And be it enacted, That if any Sheriff or his deputy shall levy or receive any sum or sums of money, by virtue of any execution, writ or process, and shall retain the same in his hands for the space of one month after the same shall have been demanded by the person or persons authorised and empowered to receive the same, that then such Sheriff shall forfeit to the party entitled to receive such

Forfeiture.

sum

sum or sums of money, for any time that he or his deputy may retain the same, at the rate of one shilling per pound for every month that the same shall be so detained after the expiration of one month after demand made as aforesaid, to be recovered by action of debt, at the suit of the party entitled to receive the same, in the Supreme Court of this Province, or in the Inferior Court of Common Pleas for the County where such offence shall have been committed: provided such action shall be brought within three months after such demand made, and not otherwise.

Recovery.

X. And be it enacted, That any Sheriff may appoint one or more fit and proper person or persons to act as deputy Sheriff or Sheriffs under him; and any person so appointed deputy Sheriff, shall give the said Sheriff security for the faithful performance of his duty; and the said Sheriff shall immediately after such appointment publish the name of any person whom he may so appoint as a deputy Sheriff in one of the public newspapers of the County, and if none be published therein, then in the Royal Gazette of this Province; which publication may be proved by the production of the said Gazette or newspaper in which the said notice shall have been published, and the same shall be sufficient evidence of such person or persons being such deputy Sheriff; and no person shall be authorised to act as deputy Sheriff until he shall have given security, and his name shall have been published in manner aforesaid: Provided always, that nothing in this section contained shall apply to any person deputed by any Sheriff to do particular acts only.

Appointment of deputy Sheriffs.

XI. And it enacted, That from and after the passing of this Act, no person or persons (save and except the High Sheriffs respectively, and their respective deputies,) shall charge or be allowed to receive any fee or reward whatsoever, for the service of any writ or process issued from the Supreme Court or any of the Inferior Courts of Common Pleas in this Province, nor shall any fee for the service of any writ or process issued from any of the said Courts be allowed or taxed in any case, unless such service has been made or performed by the Sheriff, or some or one of his deputies of the County, or City and County, in which the writ or process shall have been served, or by some person specially authorised by the said Sheriff to make the particular service, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of every Attorney issuing any process from any of the said Courts to put the same into the hands of the Sheriff or one of his deputies to be served, unless in cases where the service is intended to be entirely gratuitous.

Fees for service of writs or process to be charged by Sheriffs and Deputies only.

XII. And be it enacted, That the Attorney or Attornies issuing any writ or process whose name or names is or are endorsed on such writ or process shall in all cases be considered as the employer of the Sheriff serving any such writ or process, and as such liable to the Sheriff for his legal fees for serving or executing the same: Provided always, that nothing in this Act contained shall extend or be construed to extend to defeat the plaintiff's liabilities to such Sheriff for the service of any writ or process.

Liability of Attornies for fees.

XIII. 'And whereas it is proper and right that the several Sheriffs of this Province should be remunerated for the services by them performed in the summoning of Grand and Petit Jurors, and attending the Courts in their respective Counties;' Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace of the several Counties in this Province, and they are hereby required at their respective General Sessions to allow the said Sheriffs respectively such reasonable compensation for their services respectively in summoning the Grand and Petit

Justices in sessions to make compensation to Sheriffs for summoning Jurors and attending courts.

Jurors

Jurors of their respective Counties and for attending the Courts therein as to the said Sessions respectively shall appear just and right, not exceeding in any one year the sum of twenty pounds; which allowance or compensation when so awarded by the Sessions as aforesaid, shall be paid by the County Treasurer out of any funds in his hands belonging to the said Counties respectively, by order of the said Sessions: Provided always, that the limit of twenty pounds herein before mentioned shall apply only to the services herein before specifically described, and shall not extend or be construed to extend to any remuneration to be made by the said Justices to the said Sheriff out of the County funds for any other services by him performed.

Limitation.

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

SCHEDULE.

FORM OF SHERIFF'S BOND.

Form of bond.

Know all men by these presents, that We ——— are held and firmly bound unto the Lieutenant Governor or Commander in Chief of the Province of New Brunswick for the time being, in the sum of five hundred pounds of lawful money of the said Province, to be paid to the Lieutenant Governor or Commander in Chief of the said Province for the time being; for which payment to be well and truly made, We bind ourselves and each of us, by himself, for and in the whole, our and each of our heirs, executors and administrators firmly by these presents. Sealed with our seals. Dated the ——— day of ——— in the year of our Lord one thousand eight hundred and ———.

Whereas the above bounden ——— has been duly appointed Sheriff of the County of ——— (or the City and County of ——— *as the case may be*) for the year ending on and with the first Tuesday in April next ensuing the date of this obligation: Now the condition of this obligation is such, that if the said ——— Sheriff as aforesaid, his executors or administrators, shall well and truly pay and satisfy, or cause to be paid and satisfied, all monies and damages that may be recovered against him the said ——— Sheriff as aforesaid, by any person or persons, for or by reason of any act, doing, misdoing or neglect of such Sheriff or any of his deputies in the discharge of the duties of his office during the said year ending on and with the first Tuesday in April next ensuing the date of this obligation, then this obligation to be void, otherwise to remain in full force and virtue.

CAP. II.

An Act in amendment of the Act relating to Highways.

Passed 5th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the seventeenth section of an Act made and passed in the fifth year of His Majesty's Reign, intituled *An Act to repeal all the laws now in force for regulating, laying out and repairing highways and roads, and for appointing commissioners and surveyors of highways in the several towns and parishes in this Province, and to make more effectual provision for the same*, which authorises the commissioners of highways, or any of them, to excuse or lessen the number of days' work to be performed by any infirm or indigent person within their respective parishes or districts, be and the same

5 W. 4. c. 2, s. 17, in part repealed.

same is hereby repealed; and that it shall be lawful for anytwo of His Majesty's Justices of the Peace, upon application of any infirm and indigent person, to remit the whole or such part of the labour as is required to be performed by such infirm and indigent person, as they in their discretion may think just and proper.

Two Justices may remit the labour of the indigent and infirm.

II. And be it enacted, That the notices to be given by the surveyors in their respective districts, as required by the twentieth section of the above recited Act, shall be given at least six days previous to the commencement of the work, either by personally notifying the inhabitants respectively liable to work or by leaving a written or printed notice at the last place of residence of the person or persons intended to be notified, or by publishing in one of the most public places in each district the names of the persons in the district liable to work, in manner pointed out in the said twentieth section of the herein before recited Act.

Six days' notice to be given by surveyors to persons liable to work.

III. And be it enacted, That it shall be the duty of the respective Surveyors on or before the tenth day of September in each and every year, to make and deliver to the commissioner or commissioners respectively correct returns of the statute labour performed in their respective districts, which returns shall contain the names of all persons liable to perform statute labour within their respective districts, with the number of days' work performed by each person, and also the number of days for which any person may be delinquent.

Surveyors to make returns to the Commissioners by 10th September.

IV. And whereas doubts have arisen whether in all cases where Jurors are required to serve under the provisions of the above recited Act, there be sufficient authority therein to authorise the administration of the usual oaths; Be it therefore enacted, That in all cases where the services of Jurors are required by authority of the Act aforesaid, such Jurors shall be duly sworn in the usual manner, which oaths any one of His Majesty's Justices issuing the warrant for the summoning of the said Jurors, is hereby authorised and required to administer; and the said Justices or either of them are also hereby empowered and required, at the instance of either party, to call before the said Jurors at the time and place appointed, such witnesses as may be required to give evidence in and respecting all cases of damage or other matters that are by the above recited Act required to be decided and determined by the verdict of such Jurors; which witnesses shall be subpoenaed under the hand of any one of the said Justices, and sworn before either of the said Justices in the usual manner, and for refusal or neglect to attend and give evidence when so required, shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly summoned are made subject and liable to by an Act made and passed in the fourth year of His present Majesty's reign, intituled *An Act to regulate proceedings before Justices of the Peace in civil suits*; and all expenses attending the summoning, swearing and attendance of such witnesses, shall be estimated by the said Jurors, and paid by such party and in such manner as the said Jurors may determine and assess.

Justices authorised to swear jurors and summon and swear witnesses.

4 W. 4, c. 45.

V. And be it enacted, That in all cases where a Jury is summoned for any of the purposes provided by this Act or of the Act of which this Act is in amendment, the Justices issuing the warrant for the summoning of such Jury, or one of them, are hereby required to attend and preside at such inquest or examination.

Justices summoning jury to preside at the inquest.

VI. And be it enacted, That in all prosecutions instituted against delinquents for the recovery of fines under any of the provisions of the said recited Act, it shall and may be lawful for the Magistrate before whom any prosecution shall be instituted, on application by the commissioner or commissioners suing for such fine, and upon oath made by such commissioner or commissioners, or the surveyor or other person, of the offence or delinquency committed, to issue a

Justice may issue a *capias* for the recovery of fines upon application of a commissioner.

capias

capias against such delinquent, and to hold him to bail for the amount of the fine sought to be recovered, in which case the capias, bail bond, return and proceedings generally, shall be, as near as may be, in manner and form pointed out, made and provided in the said Act passed in the fourth year of the reign of His present Majesty, intituled *An Act to regulate proceedings before Justices of the Peace in civil suits.*

4 W. 4, c. 45.

Right of prosecuting delinquent commissioners or surveyors extended to freeholders and householders of the parish.

VII. ' And whereas in and by the second section of the above recited Act relating to highways, it is provided, that the fines of delinquent commissioners and surveyors shall be recovered 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 whereas it is deemed necessary, to extend the right of prosecution to any freeholder or householder resident within the said parish, and to make such fines recoverable before any two Justices of the Peace instead of one; Be it therefore enacted, That if any commissioner or surveyor shall be guilty of refusal or neglect of any of the duties required by the provisions of the said recited Act relating to highways, such commissioner or surveyor shall forfeit for every refusal or neglect a sum not exceeding five pounds, to be recovered with costs of suit before any two of His Majesty's Justices of the Peace at the suit of any one of the acting commissioners or surveyors, or at the suit of any freeholder or householder within the parish where the delinquent resides, who may choose to prosecute for the same; and in all cases where commissioners and surveyors or either of them are made liable to prosecution by the provisions of the above recited Act relating to highways, the right of prosecution in all such cases is hereby extended to any freeholder or householder within the parish where any such delinquent surveyor or commissioner resides; which said fines and forfeitures are hereby severally made recoverable with costs of suit before any two of His Majesty's Justices of the Peace, in the same manner as fines are made recoverable by the second section of the above recited Act relating to highways, and all such fines and forfeitures when recovered shall in all cases be applied by the acting commissioner or commissioners to the repairing of the highways in the several parishes where the same may have been forfeited respectively.

Justices in general sessions may make regulations respecting the cutting of holes through the ice in rivers.

VIII. ' And whereas great inconvenience is felt from persons cutting holes through the ice in the different navigable rivers in this Province; Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace of the respective Counties, at any of their respective Courts of General Sessions, to make such rules, orders and regulations relative to the cutting of holes through the ice in any of the said Rivers, as the said Justices at any of the said Courts of General Sessions may think necessary and proper for the public safety.

Penalty for breach of regulations.

IX. And be it enacted, That all and every person or persons who shall be guilty of any breach or breaches of any such rules, orders and regulations as the said Justices at any of their Courts of General Sessions shall respectively make, shall be subject to a penalty of not less than twenty shillings nor more than five pounds for each and every offence; to be recovered with costs of suit before any one of His Majesty's Justices of the Peace for the County in which the offence shall be committed, at the suit of any person or persons who may prosecute for the same; which penalty when recovered shall be paid into the hands of the commissioners of roads for the parish in which the offence shall be committed; to be by them applied towards the improvement of the roads of the parish to which such commissioners belong, and be accounted for by them at the General Sessions of the County in their annual return of the statute labour.

Recovery.

Application.

X. ' And whereas doubts have arisen with respect to the authority of commissioners and surveyors to open roads under the provisions of the above recited Act relating to highways; ' Be it enacted, That in all cases when roads are laid out, altered or extended, by virtue and authority of the above recited Act relating to highways, the commissioner or commissioners, surveyor or surveyors, as the case may be, shall have full power and authority, and they are hereby authorised to enter upon and open all such roads so laid out, altered or extended, and from the same to remove any fences, buildings and obstructions, any law, custom or usage to the contrary notwithstanding.

Authority of commissioners and surveyors in opening Roads under 5 W. 4, c. 2.

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.

Limitation.

CAP. III.

An Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the sittings in the Church may be free and open.

Passed 8th March 1836.

6 WHEREAS a church has lately been erected in the parish of Portland in the County of Saint John, and duly consecrated to the service of Almighty God according to the rites and ceremonies of the church of England, by the name of Grace church, in which said church no pews have been disposed of or appropriated, but all the sittings for the congregation have been declared free and open to all persons without any price or rent being paid therefor, and are so intended to continue; by reason whereof it has become necessary to declare by law what persons shall be eligible to elect and be chosen wardens and vestrymen of the said church, in order that a church corporation may be duly constituted in the said parish;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the church wardens and vestry of the said church so soon as they may be duly elected and chosen pursuant to the provisions of this Act, together with the rector of the said church for the time being and their respective successors forever, shall be a body politic and corporate in deed and name, and shall have succession forever, by the name of *The Rector, Churchwardens and Vestry of Grace Church in the Parish of Portland*.

Corporation of Grace Church, Portland, erected.

II. And be it enacted, That all male persons of the age of twenty one years or upwards, resident in the said parish of Portland or in any other parish within the said County adjoining thereto, who may have subscribed and shall continue to subscribe, or who hereafter may subscribe annually in aid of the funds of the said church, the sum of one pound or more, shall be entitled to vote in the choice of, and shall also be qualified to be chosen and elected church wardens and vestrymen of the said church: Provided always, that no such subscriber shall be so entitled or eligible unless he shall before the day of election have actually paid his annual subscription for the year preceding; and provided also, that no person shall be eligible to be elected as such church warden or vestryman unless he be a member of the church of England as by law established, or shall have been for at least six months previous a stated hearer and attendant at the public worship of the same.

Qualifications of church wardens and vestrymen and their electors.

III. Provided also and be it enacted, That the said church wardens and at least one half of the vestrymen so to be chosen at any annual election, (if so many

Church wardens and one half of the vestrymen to

be resident in Portland.

Who shall be deemed subscribers in aid of the funds.

Grace Church to be the parish church until another be erected.

Act extended to other churches in which the sittings are free.

Acts 29 G. 3, c. 1, and 56 G. 3, c. 11, so far as not contrary to this Act extended to such churches.

many shall be found duly qualified as aforesaid and willing to serve,) shall be persons resident in the said parish of Portland; and that at the first election which may be holden under this Act, persons who may have subscribed and actually paid to the support of the clergyman officiating in the said church one pound or upwards during the past or current year, shall be deemed subscribers in aid of the funds of the said church for the purposes of this Act; and that at all times after the said first election it shall be optional with the said rector, church wardens and vestry, whether or not to receive subscriptions in aid of the funds of the said church from persons who may not be resident in the said parish.

IV. And be it further enacted, That Grace church shall be deemed and taken to be the parish church of the said parish of Portland, until the said rector, church wardens and vestry shall have erected another church instead thereof, and the same shall be duly consecrated to that purpose and opened for public worship according to the rites and ceremonies of the said church of England, and in case of the erection of such other church all the provisions of this Act shall extend and be construed to extend to the said new church in as full and ample a manner as if the same were particularly re-enacted and applied to such new church.

V. And be it enacted, That the several provisions of this Act shall extend and be construed to extend to any other parish within this Province in which a church may be erected, consecrated and opened for public worship as aforesaid, according to the rites and ceremonies of the said church of England, in which the sittings for the congregation shall be free and open to all persons without any price or rent being paid therefor, and also to any church already erected, in which the rector, church wardens and vestry thereof may, with the consent and approbation of all the pew owners and occupants, to be signified in writing, declare the seats to be from thenceforth free and open, in as full and ample a manner as if the same were particularly re-enacted and applied to such churches and parishes respectively: Provided always, that nothing herein contained shall extend or be construed to extend to authorise the erection of more than one church corporation of the said church of England in any one parish in this Province.

VI. And be it enacted, That all and every the clauses, enactments and provisions of an Act made and passed in the twenty ninth year of the reign of King George the third, intituled *An Act for erecting a parish in the City of Saint John, and incorporating the Rector, Churchwardens and Vestries of the Church of England in the several parishes in this Province*, and of a certain other Act made and passed in the fifty sixth year of the same reign for explaining and amending the above recited Act, shall extend and be construed to extend to the said parish of Portland and the said church corporation of Grace church, and to every other parish and church corporation to which this Act may apply, excepting so far as the same clauses, enactments and provisions, or any of them, may be contrary to or inconsistent with the provisions of this Act.

CAP. IV.

An Act to provide for the collection of the Revenue of the Province.

Passed 8th March 1836.

6 WHEREAS it is deemed necessary that provision should be made for 'the collection of the revenue of this Province;'

Commencement of Act.

I. Be it therefore enacted by the Lieutenant Governor, the Legislative Council and Assembly, That this Act shall come into operation and take effect from the first

first day of April in this year of our Lord one thousand eight hundred and thirty six.

II. And be it further enacted, That all goods subject to duties under any Act or Acts of the General Assembly of this Province, and which have been or shall be imported or brought by sea or inland navigation, or by land carriage into this Province, from any port or place abroad beyond the seas, or out of this Province, or which being so subject to duties shall be carried and transported by sea from one port or place within this Province to another port or place within this Province, shall be and the same are hereby made liable and subject to the several rules, restrictions, conditions, regulations, penalties and forfeitures in this Act contained, in respect to such importation, and the payment or security of the duties thereon, or the warehousing the same goods.

Dutiable imported goods to be subject to rules &c. of this Act.

III. And be it further enacted, That the master, commander or person in charge of every ship or vessel arriving at any port or place in this Province, shall within twenty four hours after such arrival, and before bulk be broken, make due report of such ship or vessel to the Treasurer of the Province, or to the deputy Treasurer at or nearest the place of such arrival, under oath subscribed by him; and such report shall contain an account of the particular marks, numbers, and contents of all the different packages or parcels of the goods on board of such ship, and the particulars of such goods as are stored loose, to the best of his knowledge, and of the place or places where such goods were respectively taken on board; and shall in the same report state, on oath as aforesaid, the name of each and every owner and consignee of such cargo, and where the same is intended to be landed, and whether any and what part thereof has been landed and taken from such ship or vessel after arriving within the Province; and the master of any ship who shall fail to make such report, or who shall make a false report, shall forfeit the sum of one hundred pounds.

Report of persons in charge of vessel to the Treasurer.

IV. And be it further enacted, That the owner, consignee or person entering any goods inwards, (whether for payment of duty, or to be warehoused upon the entry thereof, or for payment of duty upon taking out of the warehouse, or whether such goods be free of duty,) shall deliver to the Treasurer of the Province or to the deputy Treasurer, as the case may be, a report in writing by him subscribed under oath, of all articles belonging to or consigned to him on board of such ship or vessel; and any part of such cargo which shall be landed before the report of the master or commander of such ship or vessel, and the report of the owner or consignee, or other person entering the same, and a permit obtained from the said Treasurer or deputy Treasurer, as the case may be, for landing the same, such goods so landed shall be forfeited, and the person or persons concerned in concealing such articles or in landing them without a permit for that purpose, shall each respectively forfeit and pay the sum of one hundred pounds.

Penalty.

Report of owner &c. of goods.

Landing before report and permit.

Penalty.

V. And be it further enacted, That if the goods in such entry be charged to pay duty according to number, measure or weight thereof, such number, measure or weight shall be stated in the entry; and if the goods in such entry be charged to pay duty according to the value thereof, such value shall be stated in the entry, and shall be upon oath of the importer or his known agent, before the Treasurer or deputy Treasurer, written upon the bill of entry, and if any person making such entry upon oath not being the importer or proprietor of such goods, nor his agent duly authorized by him, such person shall forfeit the sum of one hundred pounds; and such affidavit shall be made in the manner and form following, that is to say,

Entry of goods to pay duty by number &c. or value.

I *A. B.* do swear that I am the importer (*or* authorised by the importer) of the goods contained in this entry, and that they are of the value of — currency, and cost the same and no more, to the best of my knowledge and belief.

A. B.

Sworn to, &c. *C. D.* Treasurer, *or* Deputy Treasurer,

And 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, or his known agent.

Value of articles
how to be ascer-
tained.

VI. And be it further enacted, That 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 appointed or to be 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 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 the true and real value of such articles, and upon which the duties imposed by any Acts of the General Assembly of the Province shall be charged and paid: Provided always, that if such articles be charged with duties by virtue of any Act or Acts of the Imperial Parliament and have been charged with duties according to the provisions of the same, such valuation shall be accepted as the true value for paying the provincial duties.

Periods and
modes of pay-
ment of duties
ascertained.

VII. And be it further enacted, That if upon the first entry of any article subject to duty, the rates and duties imposed by any provincial Act or Acts shall not amount to the sum of twenty five pounds, then the said duties shall be paid by the importer or person making the entry thereof, before any permit shall be granted for the landing of the goods contained in such entry; but if the amount of such provincial duties shall amount to the sum of twenty five pounds, and not exceed fifty pounds, then the importer shall give bonds with at least one sufficient surety to be approved of by the Treasurer or deputy Treasurer, in double the duties payable upon such goods, with a condition for the payment of the duties in three months; and if the said provincial duties shall amount to the sum of fifty pounds, and not exceed one hundred pounds, then the importer shall give bond in like manner for the payment of the duties, one half in three months, and the other half in six months; and if the said provincial duties shall amount to the sum of one hundred pounds, and not exceed two hundred pounds, then the importer shall give bond in like manner for the payment of the duties, one third in four months, one third in eight months, and the remaining third in twelve months; and if the said provincial duties shall amount to the sum of two hundred pounds and upwards, then the importer shall give bond in like manner condition-

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ed for the payment of the duties, one third in six months, one third in twelve months, and the remaining third in eighteen months; all which bonds shall be executed by the importer with at least one good and sufficient surety in double the amount of such duties, and shall be taken in His Majesty's name and made payable to His said Majesty, his heirs and successors, and conditioned for the amount of the said duties respectively, at the time or times specified therein, to the Treasurer of the Province or to the deputy Treasurer at the port or place where the same may be taken: Provided always, that in cases where by the provisions of this Act the importer or importers are entitled to have credit for payment of any duties upon giving bonds as aforesaid, the Treasurer or deputy Treasurer shall be and they are hereby authorised to receive payment at the time of entry, if required, and to allow a discount or abatement therefrom at and after the rate of six *per centum per annum*, proportionable to the credit which the importer or importers would be entitled to have.

Discount for prompt payment.

VIII. And be it further enacted, That if the importer of such articles shall refuse to pay the duties imposed under and by virtue of any Act or Acts for raising a Revenue in this Province, it shall and may be lawful for the Treasurer or deputy Treasurer at the place where such articles shall be imported, and he is hereby respectively required to take and secure the same with the casks or other packages thereof, and to cause the same to be publicly sold within the space of twenty days at the most, after such refusal made, and at such time and place as such Treasurer or deputy Treasurer shall by four or more days' public notice appoint for that purpose; which articles shall be sold to the best bidder, and the money arising from the sale thereof, shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by such sale, and the overplus (if any) shall be paid to such importer or proprietor, or any other person authorised to receive the same.

On refusal to pay duties goods to be seized and sold.

IX. And be it further enacted, That every importer of any goods shall, within twenty days after the arrival of the importing ship, the same not being intended for exportation in the same ship to parts beyond the seas, make due entry inwards of such goods, and land the same; and in default of such entry and landing, it shall be lawful for the Treasurer or deputy Treasurer to convey such goods to the King's or some special warehouse, and if the duties due upon such goods be not paid or secured within three months after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied first to the payment of freight and charges, next of duties, and the overplus, if any, shall be paid to the proprietor of the goods.

Entry of goods for exportation in another vessel without landing.

X. And be it further enacted, That it shall be lawful for the Treasurer or any deputy Treasurer or provincial tide surveyor, to go on board of any ship in any port in any part of this Province, and either before or after such ship comes to anchor, and to rummage and search all parts of such ship for dutiable goods, and freely to stay on board such ship so long as she shall remain in such port or place, and to search and examine the cargo, and to examine the matter upon oath touching the cargo and voyage, and if there be any dutiable goods on board not reported, the same shall be forfeited; and if the master shall not truly answer the questions to be demanded of him in such examination, he shall forfeit the sum of one hundred pounds.

Searching vessels for dutiable articles.

XI. And be it further enacted, That all boats, carriages and cattle made use of in the removal of any goods liable to forfeiture under this or any Act relating to the provincial revenue, shall be forfeited, and every person who shall assist or

Removing or concealing goods liable to forfeiture.

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Penalty.

be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one hundred pounds, at the election of the officer or person prosecuting; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election without any other or further evidence of such fact.

Searching houses
&c. for dutiable
goods, with a
Justice of the
Peace;

XII. And be it further enacted, That it shall and may be lawful for the Treasurer or any deputy Treasurer, to enter in the day time into any house, shop, or cellar or other building whatsoever, wherein such officer shall have reasonable cause to suspect or believe any goods to be, or to be concealed or deposited, which are liable to forfeiture under this or any Act relating to the provincial revenue: Provided that before such entry made, information on oath shall be given to some one of His Majesty's Justices of the Peace for the County, or City and County where such house, shop, cellar or other building is situate, that such officer has reasonable cause to suspect and believe that goods liable to forfeiture as aforesaid are deposited or concealed therein, and immediately on such information being laid or given, such Justice shall, and he is hereby enjoined and authorised forthwith, but at some time, between sun rise and sun setting, to go with such officer to such house, shop or other building, and then and there to enter with such officer, or to authorise him to enter and search for such goods, if the doors be open, but if the doors be fastened and admission denied, then after first demanding to be admitted and declaring the purpose for which such entry is demanded, it shall be lawful for such Justice, and he is hereby required to direct and order such officer forcibly to enter into such house, shop, cellar or other building, and to search therein for any goods forfeited, and to seize and take away all goods liable to forfeiture under any Act relating to the provincial revenue.

Under the au-
thority of a writ
of assistance.

XIII. And be it further enacted, That under the authority of a writ of assistance granted by the Supreme Court of this Province, or the Chief Justice thereof, or any Judge thereof, or by the Inferior Court of Common Pleas, or any Justice of such Court, who are hereby authorised and required to grant such writ of assistance upon application made in term time, or in vacation, for that purpose, by the Treasurer of the Province or any deputy Treasurer, and due cause shewn therefor, it shall be lawful for any officer of the revenue, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under any Act or Acts relating to the provincial revenue, and in case of necessity to break open any doors and chests or other packages for that purpose; and such writ of assistance when issued, shall be deemed to be in force for and during the period specified in such writ.

Assaulting or
obstructing re-
venue officers
on duty.

Penalty.

XIV. And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the provincial revenue, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Province, shall pay a fine not exceeding one hundred pounds, nor less than fifty pounds, in the discretion of the Court before whom such offender shall be tried; which fine shall be paid into the Province Treasury, for the use of the Province; and in case such fine be not paid, such person shall be imprisoned for such time not exceeding twelve months nor less than three months, at the discretion of the Court.

Suits for the re-

XV. And be it further enacted, That no suit shall be commenced for the recovery

covery of any penalty or forfeiture under any Act relating to the provincial revenue, except in the name of the Treasurer of the Province, or in the name of some deputy Treasurer, or of His Majesty's Attorney General, or in his absence, of the Solicitor General of the Province; and if any question shall arise whether any person is an officer of the provincial revenue, or such other person as aforesaid, *viva voce* evidence may be given of such fact and may be deemed legal and sufficient evidence.

covery of penalties.

XVI. And be it further enacted, That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties shall have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the owner, or claimer of such goods, and not on the officer who shall seize and stop the same.

Onus probandi to be on party claiming goods seized.

XVII. And be it further enacted, That no claim to any thing seized under this or any Act relating to the provincial revenue, and returned in any of His Majesty's Courts of Record for adjudication, shall be admitted, unless such claim be entered in the name of the owner with his residence and occupation, nor unless oath to the property in such thing be made by the owner or by his attorney or agent by whom such claim shall be entered to the best of his knowledge and belief; and every person making a false oath thereto, shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

No claim to goods seized to be admitted unless entered in the name &c. of the owner

XVIII. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this or any other Act relating to the provincial revenue, and prosecuted in any Court of the Province, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding forty pounds, to answer and pay the costs of such claim if found against him, and in default of giving such security, such things shall be adjudged to be forfeited.

No claim to be entered until security be given to pay costs.

XIX. And be it further enacted, That no writ shall be sued out against nor a copy of any process served upon any officer of the provincial revenue, or other person as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends to sue out such writ or process; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof, the defendant shall receive in such action a verdict and costs.

No revenue officer to be sued for any thing done in exercise of his office, until after one month's notice &c.

XX. And be it further enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed, and the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Actions to be brought within three months after cause thereof.

General issue. Costs.

XXI. And be it further enacted, That in case any information or suit shall be brought to trial on account of any seizure made under this or any other Act relating

Verdict for claimant of goods seized.

lating to the revenue, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff besides the thing seized or the value thereof, shall not be entitled to more than two pence damages nor to any costs of suit, nor shall the defendant be fined more than one shilling.

Verdict for defendant.

Tender of amends.

XXII. And be it further enacted, That it shall be lawful for such officer, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action together with other pleas, and if the Jury shall find the amends sufficient they shall give a verdict for the defendant, and in such case or in case the plaintiff shall become nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant by leave of the Court where such action shall be brought, at any time before issue joined to pay money into Court as in other actions.

Certificate of acting upon probable cause.

XXIII. And be it further enacted, That in any such action if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, the plaintiff in such action shall not be entitled to more than two pence damages nor to any costs of suit.

Appointments and bonds of officers to continue in force.

XXIV. And be it further enacted, That all commissions, deputations and appointments granted to any officers of the revenue in force at the time of the commencement of this Act, shall continue in force as if the same had been afterwards granted and made under and by authority of this Act, and that all bonds which shall have been given by any such officers and their respective sureties for good conduct or otherwise, shall continue and remain in full force and effect.

Appointment of deputy Treasurer.

XXV. And be it further enacted, That it shall be the duty of the Treasurer of the Province for the time being, in places where a deputy may be required for the due enforcement of this or any other Act relating to the revenue of this Province, to appoint fit persons to be approved of by the Lieutenant Governor and Commander in Chief, to be deputy Treasurers in such port or place; which persons so appointed and approved of shall give good and sufficient security by bond to His Majesty for the faithful discharge of their duties respectively, that is to say: the deputy Treasurer at Saint Andrews and Miramichi respectively in a sum not less than four thousand pounds; the deputy Treasurer at Dalhousie in a sum not less than three thousand pounds; the deputy Treasurer of Richibucto in the County of Kent in a sum not less than two thousand pounds; the deputy Treasurer of Bathurst in a sum not less than two thousand pounds; the deputy Treasurer at West Isles in a sum not less than one thousand pounds; and all other deputy Treasurers respectively in a sum not less than five hundred pounds; and all such bonds shall also be executed by at least two good and sufficient sureties to be approved of by the Treasurer, and shall be taken in the name of His Majesty, his heirs and successors; and the said deputy Treasurers now in office and all those who may hereafter be appointed shall be accountable to the Treasurer of the Province for the time being, when thereunto required, for all sums of money

Securities.

received

received by them under and by virtue of this or any other Act relating to the revenue of the Province ; and all deputy Treasurers whether appointed under this or any previous Act and now in force, shall have the same powers to the fullest extent in every respect to make seizures, and proceed to condemnation and sale, as are given to the Treasurer by virtue of this or any other Act ; and each deputy Treasurer shall and may retain for his services ten pounds for every hundred pounds which he shall receive, secure or shall come into his hands, under and by virtue of this or any other Act relating to the revenue of this Province, over and above his proportion of the seizures and forfeitures which he may make under and by virtue of this or any other Act relating to the provincial revenue : Provided always, that the sum so retained as aforesaid shall not in any one year exceed three hundred pounds for the services of any one deputy.

Powers.

Compensation.

XXVI. And be it further enacted, That it shall and may be lawful for the said Treasurer, in case of sickness or necessary absence from the City and County of Saint John, to appoint a fit person to act as his deputy there, for whose acts the said Treasurer shall be responsible; which deputy during his continuance in office shall have the same power and authority in every respect as the Treasurer hath by virtue of this or any other Act relating to matters of revenue when personally executing the duties of his office, but shall receive no compensation or allowance from the public Treasury for his services, except his proportion of the proceeds of any seizures which he may make or of any penalties and forfeitures which may be incurred by this or any other Act during his continuance in office as aforesaid.

Deputy Treasurer at Saint John.

Compensation.

XXVII. And be it further enacted, That the tide surveyors and waiters and all other revenue officers who may be appointed by the Lieutenant Governor or Commander in Chief for the port of Saint John, or for any other port or place within the Province, shall in all respects be under the orders, directions and control of the Treasurer and deputy Treasurers respectively for the places where such officers may be appointed, and the said tide surveyors and waiters, and other revenue officers, shall attend to the unloading of ships and vessels with dutiable articles, and shall not allow any such dutiable articles to be landed from any ship or vessel arriving at any port or place for which they are respectively appointed, without a permit from the Treasurer or deputy Treasurer, as the case may be ; which permit to land dutiable articles shall be made by the Treasurer or deputy Treasurer immediately upon the duties thereon being paid or secured agreeably to the provisions of this or any other Act relating to provincial revenue ; and if any tide surveyor, waiter or other revenue officer attending the unloading of any vessel with dutiable articles, or shall discover any articles on board which have not been duly entered by the master in his report of the cargo on board such vessel, or in the report of the owner or consignee of such articles, or if any such article shall be by such officer found to be landed from such ship, or otherwise imported contrary to the provisions of this or any other Act for raising a revenue, it shall be the duty of such tide surveyors and waiters respectively, and other revenue officers respectively, and they are hereby required forthwith to take possession of such articles and detain the same, and make report thereof to the Treasurer or deputy Treasurer at the port or place where such detention shall take place, and the said Treasurer or deputy Treasurer shall immediately seize the said articles, and proceed against the same according to the provisions of this Act.

Tide surveyors and other revenue officers to be under the control of the Treasurer and deputies.

Duties.

XXVIII. And be it further enacted, That for the recovery of all duties imposed by the provisions of any Acts of the General Assembly for raising a revenue, and for which the said Treasurer or deputy Treasurer at the port or place has taken security by bonds as aforesaid, and which have not been paid at the several

Proceedings on bonds to secure duties not paid when due.

several times limited for payment thereof respectively as aforesaid, the said Treasurer or deputy Treasurer is hereby directed to transmit the same within thirty days to His Majesty's Attorney General for prosecution, and His Majesty's Attorney General is hereby required forthwith to cause process to be issued against all and every person or persons so standing indebted, and to pursue the same to final judgment and execution, [and] unless payment of the sum due and costs be previously made; and in case the said bonds shall not be transmitted to be prosecuted within thirty days after default in payment of the amount secured in such bond, the surety in such bond shall be discharged and recourse only to be had against the principal of the same, or against the Treasurer or deputy Treasurer so neglecting to transmit the same for prosecution: Provided always, that all bonds entered into for the security of duties imposed by this Act shall be void, and may be cancelled or destroyed, unless such bonds shall be sued within one year from the time limited in such bonds for the payment of such duties or the last instalment due on the same, and if such bond shall not be prosecuted to final judgment and execution in three years from the time limited as last aforesaid, then and in such case such bonds shall be void.

Half yearly returns of bonds to be made to the office of the Provincial secretary.

XXIX. And be it further enacted, That the Treasurer and the several deputy Treasurers respectively shall make half yearly return to the office of the Provincial Secretary of the bonds by them respectively taken for duties and then remaining unpaid, stating the names of the obligors, the amount secured, the dates of such bonds, the times when payments become due, and the amount (if any) which has been paid thereon, and any other particulars which may be necessary, which returns shall be annually laid before the House of Assembly in the Treasurer's accounts; and the Treasurer or deputy Treasurer who shall neglect to make such returns for a longer period than two months after the expiration of each and every period shall severally be liable to pay a penalty of fifty pounds to be applied to the use of this Province.

Penalty.

Appointment of collectors of duty on cattle and Horses.
Powers.

XXX. And be it further enacted, That it shall and may be lawful for the Treasurer of the Province to appoint fit and proper persons in every such place and places within the Province as he may judge meet and expedient, to be collectors of duties on cattle and horses; and every person so appointed or who may have been appointed under any former Act relating to the revenue, are hereby authorised to detain and report to the Treasurer or deputy Treasurer all such cattle and horses as may be found on any road, place or places, and so imported and brought as aforesaid, unless the owner or owners, person or persons having charge of and driving such cattle and horses, shall produce a separate certificate for each and every such horse or head of cattle from the Treasurer or one of his deputies, that the duties have been paid or secured to be paid on such cattle and horses; and the said collectors shall give bonds to the Treasurer in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, for the faithful discharge of their trust, and shall be allowed one half of the commission to be received by the deputy Treasurer of the County in which such collector shall reside, and also one half of the net proceeds of the sale of all cattle and horses so detained and forfeited under and by virtue of this Act.

Sureties.

Compensation.

Duties on horses &c. to be collected at Saint John, Saint Andrews, Saint Stephens and Woodstock only.

XXXI. And be it further enacted, That no duties on any horses or horned cattle shall be collected at any place in the Province, except at the office of the Treasurer of the Province, or the deputy Treasurer at Saint Andrews, Saint Stephen's and Woodstock; and all foreign horses and horned cattle which may be found within the Province, except when on the way to any of the said places, without a certificate from the said Treasurer, or some one of the said deputy

deputy Treasurers, for each and every such horse, and for each and every head of such horned cattle, that the duty thereon had been paid either at the deputy Treasurer's office at Saint Andrews, Saint Stephens or Woodstock, shall be seized and forfeited, and may be prosecuted to condemnation in manner and form as provided in and by the provisions of this Act.

XXXII. And be it further enacted, That the deputy Treasurers of Saint Stephens and Woodstock, shall have the same powers to the fullest extent as other deputy Treasurers have under the provisions of this Act, as far as relates to horses, horned cattle, goods, wares and merchandize imported by inland navigation or by land.

Powers of deputy Treasurers of Saint Stephens and Woodstock.

XXXIII. And be it further enacted, That all articles which are subject to duties under any Act for raising a revenue, and which having been seized and sold by the officers of His Majesty's customs in any part of the Province, for having been illegally imported or smuggled, shall be liable to the same rates and duties as if the same had been legally imported and entered at the Treasurer's or any deputy Treasurer's office, as required by this or any other Act relating to revenue; and the purchaser or purchasers of any such articles sold as aforesaid, shall within twenty four hours after such sale and purchase, and before any part of the articles so purchased shall be consumed, make report to the Treasurer or his deputy at the place nearest the sale, in writing under affidavit, of the articles so purchased, and the duties arising thereon shall then be paid or secured to be paid in the same manner and subject to the same regulations as duties arising on such articles when legally imported; and upon the exportation of any such articles so purchased, reported, and upon which the duties have been paid or secured as aforesaid, the purchasers shall be entitled to the like drawbacks as herein after allowed upon the exportation of the like articles, subject always to the like regulations, provisions and restrictions as are hereinafter made and provided; and if any dutiable articles which may have been imported into the Province, or purchased from some resident merchant or trader for the use of His Majesty's army or navy, and upon which no duties have been paid, or upon which the duties may have been repaid, shall at any time be sold by order of Government, the purchaser or purchasers shall report the same and pay or secure to be paid the same amount of duties as such articles are liable to when imported into the Province, and shall be entitled to the same drawbacks upon the exportation thereof, subject to the same regulations, provisions and restrictions as are hereinafter provided and made as hereinafter mentioned; and any purchaser of dutiable articles at any custom house sale, or at the sale of government stores as aforesaid, who shall refuse or neglect to make report of such articles so purchased, and to pay or secure the duties thereon, shall, if the same articles cannot be found, forfeit and pay the sum of one hundred pounds, and if the whole of the same are found, then in lieu of such penalty the said articles shall be forfeited, and may be seized, taken away and prosecuted, by order of the Treasurer or any deputy Treasurer, and the proceeds thereof applied in manner directed by this Act.

Articles seized and sold by officers of Customs made liable to duty &c.

Articles for the use of the army or navy sold by order of Government made liable to duty &c.

Report of such articles to be made.

XXXIV. And be it further enacted, That any articles subject to duties by any Act for raising a revenue, which may be imported expressly for the use of His Majesty's army, navy or ordnance, and actually delivered to the Commissary or any authorised officer of government, shall be and the same are hereby exempted from the duties herein before imposed upon the like articles; and any such articles which may be supplied by any resident merchant or trader for the uses aforesaid, and actually delivered to the Commissary or any other authorised officer of government, shall also be exempt from the payment of any duties herein

Articles imported or supplied by a resident Merchant for the army, navy or ordnance, exempted from duty.

Evidence.

imposed, and if the duties thereon shall have been paid, then such resident merchant or trader shall receive back the amount of such duties, or if indebted to the Treasury, shall have credit for the same by deducting the amount from the gross amount of his bond, the instalments of which shall be regularly paid upon the balance thereof: Provided always, that before any such dutiable articles shall be exempted from the payment of duties, and before any re-payment of duties shall be made or credit given therefor, the Commissary or other authorised officer of government shall, if the said articles have been imported, produce the invoice or bill of lading of such articles to the Treasurer or his deputy at the place of importation, and shall make and subscribe an affidavit before the said Treasurer or deputy as aforesaid, that the several articles contained in such invoice or bill of lading are imported expressly for the use of His Majesty's army, navy or ordnance, and received into his charge for that purpose; and if any such articles shall be supplied for the like purpose by any resident merchant or trader, such resident merchant or trader shall report, and make and subscribe an affidavit before the Treasurer or his deputy as aforesaid, that the articles mentioned in the report and affidavit were actually delivered to the Commissary or other authorised officer, and the said Commissary or other authorised officer shall also make and subscribe an affidavit before the Treasurer or deputy Treasurer, that the articles mentioned in the said report and affidavit of the merchant or trader are actually delivered into his charge for the uses aforesaid.

Gauging liquors and molasses.

XXXV. And be it further enacted, That the quantity of all dutiable liquors and molasses shall be ascertained by Gunter's calipers, and shall be gauged by a sworn gauger or gaugers appointed by the Lieutenant Governor or Commander in Chief, which gaugers shall not gauge any dutiable articles in which they have any interest or property.

Importation by inland navigation or by land of horses &c., and not reporting to the Treasurer or deputy at Saint Andrews, Saint Stephens or Woodstock.

XXXVI. And be it further enacted, That any person importing by inland navigation or by land, into any port of this Province, horses, horned cattle or any articles which are subject to a duty under this or any other Act or Acts of the General Assembly of this Province for raising a revenue, who shall neglect to report the same and pay the duties thereon to the Treasurer of the Province, or the deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock, as the case may be, shall for each and every neglect or offence be liable to the same forfeitures and penalties as persons are who may be convicted of fraudulently landing any dutiable articles from on board of any ship or vessel arriving at any port or place in the Province, to be recovered and applied in the same manner as the penalties are in and by this or any Act relating to revenue, and all goods so imported as aforesaid may be seized by the Treasurer of the Province or any deputy, as the case may be, and prosecuted to condemnation and sale in the same manner as goods seized and forfeited may be under and by virtue of this or any Act relating to revenue.

Penalty.

Importation by inland navigation or by land of horses &c., and not reporting to the deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock.

XXXVII. And be it further enacted, That if any person or persons shall import into this Province by inland navigation or by land any horses, horned cattle, or any goods, wares or merchandize of any description subject to duty under any of the revenue laws of this Province, and shall neglect to report the same and pay the duties on such articles so imported at the office of the deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock, such person or persons so offending shall be liable to the same penalty as persons are by this or any Act relating to revenue who shall land articles from any ship or vessel before report of the cargo of such ship or vessel, to be recovered in the like manner as the penalties are in and by this or any Act relating to revenue; and all horses, horned cattle, goods, wares and

Penalty.

and

and merchandize of every kind, which may be seized for non-payment of the duties or for default made to the deputy Treasurer as aforesaid, may be proceeded against in the same manner as seizures are in and by this or any Act relating to revenue.

XXXVIII. And be it further enacted, That all dutiable articles which may be seized as having been imported 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 relating to 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 or deputy Treasurer at or nearest the place where such seizure shall have been made, that he claims the articles or things so seized: Provided always, That in case of the articles so seized be live stock or dead meats, or any description of perishable articles, unless claim to the same shall be made and notice thereof given within forty eight hours after such seizure made, the same shall be taken and deemed to be forfeited, and sold at public auction after twenty four hours notice being given.

Dutiable articles to be deemed condemned unless notice of claim be given within one month.

Provide as to perishable articles.

XXXIX. And be it further enacted, That all articles seized as forfeited by virtue of this or any other Act relating to the revenue of this Province, and claimed by any person or persons agreeably to the provisions of the preceding section, and security given for prosecuting such claim with effect, shall and may be prosecuted to condemnation in the name of the Treasurer or deputy Treasurers making such seizure, or by information of His Majesty's Attorney General or Solicitor General, before any two of His Majesty's Justices of the Peace residing near the place where such seizure shall have been made, who are hereby required and directed to keep a book of record in which they shall fairly enter all causes tried before them under this or any other Act relating to revenue; together with the evidence taken before them upon such trial: Provided always, that in case the articles seized shall be of the value of twenty five pounds, then the same shall be proceeded against in some of His Majesty's Courts of Record within the Province.

Prosecution of articles seized to be in the name of the Treasurer, &c.

XL. And be it further enacted, That if any articles shall be seized as forfeited under the provisions of this Act or any Act hereafter to be made relating to revenue, it shall and may be lawful for the Treasurer or deputy Treasurer making such seizure to deliver up the same to the claimant on security by bond with two sufficient sureties, to be approved of by such Treasurer or deputy Treasurer, to answer double the value of the same in case of condemnation; and such bond shall be taken in the name of His Majesty, and shall be delivered to and kept in the custody of such Treasurer or deputy Treasurer; and in case the goods shall be condemned, the value thereof shall be paid into the hands of such Treasurer or deputy Treasurer, who shall thereupon cancel such bond.

Articles seized may be delivered up to the claimant on security.

XLI. And be it further enacted, That any penalty or forfeiture inflicted under and by virtue of this Act or any Act hereafter to be made, may be prosecuted, sued for and recovered by action of debt, bill, plaint or information in any of His Majesty's Courts of Record within this Province, in the name of the Treasurer or deputy Treasurer, or in the name of His Majesty's Attorney or Solicitor General; and in every action or suit the person against whom judgment shall be given for any penalty or forfeiture under this Act shall pay costs of suit; and every such action or suit shall and may be brought within three years after the offence committed and not afterwards.

Prosecution of penalties or forfeitures.

XLII. And be it further enacted, That all forfeitures and penalties incurred and

Application of
forfeitures and
penalties.

and recovered under and by virtue of this Act shall be divided, paid and applied as follows, (that is to say,) after deducting the charges of prosecution from the proceeds thereof, one half part thereof to His Majesty for the use of the Province and for the support of the government thereof, and the other moiety or half part thereof to the officer who shall inform and sue for the same.

Application of
proceeds of ar-
ticles seized and
condemned.

XLIII. And be it further enacted, That the net proceeds of all articles seized and condemned under the provisions of this or any other Act relating to revenue, shall be divided, paid and applied as follows, that is to say, one third part of the net produce shall be paid into the hands of the Collector of His Majesty's Customs at the port or place where such seizure shall be made, for the use of His Majesty, one third part to the Lieutenant Governor or Commander in Chief for the time being, and the other part to the person who shall seize and prosecute the same to conviction.

Drawback al-
lowed on expor-
tation of duti-
ble articles.

XLIV. And be it further enacted, That whosoever shall export or carry out of this Province by sea any articles chargeable with provincial duty, and upon which upon their entry inwards for home use the duties shall have been paid or secured, or which may have been purchased at any custom house sale or sale of government stores, shall be entitled to and shall be allowed a drawback or allowance of the whole amount of such duties; provided the goods shall be of the quantity or value for which a drawback of duty is hereinafter allowed; and provided also, that the regulations hereinafter contained shall be in all things observed in respect thereof.

Quantity to be
exported to en-
title to draw-
back defined.

XLV. And be it further enacted, That a drawback aforesaid of the whole provincial duty upon articles not warehoused, or upon articles on which the duties upon those articles shall have been paid or secured, shall be allowed upon any quantity of wine not less than twenty five gallons if in wood, or if bottled not less than six dozen bottles; brandy, gin, hollands, geneva and whiskey, not less than twenty five gallons; not less than one hundred gallons of rum or other spirituous liquors; not less than five hundred gallons of molasses; not less than ten hundred weight of brown sugar; not less than six hundred weight of loaf or refined sugar; not less than five hundred weight of dried fruits; not less than two hundred weight of coffee or pimento; and upon any amount not less than fifty pounds of the original or declared value of any articles charged with duty thereof, according to the value thereof at the time of importation, nor unless the requisite proof of their having been landed without the Province, to be produced at the office within twelve months from the time of exportation; and no drawback shall be allowed upon articles landed in any port 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 exportation of any article subject to duty, the said duty shall not be exacted within twelve months after the exportation of such articles: Provided always, that no drawback shall be paid upon the exportation of any articles, unless the bond given for the duty upon such articles at the time of the original or first entry shall be paid, but the Treasurer or deputy Treasurer shall and may endorse the amount of such drawback upon the bond.

Payment of
drawback.

Evidence of ex-
portation in
same bottom,
without land-
ing;

XLVI. And be it further enacted, That the evidence to be required of the exportation of dutiable articles in the same bottom, shall be the affidavit of the master and of the owner or consignee before the Treasurer or one of his deputies, and the affidavit of the master shall be as follows:

I *A. B.* do swear that the following articles, to wit, — are now actually on board the — whereof I am master, that the same were imported in the same vessel,

vessel, and are the same that were mentioned in the entry and report of the said vessel and cargo at this office on the — day of —, and that no part of the same are to be landed within the Province, to the best of my knowledge and belief.

And the owner or consignee of the same articles shall at the time and place, make and subscribe an affidavit that he is the owner or consignee of such articles, and that the contents of the affidavit made by the master are just and true to the best of his knowledge and belief; and when articles are not exported in the same bottom in which they were imported, shall make and subscribe an affidavit as follows, (to wit):

Not in same bottom.

I *A. B.* do swear that the following articles, to wit, — were imported into the Province in the vessel called the — whereof I am master, and are the same mentioned and specified in the entry and report of the said vessel and cargo at this office on the — day of —, and that no part thereof has been landed since the said entry and report; and that the same have been actually shipped on board the vessel called the —, in the harbour of — whereof — is master.

And the owner or consignee of the same articles shall at the same time and place make and subscribe an affidavit that he is the owner or consignee of such articles, and that the contents of the affidavits made by the said masters are just and true, and that the said articles are not to be landed within the Province to the best of his knowledge and belief; and the master of the vessel on board of which such articles have been re-shipped, shall at the same time make and subscribe an affidavit that the articles mentioned in the affidavit of the master of the vessel in which they were imported, are actually on board the ship or vessel of which he is master, and that the same or any part thereof are not to be again landed in the Province to the best of his knowledge and belief.

XLVII. And be it further enacted, That when any dutiable articles are exported for drawback after having been landed in the Province, the evidence of such exportation shall be an affidavit made and subscribed by the owner or consignee of such articles before the Treasurer or deputy Treasurer as follows, (to wit):

Evidence of exportation after landing.

I *A. B.* do swear that the articles by me now shipped on board the — whereof — is master, were lawfully imported (or purchased at a custom house sale, or sale of government stores) in the — whereof — was master from —, and that the duties thereon have been paid or secured to be paid by me at this office, and that the same or any part thereof are not intended to be re-landed in the Province, to the best of my knowledge and belief.

Also an affidavit made and subscribed by the master of the vessel in which the articles are to be exported as follows, (to wit):

I *A. B.* do swear that the articles shipped by — as mentioned in his affidavit are now actually on board the — whereof I am master, bound for —, and that the same or any part thereof are not to be re-landed within the Province, to the best of my knowledge and belief.

Provided always, that before any drawback shall be paid, or a remission of duties upon articles exported in the same bottom, or transhipped in to another vessel, and exported without being landed, obtained, it shall be incumbent on the owner or consignee of such articles to produce to the Treasurer or deputy to whom the duties shall have been paid or secured, within one year from the time of exportation thereof, a certificate under the hand and seal of the collector or principal officer of the customs or of the revenue of the place to which the same were exported,

exported, or a certificate of two resident merchants of the place where such dutiable articles may have been landed, that such articles have been there actually landed, and he shall at the same time make and subscribe the following affidavit :

I *A. B.* do swear that the articles exported by me in the — whereof — was master, a certificate of the landing of which is by me now exhibited, have been actually landed at — to the best of my knowledge and belief.

Landing articles
exported for
drawback.

XLVIII. And be it further enacted, That if all or any of the articles reported for exportation without being landed, or which having been landed have been shipped for exportation, with a view to obtain a remission of the duties thereon, or to obtain the drawbacks allowed by this Act, have been landed or re-landed contrary to the true intent and meaning of this Act, all such articles so landed or re-landed, and such as may be on board at the time of discovering such intended fraud, shall be forfeited, and shall and may be seized and prosecuted to condemnation, and the proceeds of such forfeiture applied as in this Act directed; and if it shall be discovered within one year after the articles so reported for exportation, or which may have been shipped for exportation after having been landed, or after any drawbacks may have been paid or received, that the whole or any part thereof have been fraudulently re-landed within the Province, the owner or consignee of such articles, and the master or owner of the ship or vessel from which the same were re-landed, shall severally pay the sum of one hundred pounds, to be recovered and applied as hereinafter directed.

Forfeiture.

Penalty.

Evidence of ex-
portation of
horned cattle.

XLIX. And be it further enacted, That the evidence required to obtain any drawback on horned cattle exported from this Province, shall be a certificate of the Treasurer or deputy Treasurer as the case may be, that the cattle upon which the drawback is claimed were on the importation of such cattle reported for exportation, also an affidavit shall be annexed in manner and form as follows, (to wit) :

I *A. B.* do swear that the following (*here state the number and description of cattle*) now on board the — whereof — is master, bound for —, and that they are the same as are mentioned in the annexed certificate, and were reported for exportation, and that the same are not intended to be re-landed in this Province, to the best of my knowledge and belief.

And also the affidavit of the master of the vessel mentioned in the owner's or consignee's affidavit and subscribed by him in form following, (to wit) :

I *A. B.* do swear that the — shipped by — are now actually on board the — whereof I am master, bound for —, and that the same are not to be re-landed in this Province, with my knowledge or consent, unavoidable accident excepted.

Payment of
drawback.

Fraudulent re-
landing.

Forfeiture.

Penalty.

Which affidavit and certificate shall be filed in the office where taken : Provided always, that no drawbacks shall be allowed and paid in less than one month after the sailing of the vessel in which the cattle for which the same are claimed were shipped, nor unless the cattle reported for exportation shall be actually exported within three months from the time of their importation : Provided always, that if any cattle shall be fraudulently re-landed in this Province after shipment for exportation as aforesaid, the same shall be forfeited, and may be sold forthwith without further process by the Treasurer or nearest deputy Treasurer, and the proceeds applied, one half to the informer, the residue to His Majesty for the use of the Province; and the owner or consignee of such cattle, and the master of the vessel from which they have been fraudulently re-landed, shall severally forfeit and pay a fine of one hundred pounds. L.

L. And be it further enacted, That the importer or consignee of any goods or articles subject to duty under and by virtue of any Act of the General Assembly of this Province, the duties upon which would amount to twenty five pounds or upwards, may have his option either to secure the duties on the same in the manner prescribed in and by this Act or to warehouse such articles and pay the duties thereon from time to time as the same may be sold or entered for home consumption, and before delivery thereof as hereafter provided.

Duties may be secured or articles warehoused.

LI. And be it further enacted, That before the owner, agent or consignee of any such articles shall have the benefit of the option hereinbefore provided, it shall be the duty of the owner, importer or consignee of any such articles, to enter the same for warehousing, and to provide a good and sufficient warehouse to be approved of by the Treasurer or deputy Treasurer as the case may be, and fitted and prepared to the satisfaction of the said Treasurer or deputy Treasurer; and before any such articles shall be admitted into any such warehouse, the owner, importer or consignee of the same shall, instead of the bonds hereinbefore required, give bonds with two sufficient sureties to be approved of by the said Treasurer or deputy Treasurer as the case may be, in double the amount of duties payable on such articles in such warehouse mentioned in the entry of the same, and for the payment of the duty on such articles or for the exportation thereof according to the account first taken of such articles upon the landing of the same, with the further condition that no part shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty or upon due entry for exportation, and with the further condition that the whole of such articles shall be so cleared from such warehouse and the duties upon such deficiency (if any) of the quantity according to such first account shall be paid within two years from the date of the first entry thereof.

Entry of, and bond for articles to be warehoused.

LII. And be it further enacted, That if any articles which have been entered to be warehoused, shall not be duly carried and deposited in the warehouse or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse shall not be duly carried therefrom and shipped, or shall afterwards be re-landed except with the permission of the proper officer of the Treasury, such goods shall be forfeited.

Articles entered for warehousing and not deposited &c. forfeited.

LIII. And be it further 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 or removed from one bonded warehouse to another within the Province 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.

Bond upon entry outwards of articles from warehouse.

LIV. And be it further enacted, That upon the entry of any goods of foreign growth or produce subject to provincial duties, and which are also subject to duties and intended to be warehoused under the provisions of any Act or Acts of the Imperial Parliament, the importer of such goods may instead of paying or securing the provincial duties as directed in and by this Act, shall give bond with at least one good and sufficient surety to be approved of by the Treasurer or deputy Treasurer, in double the amount of duties payable at the Treasury thereupon,

Bond upon entry inwards of articles to be warehoused under act of Parliament.

thereupon, with condition for safe depositing the goods in the warehouse and for payment of such duties before taking the same out of the warehouse for home consumption or for the exportation thereof, and with further condition that if the goods be not taken out of the warehouse in two years, the duties shall at the expiration of that period be paid.

Fraudulent removal &c. of warehoused articles.

LV. And be it further enacted, That if any goods which shall have been so warehoused shall be fraudulently concealed in or removed from the warehouse except for exportation, without payment of the provincial duties imposed thereon, such goods shall be forfeited and may be seized and disposed of in the manner directed by this Act; and if any importer or proprietor of any goods warehoused, or any person in his employ, shall by any contrivance fraudulently open the warehouse or gain access to the goods, such importer or proprietor shall forfeit and pay for every such offence the sum of fifty pounds.

Notice of sale of articles seized to be given to the nearest officer of the customs.

LVI. And be it further enacted, That when any goods or chattels shall be seized as forfeited, and prosecuted to condemnation and sale by the Treasurer or any deputy Treasurer under the provisions of this or any other Act relating to revenue, notice of such sale shall be given to the principal officer of the customs nearest to where such condemnation and sale shall take place, and if it shall appear that such goods and chattels so condemned as forfeited are subject to duties by means and powers of any Act or Acts of the Imperial Parliament for the general regulation of trade, and that such duties have not been paid, then and in such case it shall be the duty of the Treasurer or deputy Treasurer as the case may be, to deduct the amount of such Parliamentary duties from the proceeds of the sale of such goods and chattels so condemned and sold as aforesaid, and account for the same in the same manner as if the amount thereof had been received by such principal officer of the customs as aforesaid, and the residue of such proceeds shall be applied in the same manner as the proceeds of other seizures are under the provisions of this Act.

Prosecution of vessels, carriages, horses and cattle.

LVII. And be it further enacted, That all vessels and boats of fifteen tons and under, and all carriages, horses and cattle which may be seized under this or any other Act relating to the revenue of the Province, may be prosecuted upon information of the Treasurer or any deputy Treasurer, or the commander of any revenue vessel, agreeably to the provisions of this Act.

Articles seized to be sold at public auction.

LVIII. And be it further enacted, That all articles which shall have been seized, condemned and forfeited under and virtue of this Act, shall, under the direction of the Treasurer or deputy Treasurer at the port or place where such articles shall have been so seized, condemned and forfeited, be sold by public auction to the highest bidder, and the proceeds of such sales disposed of as is provided in and by this Act.

Oaths to be administered by the Treasurer and deputies.

LIX. And be it further enacted, That the Treasurer of the Province and the deputy Treasurers respectively are hereby authorised and empowered to administer all the oaths required to be made and taken for carrying the provisions of this or any other Act relating to the revenue of the Province into effect; and every person who shall be convicted of making a false oath to any of the particulars required of him to be sworn to, shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

Treasurer's clerk may administer oaths.

LX. And be it further enacted, That the clerk in the office of the provincial Treasury at the City of Saint John, appointed or to be appointed by the Treasurer of the Province, while in such office, is hereby empowered to administer all oaths required to be administered by the Treasurer of the Province upon entries, manifests, or other proceedings in the said office, in like manner as the
Treasurer

Treasurer of the Province is authorised to administer the same; and any person who shall make a false oath before such clerk in such office shall be deemed guilty of perjury, and liable to the pains and penalties of the same: Provided always, that the Treasurer of the Province shall first publish in the Royal Gazette the name of such clerk.

Clerk's name to be Gazetted.

LXI. And be it further enacted, That the liability of any article or articles to seizure under and by virtue of this or any other Act relating to revenue shall be and continue for the term of two years from the time the same are imported or brought into the Province and no longer.

Liability to seizure to continue for two years.

LXII. And be it further enacted, That the right of recovering any of the duties, penalties and forfeitures imposed, inflicted, or incurred under the provisions of any former Act or Acts relating to revenue, and all securities taken by virtue of the same are hereby expressly saved.

Recovery of duties saved.

LXIII. And be it further enacted, That this Act shall continue and be in force for ten years.

Limitation.

CAP. V.

An Act to continue the laws relating to the fisheries in the County of Northumberland.

Passed 8th March 1836.

6 WHEREAS the laws now in force relating to the fisheries in the County of Northumberland will expire on the tenth day of May next;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirty ninth year of the reign of His Majesty King George the Third, intituled *An Act for regulating the fisheries in the County of Northumberland*, and also an Act made and passed in the fifty sixth year of the same reign, intituled *An Act in amendment of an Act, intituled 'An Act for regulating the fisheries in the County of Northumberland,'* and also an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled *An Act in further amendment of the laws for regulating the fisheries in the County of Northumberland*, so far as the said several Acts are now in force, be and the same are hereby continued and declared to be in force until the tenth day of May which will be in the year of our Lord one thousand eight hundred and thirty eight.

39 G. 3, C. 5.

56 G. 3, C. 3.

4 W. 4, C. 23, so far as in force, continued.

CAP. VI.

An Act to continue an Act, intituled *An Act to regulate the assize of Bread in the towns of Newcastle and Chatham, in the County of Northumberland.*

Passed 8th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the first year of the reign of His present Majesty, intituled *An Act to regulate the assize of Bread in the towns of Newcastle and Chatham, in the County of Northumberland*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

1 W. 4, C. 97, continued.

CAP. VII.

An Act to continue an Act, intituled *An Act to amend the law relative to the sales of spirituous liquors by tavern keepers and retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness.*

Passed 8th March 1836.

3 W. 4, c. 29,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of His Majesty's reign, intituled *An Act to amend the law relative to the sale of spirituous liquors by tavern keepers and retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness,* be and the same is hereby continued for the term of three years.

CAP. VIII.

An Act to continue the Act imposing a duty on rum and other liquors distilled within the Province.

Passed 8th March 1836.

9 & 10 G. 4, c.
30, continued.

BE it enacted by the Lieutenant Governor, Legislative 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 further to increase the revenue of the Province by imposing a duty upon all rum and other spirituous liquors that shall be distilled within the same,* 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.

CAP. IX.

An Act to establish the road leading from Houlton to Woodstock one of the great roads of communication in this Province.

Passed 8th March 1836.

Road from Houlton to Woodstock established as a great road.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the road leading from Houlton, commencing at the boundary line between this Province and the State of Maine, through the Richmond settlement, to the great road leading through Woodstock in the County of Carleton, be and the same is hereby established one of the great roads of communication in this Province.

CAP. X.

An Act in addition to an Act, intituled *An Act for the endowment of King's College at Fredericton, in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province.*

Passed 8th March 1836.

9 & 10 G. 4, c.
29.

WHEREAS in and by the seventh section of an Act, intituled *An Act for the endowment of King's College in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province,* it is enacted that His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, be authorised and empowered

‘ powered to appoint during pleasure, and to remove as he shall see fit, three or
 ‘ more fit and proper persons in the several Counties of this Province, the Coun-
 ‘ ties of York and Charlotte, and the City and County of Saint John excepted,
 ‘ to be Trustees and Directors of Grammar Schools in each of the said Coun-
 ‘ ties, except the aforesaid, and for which they shall be respectively appointed :
 ‘ And whereas also in and by the thirteenth section of the said Act, it is further
 ‘ enacted that the sum of one hundred pounds annually shall be included in the
 ‘ estimate of the ordinary expenses of the Province for each of the following
 ‘ Counties, that is to say, the Counties of Northumberland, Sunbury, West-
 ‘ morland, Gloucester, Kent, and Queen’s and King’s Counties, which said
 ‘ sum of one hundred pounds shall be granted annually for the payment of the
 ‘ masters thereof respectively, the same to be drawn on the certificate of the
 ‘ Trustees and Directors in favor of the person or persons entitled thereto :
 ‘ And whereas it is expedient to extend the provisions of the said sections to the
 ‘ new County of Carleton ;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and
 Assembly, That the said two sections of the aforesaid Act shall hereafter be
 construed to extend to the said County of Carleton, in like manner as if the
 same had been particularly mentioned therein, any thing in the said sections to
 the contrary notwithstanding, subject nevertheless to all the provisions, restric-
 tions and limitations to which the other Counties in this Province are liable to
 by virtue of the said Act.

9 & 10 G. 4, c.
 29, s. 7 and 13.
 extended to
 County of Carle-
 ton.

CAP. XI.

An Act to continue an Act, intituled *An Act to grant a bounty on the destruction of Bears in this Province.*

Passed 8th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That an Act made and passed in the ninth year of the reign of His late Ma-
 jesty George the Fourth, intituled *An Act to grant a bounty on the destruction*
of Bears in this Province, 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.

9 G. 4, c. 19,
 continued.

CAP. XII.

An Act to amend and explain an Act passed in the fifth year of the present Reign, intituled *An Act to autho-*
rise 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.

5 W. 4, c. 22.

Passed 8th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That the power and authority granted to 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, shall be performed and exercised by them in their Ge-
 neral Sessions for the said County and not otherwise, and that this Act shall be
 deemed a part of the said recited Act as fully to all intents and purposes as if
 this Act were incorporated therein.

Authority to
 lease the public
 landing at Salt
 Water to be ex-
 exercised in Gen-
 eral Sessions.

CAP. XIII.

An Act to continue the Act to provide for the payment of interest on Warrants.

Passed 8th March 1836.

4 W. 4, c. 43,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the reign of His present Majesty, intituled *An Act to provide for the payment of interest on Warrants which are not paid at the Treasury on demand*, 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.

CAP. XIV.

An Act to provide for reporting and publishing the decisions of the Supreme Court.

Passed 8th March 1836.

WHEREAS it is an object of great importance to obtain correct reports of the decisions of the Supreme Court in cases heard and determined in the said Court;

Lieutenant Governor to appoint a reporter of the decisions of the Supreme Court.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That His Excellency the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice of His Majesty's Executive Council is hereby authorised to appoint some suitable person learned in the law, to be a reporter of the opinions, decisions and judgments which may from time to time be given, made and pronounced by the Supreme Court of judicature in this Province, or the Judges thereof, in, upon or respecting causes pending or that may hereafter be pending therein; and that it shall be the duty of such reporter by his personal attendance or by any other means in his power, to obtain true and authentic reports of such opinions, decisions and judgments; and such reporter shall publish not less than two hundred copies of the same in pamphlets after each term of the said Court.

His duty.

Copy right secured to the author.

II. And be it enacted, That the sole liberty of printing and reprinting, and publishing such reports, shall be and the same is hereby vested in and secured to the author and compiler thereof, his heirs and assigns; and if any person shall print, reprint or publish any such reports without the consent of the author and compiler or proprietor thereof, he shall be liable to an action on the case at the suit of such proprietor, in which action such proprietor shall recover double the damages he may have sustained by any such infringement of the copy right hereby secured to him.

Reporter to receive fifty pounds annually from the Treasury.

III. And be it enacted, That in addition to any profits that may arise from the publication and sale of such reports, such reporter shall receive annually from the Province Treasury the sum of fifty pounds, to be paid by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, on the certificate of the Chief Justice of the said Court that such reporter has diligently performed the duties by this Act required of him for the year for which such allowance may be claimed.

Limitation.

IV. And be it enacted, That this Act shall be and continue in force for three years and no longer.

CAP. XV.

An Act to authorise the Justices of the Peace for Queen's County to assess the inhabitants for erecting and building a Court House in said County.

Passed 8th March 1836.

WHEREAS the building occupied as a gaol and court house in the County of Queen's is found insufficient for the purpose of a court house, and it is expedient that a court house should be built separate and apart from said building;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the said County at any General Sessions of the Peace hereafter to be holden, or at any special Sessions for that purpose convened and holden, or the major part of them, be and they are hereby authorised and empowered to contract and agree with able and sufficient workmen for building and finishing a court house in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry their object into effect; and the said Justices are hereby authorised and empowered to make a rate and assessment of any sum not exceeding six hundred pounds, as they in their discretion may deem necessary for the erecting and finishing a court house in the said County; the said sum or sums to be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts in force in this Province for assessing, levying and collecting of rates for public charges.

Justices in sessions authorized to contract for building a court house and assess for £600.

CAP. XVI.

An Act to authorise the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County.

Passed 8th March 1836.

WHEREAS by the law now in force, the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively, for their services *per annum*, any sum exceeding fifteen pounds, which in the County of York has been found a very inadequate compensation for the service and responsibility of that office;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the said County or the major part of them, at any General Session to be holden in and for the said County, are hereby fully authorised and empowered from and after the passing of this Act, to make such additional annual allowance to the said County Treasurer over and above the said fifteen pounds *per annum* for his services, as they in their discretion may think right and proper, so always as the whole annual allowance of the Treasurer of the said County shall not exceed twenty five pounds, any thing in any other law or usage to the contrary notwithstanding.

Justices in Sessions authorized to allow the Treasurer £25 *per annum* for his services.

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

Limitation.

CAP. XVII.

An Act to authorise the Magistrates of the County of Charlotte to levy an assessment to pay off the County debt.

Passed 8th March 1836.

Justices in sessions authorized to assess for £1000 to pay off the County debt.

BE it enacted by the Lieutenant Governor, Legislative 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 one thousand pounds, as they in their discretion may think necessary for the purpose of paying off the balance due for building the gaol of the said County, and also to pay 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. XVIII.

An Act relating to Corporations.

Passed 8th March 1836.

Acts of Incorporation may be amended or repealed.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Acts of Incorporation which shall be passed during the present Session of the Legislature, or which shall be passed after the passing of this Act, shall at all times hereafter be liable to be amended, altered or repealed at the pleasure of the Legislature, in the same manner as if an express provision to that effect were therein contained.

CAP. XIX.

An Act to make perpetual an Act, intituled *An Act to provide for the punishment of cruelty to animals.*

Passed 8th March 1836.

4 W. 4, c. 13, made perpetual.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the reign of His present Majesty, intituled *An Act to provide for the punishment of cruelty to animals*, be and the same is hereby made perpetual.

CAP. XX.

An Act to explain, amend and in addition to an Act, intituled *An Act to make more effectual regulations relating to Pilots within this Province.*

Passed 8th March 1836.

2 G. 4, c. 6.

WHEREAS by the seventh section of an Act made and passed in the second year of the reign of His late Majesty King George the Fourth, intituled *An Act to make more effectual regulations relating to Pilots within this Province*, it is enacted “that it shall and may be lawful for the Justices of the Inferior Courts of Common Pleas in term time, or for any two Justices of such Court in vacation, in such Counties respectively where such Pilots shall be appointed in manner hereinbefore directed, on complaint and proof made

‘ made before them on the oath of one or more credible witness or witnesses, that any such Pilot has neglected or refused to comply with any of the regulations made or to be made as aforesaid for the government of Pilots within the same, to displace such Pilot so convicted of refusal, neglect or other improper conduct, and to declare him from that period not entitled to recover pilotage for any ship or vessel he may presume to pilot after such conviction.’ And whereas doubts have arisen whether any authority is given by the said section to suspend or temporarily to remove or displace such Pilot or Pilots; for remedy whereof;

I. Be it enacted and declared, by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Inferior Courts of Common Pleas in term time, or for any two Justices of the said Court in vacation, on complaint and proof made before them on the oath of one or more credible witness or witnesses, that any Pilot appointed for any port, harbour or place within their respective Counties, has neglected or refused to comply with any of the regulations made or to be made for the government of Pilots within the same, to suspend or temporarily remove or displace such Pilot so convicted of refusal, neglect or other improper conduct.

Pilots may be suspended or displaced by Justices of Common Pleas for misbehaviour.

II. And be it enacted, That if any Pilot or Pilots of any port, harbour or place in this Province having been lawfully displaced, suspended or temporarily removed from his or their office as Pilot, shall, before being restored thereto, presume directly or indirectly to act as a Pilot for the said port, harbour or place, it shall and may be lawful for any two Justices of the Peace of the County where such offence shall be committed, upon complaint to them made on the oath of one or more credible witness or witnesses, to issue their summons or warrant to bring the said offender or offenders before them, and if it shall appear to such Justices upon investigation that such offence has been committed, it shall and may be lawful for the said Justices to order and adjudge that the offender or offenders shall pay a fine not exceeding ten pounds, to be levied on the goods and chattels of the said offender or offenders, and for want of goods and chattels whereon to levy, it shall and may be lawful for such Justices, by warrant under their hands, to commit the said offender or offenders to gaol, there to remain without bail or mainprize for a space of time not exceeding twenty days unless the said fine and costs shall be sooner paid, which fine when paid shall be appropriated to the use of the poor of the parish where such offence had been committed: Provided always, that nothing in this Act shall be construed to prevent any such Pilot so displaced, suspended or temporarily removed, from rendering assistance to ships or vessels in actual distress or danger.

Penalty for acting as Pilot before being restored to office.

Recovery.

Proviso.

CAP. XXI.

An Act to regulate the fencing, occupation and grazing of the several marshes, lowlands and meadows in County of Westmorland.

Passed 8th March 1836.

6 **W**HEREAS there are within the County of Westmorland several large tracts of marsh, lowland or meadows which are held in severalty not subdivided with fences, but are occupied in common: And whereas many inconveniences have arisen for the want of some general regulations for the inclosing, occupation and grazing of the same; for remedy whereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,

Justices in sessions may regulate the fencing of marsh lands.

Commissioners of sewers to carry the regulations into effect, assess for the expense,

10 & 11 G. 4,
c. 29.

and prosecute offenders.

Justices to regulate the occupation or grazing.

Penalty for breach.

Recovery.

sembly, That the Justices of the Peace in and for the said County at their General Sessions, be and they are hereby authorised and empowered, upon the application or by consent and concurrence of the proprietors of at least one half the quantity of any of the several tracts of marsh, lowlands or meadows within the said County, to regulate the manner in which the said tracts of marsh, lowlands or meadows shall be fenced and inclosed, and also to determine what lakes, swamps, creeks or rivers shall be considered and deemed lawful fences or inclosures of the same; and the said Justices shall have power and authority to fix and determine the number of gates which may be necessary to secure the said marshes, lowlands or meadows, whether the same lie on the public or private roads leading to, from or through said marshes, lowlands or meadows; and the commissioners of sewers under whose care any of the said marshes, lowlands or meadows may be for the time being, are hereby authorised and required to cause to be carried into effect and operation the order of the said Justices relative to the said tracts of marsh, lowlands or meadows; and the said commissioners are hereby authorised to assess the proprietors of the said marshes, lowlands or meadows the expense attending the same, to be assessed, levied and collected in the manner as described by an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers and to make more effectual provisions in lieu thereof*; and in case any person or persons shall break down, injure or leave open any of the said gates or fences inclosing said marshes, lowlands or meadows, the said commissioners of sewers are hereby authorised and required to sue the person or persons so offending before any Court of competent jurisdiction to try the same, and recover from the said offending person or persons over and above the actual damage done to said gates or fences, that is to say, for each and every offence the sum of ten shillings, and the monies arising therefrom shall be by the said commissioners applied towards defraying the expense attending the maintaining the gates and fences inclosing said marshes, lowlands or meadows; Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the erection of any gate or gates in, upon or over any great road of communication within the said County of Westmorland, excepting on that part of the great road which crosses the Sackville great marsh in the said County.

II. And be it enacted, That the said Justices on application as aforesaid, shall be authorised and empowered to make such regulations for the occupation or grazing of such marshes, lowlands or meadows as shall be most expedient and agreeable to the nature and circumstances of the case; and if any neat cattle, horses, sheep or hogs shall be found going at large or grazing upon any of the said tracts of marshes, lowlands or meadows, contrary to any such regulations so made, the owner or owners thereof shall forfeit and pay to the informer for each and every head of neat cattle, horse or hog, the sum of five shillings, and for every sheep, the sum of one shilling; the same to be recovered before any one of His Majesty's Justices of the Peace for the said County, to be levied with the costs of prosecution upon the goods and chattels of the owner or owners of such neat cattle, horses, hogs or sheep; and it shall and may be lawful for any person or persons whomsoever, when finding any such cattle, horses, hogs or sheep going at large or grazing contrary to such regulations, to drive the same to any pound in the Parish where such offence shall be committed, and it shall be the duty of the keeper of said pound to receive and detain such neat cattle, horses, hog or sheep, until the owner or owners shall pay for the

the use of the person so impounding said cattle, horses, hogs or sheep, the sum of five shillings for each head of neat cattle, horse or hog, and the sum of one shilling for each sheep, also one shilling per day to the pound keeper for feeding each head of neat cattle, horse or hog, and three pence per day for feeding each sheep, together with the usual charges for impounding the same.

III. And be it enacted, That in case the owner or owners of such neat cattle, horses, or sheep, or hogs so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said pound keeper having first given ten days previous notice of the sale, is hereby authorised to sell publicly the said neat cattle, horses, sheep or hogs, or so many of them as may be necessary for that purpose, and the overplus money arising from such sale shall be paid by the pound keeper to the owner or owners thereof whenever he or they shall appear to claim the same.

On neglect to pay penalty pound keeper to sell trespassing cattle.

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

Limitation.

CAP. XXII.

An Act in addition to the Acts regulating the truckage of goods and the measurement of coals and salt.

Passed 8th March 1836.

WHEREAS in and by 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, waggons 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*, the mode of measuring coals and salt is pointed out, but no authority is given to the Justices to make regulations for carrying the same into effect; for remedy whereof,

Preamble.

10 & 11 G. 4. c. 10.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and for the Justices of the Peace in the several Counties, or the major part of them, at any General Sessions, from time to time, to make such rules and regulations for the measurement of coals and salt, under the provisions of the said Act, and to enforce the same under such penalty or penalties as to them shall seem meet: Provided always, that no fine for any one offence shall exceed the sum of forty shillings.

Justices to make penal regulations for measurement of coals and salt.

II. And be it enacted, That the several fines and penalties to be imposed under and by virtue of this Act, may be recovered and applied in the manner specified in the second section of the Act to which this is an amendment.

Recovery of Penalties.

III. And be it enacted, That this Act shall be and continue in force for and during the continuance of the Act to which this is an amendment.

Limitation.

CAP. XXIII.

An Act to authorise the trustees and directors of the grammar school in the County of Northumberland to sell and dispose of the school house together with the land thereto attached.

Passed 8th March 1836.

WHEREAS the building heretofore occupied as a grammar school in the County of Northumberland is out of repair, too small and otherwise
E
'inconvenient,

Preamble.

‘inconvenient, and the inhabitants have subscribed a sum of money towards the erection of a new building for that purpose: And whereas for the better accommodation of the inhabitants it has been found desirable to alter the site thereof;’

Authority given to sell the school house land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the trustees and directors of the said grammar school be and they are hereby authorised and empowered to grant, bargain and sell all and singular the lands and premises belonging to the said school, being a part of the lot number forty four, and all the estate, right, title and interest of the said trustees and directors in, to or out of the same: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with private rights.

Appropriation of the proceeds.

II. And be it enacted, That the money arising from such sale, shall after payment of the debts due by the said trustees and directors of the said school, be appropriated towards the erection and completion of a new school house in the said County.

CAP. XXIV.

An Act to continue an Act relating to parish schools.

Passed 8th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of His present Majesty's reign, intituled *An Act relating to parish schools*, 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 thirty eight.

3 W. 4, c. 31, continued.

CAP. XXV.

An Act to prevent disorderly riding on streets and highways in this Province.

Passed 8th March 1836.

WHEREAS the practice of horse racing and disorderly riding upon streets and highways in this Province, is dangerous and alarming to His Majesty's subjects passing and repassing therein; for prevention thereof;

A Justice of the Peace may issue summons or warrant against persons for disorderly riding.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any person or persons shall be guilty of disorderly riding or horse racing upon any street or highway in this Province, whereby His Majesty's subjects passing and repassing therein might be obstructed or endangered, it shall and may be lawful for any one of His Majesty's Justices of the Peace, within whose jurisdiction such offence shall be committed upon complaint thereof made to him upon oath, to issue his summons or warrant at his discretion to bring the party or parties so complained against before him, and shall examine upon oath any witness or witnesses who shall appear or be produced to give evidence touching such offence, which oath the said Justice is hereby authorised and required to administer; and if the said party or parties so complained against shall be convicted of such offence either by his or their own confession, or upon such evidence as aforesaid, he or they so convicted shall forfeit and pay a sum not exceeding five pounds nor less than five shillings at the discretion of the said Justice, to be by him paid

Penalty on conviction.

paid over to the overseers of the poor of the town or parish where such offence shall have been committed, for the use of the poor thereof, and if such fine together with the costs of prosecution, if so ordered by such Justice, shall not be paid either immediately after conviction, or within such time as the said Justice shall at the time of the said conviction appoint, it shall and may be lawful for the said Justice to commit the person or persons so convicted to the common gaol of the County wherein such offence had been committed, or to the next legally established lock-up house, there to remain without bail or mainprize, for a space of time not exceeding twenty days, unless such fine and costs be sooner paid: Provided always, that all prosecutions under this Act shall be made within two days after the offence had been committed and not afterwards.

Prosecutions to be within two days.

II. 'And whereas many accidents happen and much inconvenience is sustained by the negligence or wilful misbehaviour of persons driving and riding upon the public streets or roads in this Province;' Be it therefore enacted, That all and every person and persons who shall drive any carriage, cart, waggon, dray, truck, sleigh, sled or other vehicle of any description, or shall ride upon any of the public streets or roads, and who shall meet or be overtaken by any other person or persons driving or riding on such streets or roads, do not on meeting or on being overtaken by such person or persons as aforesaid, keep his or her carriage or other vehicle as aforesaid, or his or her horse, on the left or near side of the street or road, thereby giving to such person or persons one half of the said street or road, or if any person or persons shall in any manner negligently or wilfully hinder or prevent any other person or persons from passing him or her, or any carriage or other vehicle as aforesaid under his or her care, upon such street or road, or by negligence or misbehaviour prevent, hinder or interrupt the free passage of any carriage or other vehicle as aforesaid, or of His Majesty's subjects, on any such street or road, or shall suffer his or her horse or horses, or other beast or beasts of draught, to proceed on such road without having some person to direct and govern such horse or horses, or other beast or beasts of draught, or shall be at such a distance from such carriage or other vehicle as aforesaid, or in such a situation whilst it shall be passing on such road as aforesaid that he or she cannot have the direction or government of such horse or horses, or other cattle drawing the same, or if any person or persons whatsoever driving any cart, waggon, sled or other vehicle of any description having any matter or things thereon, do not place and secure such matter or thing so that the same shall not project beyond the side of such cart or other vehicle as aforesaid in such manner as to obstruct or impede the passage of any person, horse, beast, carriage or other vehicle as aforesaid, every such person or persons so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace of the County where such offence shall be committed or where such offender shall be apprehended, shall for every such offence forfeit a sum not exceeding twenty shillings in case such person shall not be the owner of such horse, carriage or other vehicle of any description, or in case the offender be the owner of such horse, carriage or other vehicle as aforesaid, then a sum not exceeding forty shillings, over and above the damages occasioned by such offence and expenses; and in either of the said cases shall, in default of payment of such fine and the costs of prosecution, be committed to the common gaol of the County where such offence shall be committed or where such offender shall be apprehended, for any time not exceeding ten days, unless such fine and costs shall be sooner paid; all which penalties and forfeitures so recovered shall be paid and applied in the same

Persons riding or driving not keeping on the left side of the road, or preventing any person from passing, or suffering their horses &c. to proceed without a driver, or not securing articles carried, to be liable to a penalty.

On default of payment to be committed.

manner

Proviso as to loaded sleds or carriages.

manner as is hereinbefore provided in and by the first section of this Act : Provided always, that nothing herein contained shall extend or be construed to extend to compel the driver or owner of any such sleds or carriages being laden to turn out or give one half of the road or street to any light or unloaded sled or carriage during the winter months, so always that the driver or owner of such laden carriage or sled shall upon request made for that purpose stop in some convenient place to let such light or unloaded carriage, sleigh, sled or other vehicle pass by.

Limitation.

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 and no longer.

CAP. XXVI.

An Act to provide for the erecting of fences with gates across highways leading through the sand beaches and marshes in the County of Kent.

Passed 8th March 1836.

Two Justices of the County, upon petition of the proprietor or occupant of marsh lands for leave to erect fences with gates, to appoint commissioners to report thereon to the General Sessions.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any proprietor or occupant of any marsh land or sand beaches in the County of Kent over which any highway or public road passes, shall think it necessary or expedient for the protection of such marsh land or sand beaches, that a fence or fences should be erected across such road or highway with a swinging gate or gates therein, and with a fence or fences extending into the water from the place or places where such road or highway may require fencing, (if the same shall be at or near the shore or river or other water,) it shall be lawful for such proprietor or occupant to prefer a petition to any two Justices of the Peace in the said County, stating particularly the object and grounds of such application, and praying for permission to erect such fence or fences; upon the presenting whereof the said Justices are authorised and required forthwith, by order thereon endorsed, to appoint five substantial and disinterested freeholders of the said County, not resident in the town or parish in which such fence or fences is or are proposed to be erected, to be commissioners to examine and report upon such petition, which commissioners shall be sworn to the faithful discharge of their trust before the said Justices or either of them, a certificate of which shall be endorsed upon the same petition; and the said commissioners shall thereupon proceed to view the said place or places where the said fence or fences are proposed to be erected, and to report thereon in writing to the then next Court of General Sessions of the Peace for the said County; and if it shall appear to the Justices of such Court from the report so made by the commissioners or by any three of them, that it is necessary or expedient that the fence or fences prayed for should be erected, they are hereby authorised and required to make an order for the erection of such fence or fences with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet, and that it shall be lawful for the person or persons so petitioning, at his, her or their own expense to erect such fence or fences with such swinging gate or gates agreeably to the direction of the said Court.

Sessions to make an order for the erection, if it appear necessary from the report of the commissioners.

Destroying fences, or taking down, destroying or fastening open gates.

II. And be it enacted, That if any person or persons shall break or throw down, or in any way destroy any fence or fences so to be erected or any part thereof, or shall block up and fasten or stake open, or take down or destroy any gate or gates which

which may be erected by virtue or in pursuance of this Act, such offender or offenders shall upon conviction thereof before any one of His Majesty's Justices of the Peace of the said County, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of twenty shillings for each and every offence; to be levied with cost of prosecution by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the constables within the said County, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of five days unless the said sum with costs be sooner paid; which forfeiture when recovered shall be paid into the hands of the County Treasurer for the use of the County; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs by action or actions at the suit of the party injured: Provided always, that if any gate or gates erected by virtue or in pursuance of this Act shall not be kept in good repair by the proprietor or proprietors thereof at his, her or their own expense, he, she or they shall have no benefit of this Act.

Penalty.

Recovery.

Application.

Gates to be kept in good repair.

III. Provided always and be it enacted, That whenever it shall appear to the said Justices in General Sessions by the report of any three or more of five commissioners, (freeholders as aforesaid,) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions to order such fence or fences to be removed, and the proprietor or proprietors of such fence or fences shall not after such order have any further benefit or advantage from this Act, and the continuance of such fence or fences shall thereafter be considered and adjudged to be a nuisance upon the highway.

Sessions, upon report of commissioners, may order fences to be removed.

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

Limitation.

CAP. XXVII.

An Act for the appointment of Firewards in the Parish of Woodstock.

Passed 8th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, is hereby empowered, by and with the advice of His Majesty's Executive Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as firewards, not exceeding nine, resident in that part of the Parish of Woodstock described as follows, (to wit): commencing at James Upham's lower line and running up the river Saint John to Charles Marvin's upper line or what is commonly called Lane's creek, thence back one mile and down until it strikes James Upham's lower line, and thence to the place of beginning; three of the firewards shall reside at the upper corner, three at the creek, and three at the lower corner; 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 Carleton, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Governor with advice of Council to appoint firewards.

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

Firewards on duty to carry a staff and trumpet.

their directions with more facility, they shall each carry a staff seven feet in length, colored red, and also a speaking trumpet, painted white, with the name of the parish and district painted on it in black letters.

To command assistance for extinguishing fires, removing goods, and preventing tumults.

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 merchandize out of any houses, store houses and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said district and to prevent tumults and disorders in the same; and the said firewards respectively are hereby required, upon the notice of fire breaking forth in the said district (taking their badges and trumpets with them), immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects both public and private, and 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 or management of any engine or engines in the said district as all other persons whomsoever.

On notice of fire to repair forthwith to the place and exert their authority.

Obedience to be yielded to them.

Penalty for disobeying the order of a Fireward.

Recovery.

Application.

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 Carleton on the oath of a fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress such offender shall suffer ten days imprisonment unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the firewards of the said district or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping the engine or engines of the said district in a proper state of repair and equipment, and any other necessary expenses attending the keeping of the fire company of the said district in a proper state of organization.

Firewards may compel persons to form lines for conveying water.

Penalty.

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 a 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 fireward, 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.

Firewards may inspect stoves, hearths, fire-places and chimneys, and order discontinuance of fire in them until altered.

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 chimneys 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

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 seals of them or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number for each engine, being inhabitants of the said district or part of the Parish of Woodstock 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 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 certificate of the said firewards, and to be called the Firemen of Woodstock, 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 of them 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, which engine house shall be erected near the new Episcopal church in said district.

IX. And be it enacted, That no person or persons shall 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 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 Carleton 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 pounds for the purpose of purchasing an engine and various tools and instruments for the better extinguishing of fires which may

Firewards to appoint persons to have the care and management of the engines and instruments for extinguishing fires.

Firewards may make rules and regulations with penalties, for the government of the firemen.

Carrying fire into a mill or lath machine except in lamps or lanterns.

Penalty.

Justices in sessions may assess the district to purchase an engine &c.

happen

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.

Householders to provide buckets and ladders for their houses.

XI. And be it enacted, That as soon after the passing of this Act as the same can be procured, every householder in the said town or parish or in its immediate vicinity shall provide himself with two good leather buckets, of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his house, and shall also provide himself with two good and sufficient ladders, one to reach from the ground to the roof of his house and the other to lay on the roof, and held at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof until it meets the ladder standing on the ground, which said ladder every such householder shall keep stationary at his house in such convenient situation as will at all times afford a ready access to the top of his house when necessary ; and that on every alarm of fire in the said district every householder in the said district knowing of such alarm, and not being a fireward, shall forthwith carry his buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be there used as occasion may require ; and every person wilfully refusing or neglecting to perform any of the duties by this section of this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of this Act are herein before directed to be recovered and applied.

On alarm of fire buckets to be carried to the place and used as may be required.

Penalty.

Limitation.

XII. 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 five.

CAP. XXVIII.

An Act to provide for the expenses of the Speaker and Members of the House of Assembly.

Passed 8th March 1836.

6 WHEREAS it is deemed expedient to provide for the services of the Speaker and defray the expenses of Members of the House of Assembly in attending to their Legislative duties ;

Provision for the services of the speaker ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province to the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for each and every Session of the General Assembly.

Expenses of the members in attending ;

II. And be it enacted, That there be allowed and paid out of the said Treasury to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly, for each and every day's attendance the sum of fifteen shillings per day, such attendance to be certified by the Speaker.

For travelling charges.

III. And be it enacted, That for defraying the travelling charges of Members there be allowed and paid out of the said Treasury the sum of fifteen shillings per day,

day, allowing twenty miles for each day's travel, to be also certified by the Speaker.

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

Money to be paid by warrant on the Treasury.

V. And be it enacted, That this Act shall continue and be in force for and during the continuance of the present House of Assembly and no longer.

Limitation.

CAP. XXIX.

An Act in amendment of the Act relating to 'Trespases.'

Passed 8th March 1836.

WHEREAS by an Act made and passed in the first year of the reign of His present Majesty, intituled *An Act to repeal all the Acts in force relating to trespases, and to make more effectual provision for the same*, it is enacted, that the Justices in their General Sessions of the Peace may have power to make regulations for preventing trespases by horses, sheep, swine, goats and neat cattle, but they are not empowered to levy a fine for any breach thereof, by reason of which the Act is ineffectual for the purposes intended ;'

Preamble.
1 W. 4, C. 9.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices in their General Sessions of the Peace shall be and are hereby empowered, in addition to the sum to be paid to the hog reeve and pound keeper for their services, to order and direct that a fine of five shillings be levied on the owner for each horse, swine, goat or neat cattle, and sixpence for each sheep found going at large contrary to any regulations so made, to be specified in such regulations ; which fines shall be collected by the pound keeper in the way he is directed to receive the fees of the hog reeve by the third section of the Act of which this is an amendment, or by complaint to any Justice of the Peace, and when collected to be paid by the said Justice and pound keeper respectively into the hands of the overseers of the poor of such town or parish for the use of the poor thereof.

Justices in Sessions empowered to impose a fine on the owner of trespassing horses &c.

Recovery.

II. And be it enacted, That all horses, swine, sheep, goats and neat cattle impounded by virtue of this Act, or by virtue of the third section of the Act of which this is an amendment, shall be advertised at least fourteen days, and if no owner appears to pay the said fine and charges for taking up, keeping and advertising, then the pound keeper shall publicly sell the same, rendering the overplus after paying such fine and charges aforesaid to the owners thereof, and if no owner appears in fourteen days after such sale to demand the same, then the said overplus to be paid to the overseers of the poor of such town or parish for the use of the poor thereof.

Impounded horses &c. to be advertised for fourteen days, and failing the appearance of the owner, to be sold.

CAP. XXX.

An Act to authorise certain persons to build a bridge across the Kennebecasis river in the parishes of Hampton and Kingston, in King's County.

Passed 8th March 1836.

WHEREAS the erection of a free bridge across the river Kennebecasis near the present line of great road would greatly increase the facilities

F

for

‘ for travelling and be of great public benefit: And whereas certain persons are
 ‘ willing and desirous of building such bridge at their own expense on being le-
 ‘ gally authorised so to do;’

Persons herein
 named and as-
 sociates empow-
 ered to build a
 Bridge over the
 Kennebecasis.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Azor Hoyt, Sylvester Z. Earle, Edwin Fairweather, Thomas Secord, Lyman C. L. Perkins, together with such other persons as may hereafter associate with them and their successors, be and they are hereby authorised to build a bridge over the Kennebecasis river in the parishes of Hampton and Kingston, such bridge to be erected near the house of Lyman C. L. Perkins in Kingston, commencing on land of persons named in this Act and crossing the said river to land of Thomas Secord also named in this Act, on the south side of the same river in the parish of Hampton.

To be built of
 durable materi-
 als and admit
 the free passage
 of the water,
 rafts, &c.

II. And be it enacted, That the said bridge be built of good and durable materials and so constructed as to admit the free passage of the waters of the Kennebecasis river and the free and navigable passage for rafts, logs and timber at any season of the year, and the said bridge to be at least twenty four feet wide.

Expenses to be
 borne by the
 persons named
 and associates,
 and passage
 over to be free.
 Construction of
 abutments and
 piers.

III. And be it enacted, That the expenses of building the said bridge shall be borne by the persons named in this Act and their associates, and when the same shall be finished it shall be free for all persons at all times to pass and repass over the same with their teams and carriages without any expense whatever.

IV. And be it enacted, That the said bridge may be erected upon abutments to be placed at each end and with not more than six piers between the abutments, of such width and length as may be considered sufficient: Provided however, that the passage of the water shall not be obstructed more than sixteen feet by each pier, and that a space of not less than forty feet shall be left between the said piers.

Draw or slide
 for passage of
 vessels.

V. And be it enacted, That the persons named in this Act and their associates shall make a sufficient draw or slide in the said bridge for the passage of vessels navigating the said river Kennebecasis, with proper chains and pulleys for opening and closing the same.

When comple-
 ted to be public
 property.

VI. And be it enacted, That when the said bridge and the draw or slide therein shall be fully finished and ready for use, the same shall become public property.

Plan and speci-
 fication to be
 submitted for
 approval to the
 supervisor &c.

VII. And be it enacted, That a plan and specification of the said bridge shall be submitted to the supervisor of that district of the great road from Saint John to the Nova Scotia line in which Hampton ferry lies, or in case of his sickness or absence to such other person as the Lieutenant Governor or Commander in Chief shall for that purpose appoint, and such supervisor or other person as aforesaid shall approve of the plan and specification and of the site of the said bridge before the same is commenced, and such supervisor or other person as aforesaid shall and may from time to time as he shall see fit inspect and examine the material and work of the said bridge while the same is in progress and after the same is completed; and the said persons authorised to build the said bridge shall not be deemed to have complied with the requisites of this Act until such supervisor or other person as aforesaid shall have certified to the Lieutenant Governor or Commander in Chief, that the said bridge has been built and completed in all respects according to the provisions of this Act.

Bridge to be
 erected within
 three years.

VIII. Provided always and be it enacted, That if the said bridge shall not be erected and completed within three years from the passing of this Act, then this Act and every thing therein contained shall be null and void.

CAP. XXXI.

An Act to incorporate *The Saint Andrews and Quebec Rail Road Company.*

Passed 5th March 1836.

6 **W**HEREAS the construction of a rail road from Saint Andrews in the Province of New Brunswick to Quebec in Lower Canada would be of great public utility: And whereas it is deemed advisable to grant encouragement to such enterprising persons as may be desirous and willing at their own cost and charges to make and maintain a rail road in the direction aforesaid by granting to them an act of incorporation;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Honorable James Allanshaw, Colin Campbell, Beverley Robinson, John M. Master, John Wilson, Harris Hatch, Thomas Wyer, the Honorable William F. Odell, Alexander Rankin, James Rait, the Honorable Ward Chipman, Charles Simonds, Hugh Johnston, John R. Partelow, the Honorable Thomas Baillie, William Walker, James Douglas, Adam Jack, E. D. W. Ratchford, James W. Chandler, A. L. Street, E. N. Kendall, Samuel Frye, Samuel H. Whitlock, Richard M. Andrews, J. G. Woodward and Jeremiah M. Connell, all of the Province of New Brunswick, and Andrew Patterson, George Auldjo, George Pemberton, William Price, the Honorable George Moffat, William Walker, Henry Le Mesurier, James Leslie, all of the Province of Lower Canada, and such other persons as shall from time to time become proprietors of shares in the corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a corporation, body politic and corporate, by the name of *The Saint Andrews and Quebec Rail Road Company*, and shall by that name have perpetual succession and a common seal, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments for them and their successors and assigns, for making the said rail road and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said company or the major part of them shall from time to time and at all times during the continuance of this Act have full power and authority to constitute, make, ordain and establish such laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said corporation; provided that such laws, regulations and ordinances as may be deemed necessary be not contradictory or repugnant to the laws of this Province.

II. Be it enacted, That the capital stock of the corporation hereby established shall not be less than the sum of seven hundred and fifty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into thirty thousand shares, which shares shall be vested in the several persons hereinbefore named and such other persons as may take shares in the said corporation, their successors and assigns, in proportion to their respective shares and interest, which said shares shall be of the value of twenty five pounds each, four per cent. of which shall be paid at such time and place as the directors of the said company shall appoint, and the remaining ninety six per cent. in such parts and proportions and at such time and times as the said directors shall determine, which amount shall not at any one period be more than ten per cent. on the amount of the capital or stock belonging to any individual, and that ninety days previous notice of such payment being required shall be given in one or more of the newspapers to be published in this Province; and every of the said shares shall

Persons herein named and other proprietors of shares and their successors and assigns incorporated by the name of *The Saint Andrews and Quebec Rail Road Company.*

By that name to have succession, a common seal, and may sue and be sued and hold lands.

Bye laws and regulations for the government of the company.

Not less than £750,000 to be the capital, divided into 30,000 shares.

Installments payable on shares.

Shares to be personal estate and transferable as such.

shall be personal estate and transferable as such and not of the nature of real property, and every such share shall entitle the holder thereof to a proportional part of the profits and dividends of the said corporation: Provided always, that the money so to be raised as aforesaid is hereby directed and appointed to be laid out for and towards the making and completing and maintaining the said rail road, and other the purposes therewith connected mentioned in this Act, and to no other use or purpose whatsoever.

When 1000 shares are subscribed for, corporation may make a single or double line of rail road, erect wharves, &c.

III. And be it enacted, That so soon as ten thousand shares of the said capital stock shall have been actually subscribed for and not before, it shall be lawful for the said corporation and they are hereby authorised and empowered by themselves, their deputies, agents, officers and workmen, to make and complete a single or double line of rail road from Saint Andrews aforesaid to the boundary line of Lower Canada, with such deep cuttings, drains, embankments, bridges, viaducts, inclined planes, stationary steam engines, stopping places and passing places as may be expedient and necessary, and to erect such wharves, warehouses and stores on the line of the said rail road and to purchase and acquire such locomotive steam engines and carriages, waggons, and other machinery and contrivances, and real or moveable property as may be necessary for the making and maintaining the said rail road, and for the transport of passengers and merchandize thereon, and may hold and possess the land over which the said rail road is to pass in the manner and under the provisions hereinafter set forth.

Levels, surveys, maps and book of reference for the rail road to be made, and all persons to have access.

IV. And be it enacted, That for the purposes of this Act the said corporation shall by some suitable engineer or engineers by them to be appointed, cause to be made and taken levels and surveys of the country and lands through which the said rail road is to be carried, together with the map or plan of the proposed line thereof and of the lands through which it is to pass, and also a book of reference for the said rail road, in which shall be set forth a description of the said several lands and the names of the owners and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of the said map or plan; which said map shall be made in triplicate, and the three parts thereof shall be compared and certified as being exactly alike by the Surveyor General of the Province or his deputy, who shall deposit one part thereof in the office of the Clerk of the Pleas of the Supreme Court of Judicature of this Province, one other in the office of the Secretary of this Province, and the remaining part he shall deliver to the said corporation, and all persons shall have free access to the parts so deposited as aforesaid, and make extracts from or copies thereof as occasion may require, paying to the said Secretary of the Province or to the said Clerk of the Pleas at the rate of sixpence currency for every hundred words, and the said parts of the said map or plan and book of reference so certified, or a true copy or copies thereof, certified by the Clerk of the Pleas of the said Court or by the said Secretary of the Province, shall severally be and are hereby declared to be good evidence in all Courts of law or elsewhere.

Plan being made corporation to agree with the owners of the lands through which the road passes, for the purchase thereof.

V. And be it enacted, That so soon as the said map and plan shall have been made, it shall be lawful for the said Corporation to apply to the several owners of the estates, lands and grounds through which such rail road is to be carried, and to agree with such owner for the purchase thereof and for the damages they may respectively suffer; 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 a third arbitra-

In cases of disagreement value to be settled by arbitrators or a

tor,

tor, and in case the said two first mentioned arbitrators shall not agree in the choice of the third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said corporation, to appoint the third arbitrator, and the award of 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 County in which such lands lie, or in case of his being a party interested then to the Coroner of the said County, and in case of the said Sheriff and of 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 County who may be altogether disinterested, which Jury upon their oath, 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 enquire, 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 damages 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 cost and expenses of such proceedings 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.

Jury empannelled under the authority of the Supreme Court.

Expenses to be borne by the Corporation.

VI. And be it enacted, That for the purposes aforesaid and for making and completing the said rail road, it shall be lawful for the said corporation and their agents, servants and workmen, and they are hereby authorised and empowered to enter into and upon the lands and grounds belonging to His Majesty, his heirs or successors, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to mark out and ascertain such parts thereof as they shall think necessary and proper for making the said rail road, and for constructing the other works and buildings therewith connected as aforesaid; and also to bore, dig, cut, trench, remove, take, carry away and lay any earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in making the said rail road, or out of any lands or grounds adjoining thereto, or which may be requisite or convenient for carrying on, continuing or repairing the said rail road, or other said works, or which may hinder, prevent or obstruct the making, using, completing or maintaining the same, and also to make, build, erect and set up in and upon the said rail road or upon the lands adjoining the same, so many bridges, drains, tunnels and other works as may be necessary for completing and maintaining the said rail road, and to carry and convey over such lands or grounds all such materials, tools, instruments and machinery as may be necessary for the said purpose, and also to contract, make and do all other matters and things which the said corporation shall think necessary and convenient for making, effecting, preserving, improving, completing and using the said rail road, in pursuance of and within the true intent and meaning

Corporation and their servants may enter upon any lands for the purposes of this Act, making compensation for damages.

meaning of this Act, they the said corporation doing as little damage as may be in the execution of the several powers to them herein granted, and making satisfaction for all damage done and paying for all ground taken in the manner hereinbefore provided.

Corporation may make the rail road over land belonging to any person notwithstanding mistakes in the book of reference.

VII. Provided always and be it enacted, That the said corporation may make the said intended rail road through, across and over the lands or grounds of any person or persons whomsoever whose name or names shall appear to have been by mistake omitted or inserted in the said book of reference, and where it shall appear that instead of the name or names of the owner or occupiers of such lands or grounds the name or names of some other person or persons to whom such last mentioned lands or grounds do not belong, hath or have been inserted by mistake therein: Provided always, that the said corporation shall give at least three weeks notice to the person or persons possessing or occupying such lands or grounds of their intention of carrying the said rail road through the same.

Quantity of land to be taken up defined.

VIII. Provided always and be it enacted, That the ground to be taken for the said rail road where the same shall pass through wilderness or forest lands shall not be less than two hundred feet in breadth, and when the same shall pass through cultivated lands not to exceed one hundred feet in breadth, except such places as may be used as stopping places for taking in fuel or water, or for leaving or receiving goods, or as stations for fixed engines or other machinery, and for other purposes connected with the use of the said rail road on the line of the said rail road to be named and shown on the plan and book of reference herein before mentioned, at which places respectively the extent of land to be taken as aforesaid shall not exceed five hundred feet in length by two hundred and fifty feet in breadth.

Lands necessary for the road being ascertained, bodies politic and corporate &c. may sell and convey the land to the corporation.

IX. And be it enacted, That after any lands shall be set out and ascertained in the manner aforesaid for making and completing the said rail road, and for other purposes and conveniences before mentioned, it shall and may be lawful for all bodies politic and corporate, communities, corporations aggregate and sole, guardians, curators and all other trustees whatever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, idiots, femmes couvertes, persons beyond seas or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey to the said corporation all or any part of such lands and grounds as shall from time to time be set out and ascertained as aforesaid, and that all such contracts, agreements and sales shall be valid and effectual in law to all intents and purposes whatsoever, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Board of directors for the transaction of business.

X. And be it enacted, That not less than five directors shall constitute a board for the transaction of business, of which the president shall always be one except in case of sickness or necessary absence, in which case the directors present may choose one of their number as chairman in his stead; that the president shall vote at the board as a director, and in case of there being an equal number of votes for and against any question before them the president shall have a casting vote.

Number of votes of stockholders ascertained.

XI. And be it enacted, That the number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding

ing sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any stockholder shall be entitled to have; and all stockholders may vote by proxy if they shall see fit, provided such proxy be a stockholder and do produce from his constituent whom he shall represent or for whom he shall vote, an appointment to that effect in the following form :

Stockholders
may vote by
proxy.

I (or We) — of —, do hereby nominate, constitute and appoint — of —, to be my proxy, in my name and in my absence to vote or give my assent to or dissent from any business, matter or thing relative to *The Saint Andrews and Quebec Rail Road Company*, that shall be mentioned or proposed at any meeting of the said company or any of the members thereof, in such manner as the said — shall think proper and for the benefit of the said company. In witness whereof, I (or We) have hereunto set — hand and seal the — day of — in the year of our Lord one thousand eight hundred and —.

And whatever question, election of proper officers, or other matters or things shall be proposed, discussed or considered in any public meeting of the members of the said corporation under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present: Provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

Questions &c.
at meetings to
be decided by
the majority of
votes and
proxies.

XII. And be it enacted, That the first general meeting of the said corporation shall be held in Saint Andrews aforesaid as soon as two hundred and fifty thousand pounds of the capital stock of the said corporation shall have been actually subscribed for, provided that thirty days previous notice thereof shall be given in the Royal Gazette or other newspaper printed at Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews; and the same general meeting of the said corporation and every subsequent general meeting shall be held at Saint Andrews aforesaid on the first Tuesday in May in each and every succeeding year; and at such first or at any subsequent general meeting, the members present or appearing by proxy shall choose by a majority of votes thirteen persons to be directors, (of whom five shall form a quorum for the transaction of all business which the said directors shall have power and authority to transact,) being proprietors of at least ten shares each, to be directors of the said corporation for the purpose of managing the affairs and business thereof in the manner hereinafter directed and as shall from time to time be ordered by the said members in their general meetings; but if at any time it shall appear to any twenty or greater number of members of the said corporation holding together at least two hundred shares therein, that for the more effectually carrying this Act into effect a special meeting of the said members is necessary, it shall be lawful for them to cause notice thereof to be given in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and in such other manner as the said corporation shall in any general meeting thereof appoint with respect to such special meetings, declaring in such notice the time when and the place where such special meeting is to be so held in the town of Saint Andrews, the same not being less than thirty days after such notice shall have been first given, and likewise specifying in such notice the purpose for which such special meeting is called, and the members of the said corpora-

First general
meeting to be
held at Saint
Andrews when
£250,000 of the
capital is sub-
scribed for.

Subsequent
general meetings
to be on the 1st
of May, yearly.

Thirteen direc-
tors to be
chosen.

Calling of special
meetings and
their powers.

tion are hereby authorised to meet pursuant to such notice, and to proceed to the execution of the powers by this Act given them with respect to the matters in such notice specified only; and all acts done in such matters by the authority of the majority of votes given at such special meeting, (such majority consisting of votes given by the holders of one third of the whole number of shares then subscribed for altogether,) shall be valid to all intents and purposes as if done at any meeting held in the manner hereinbefore appointed for the holding of general meetings; and it shall be lawful for the said corporation at any such general or special meeting in case of the death, absence or removal of any director, to name and appoint others in the room and stead of the director or directors so dying, absent or removed as aforesaid.

Directors to be subject to the examination and control of the meetings.

No director except the chairman to have more than one vote at the board.

Directors at general meetings may audit and settle accounts.

Power of directors as to calling in stock, and managing the affairs.

Owners of stock not paying at time appointed to forfeit five per cent., and on neglect for three months their stock to be sold.

XIII. Provided always and be it enacted, That such directors shall from time to time be subject to the examination and control of the said general meeting or other meetings of the said members as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said corporation at any such general or other meeting, such orders and directions not being contrary to any express directions or provisions in this Act contained: Provided also, that no one director of whatever number of shares he may be the proprietor shall have more than one vote in the board of directors except the chairman who shall be chosen by and from among the said directors, and who in case of an equal division of members shall have the casting vote, although he may have given one vote before.

XIV. And be it enacted, That at every such general meeting the said directors shall have power to call for, audit and settle all accounts of money laid out and disbursed on account of the said rail road, with the treasurer, receiver or receivers, or other officer or officers to be by them appointed, or any other person or persons whomsoever employed by or concerned for or under them in and about the aforesaid rail road, and for that purpose shall have power to adjourn themselves over from time to time and from place to place as shall be determined by a majority of votes given in the manner aforesaid; and every general meeting of such directors met together by the authority of this Act shall have power from time to time to make such call or calls of money from the members of the said corporation to defray the expenses of or to carry on the same as they from time to time shall find expedient and necessary for those purposes, so that no call do exceed the sum of ten pounds current money of this Province for every hundred pounds, and so as no calls be made but at intervals of one month at least from each other; which money so called for shall be paid to such person or persons and in such manner as the said general meeting or the said directors shall from time to time appoint and direct for the use of the said undertaking; and such directors by virtue of the orders which they shall receive from the general meeting shall have full power and authority to direct and manage all and every the affairs of the said corporation as well in purchasing and selling lands, liberties, privileges, easements, chattels and materials for the use of the said rail road as in employing, ordering and directing the work and workmen, and in appointing and removing under officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; provided that no such purchase, bargain or other matter be done or transacted without the concurrence of the majority of the said directors assembled; and every owner or owners of one or more part or parts, share or shares of the said undertaking shall pay his, her or their share or proportion of the monies to be called for as aforesaid at such time and place as shall be appointed, of which three

weeks

weeks notice at least shall be given by inserting the same in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and in such other manner as the said corporation shall at any general meeting direct or appoint, and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money to be called for as aforesaid, at the time and place appointed by such general assembly or directors, he, she or they so neglecting or refusing shall incur a forfeiture in the proportion of five pounds for every hundred pounds of the sum called for, and in case such person or persons shall neglect to pay his, her or their rateable or proportionable part or share of the said money to be called for as aforesaid, for the space of three calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they so neglecting shall forfeit his, her or their respective share or shares, part or interests in the said corporation, undertaking and premises, and all the profit and benefit thereof, and such share and shares shall be sold by the directors of the said corporation by public auction after six weeks notice of such intended sale in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and the amount for which the same shall be sold after deducting the expense of the sale shall be paid over to the person or persons whose share or shares shall be so forfeited and sold, and the purchaser shall immediately pay up the instalment for the non-payment of which the said share or shares shall have been sold, and if he fail immediately to pay such instalment the said share or shares shall be again put up and sold.

XV. And be it enacted, That the said corporation shall always have power and authority at any general meeting held as aforesaid to remove or displace any person or persons chosen as directors in the manner aforesaid, or any other officer or officers under them, and to revoke, alter, amend or change any of the rules and directions herein before prescribed and laid down with regard to their proceedings among themselves, as to the major part of them shall seem meet, (the method of calling general meetings and their time and place of meeting and voting, and appointing committees only excepted.) and shall have power to make such new rules, bye laws and orders for the good government of the said corporation, for the good and orderly using the said railroad and of the works and property herein before mentioned, and for the well governing of the engineers, workmen, waggonmen and other persons employed by the said corporation in and about the said rail road, and the works and property therewith connected, as to the major part of such general meeting shall seem meet, which said rules, bye laws and orders being put into writing under the common seal of the said corporation shall be published at least twice in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and affixed in the office of the said corporation, and in all and every of the places where the dues are to be paid, and in like manner as often as any change or alteration shall be made to the same, and shall be binding upon and observed by all parties, and shall be sufficient in any Court of law to justify all persons who shall act under the same.

XVI. And be it enacted, That it shall be lawful for the several members of the said corporation to sell and dispose of any share or shares which they may have or hold, or to which he, she or they shall and may be entitled to, subject

At general meetings directors or other officers may be removed, and rules and directions altered.

Rules &c. to be published.

Shares may be sold.

Deed of Sale to be executed by purchaser and proprietor, and a duplicate to be filed for the use of the corporation.

to the rules and conditions herein mentioned; and any purchaser or purchasers shall for his, her or their security as well as that of such proprietor or proprietors, have a duplicate or duplicates of the deed of bargain and sale and conveyance made to him, her or them, and executed by such person or persons of whom he, she or they shall purchase the same, and also by the purchaser or purchasers, one part whereof duly executed both by the seller and purchaser shall be delivered to the said directors or their clerks for the time being, to be filed and kept for the use of the said corporation, and an entry thereof shall be made in a book or books to be kept by the said clerk for that purpose, for which no more than two shillings and six pence currency will be paid, and the said clerk is hereby required to make such entry accordingly, and until such duplicate of such deed shall be so delivered unto the said committee and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said rail road or any interest for his share paid unto him, her or them, or any vote as a member or members.

Form of transfer.

XVII. And be it enacted, That every transfer of the said share shall be in the form or to the purport and effect following: (that is to say,)

I *A. B.* in consideration of the sum of — paid to me by *C. D.* do hereby bargain, sell and transfer to the said *C. D.* his, (her or their) executors, administrators or assigns — share (or shares) in the undertaking of *The Saint Andrews and Quebec Rail Road Company*, to hold to him the said *C. D.* his heirs, executors, administrators and assigns, subject to the said rules and orders, and on the same conditions that I held the same immediately before the execution hereof, and I the said *C. D.* do hereby agree to accept the said share (or shares) of the said undertaking subject to the same rules, orders and conditions. Witness our hands and seals the — day of — in the year of our Lord one thousand eight hundred and —.

Corporation may appoint and remove their Treasurers and Clerks.

XVIII. And be it enacted, That it shall be lawful for the said corporation, and they are hereby authorised and required from time to time to nominate and appoint a treasurer or treasurers and a clerk or clerks to the said corporation, and to take such sufficient security for the due execution of their respective offices as the said corporation shall think proper, and from time to time to remove any such treasurer or clerk and appoint others in their place and stead, which said clerk or clerks shall in a proper book or books to be provided for that purpose, enter and keep a true and perfect account of the name and places of abode of the several members of the said corporation, that is to say, of the several persons who shall from time to time become owners and proprietors of or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said corporation and of the said directors under the authority of this Act; and whenever any such clerk or treasurer shall die or be removed from or quit the service of the said corporation, it shall be lawful for the said directors or a majority thereof to appoint some other fit person in the place of the treasurer or clerk so dying, removed or quitting such service, until the next general meeting, at which such appointment (if deemed proper) shall be confirmed or another treasurer or clerk appointed by the said directors.

Clerks to keep an account of the names and places of abode of the members of the corporation, and of the proceedings of the corporation and directors.

Rail road being completed tolls may be exacted.

XIX. And be it enacted, That so soon as the said rail road shall be completed and opened or any part thereof, it shall be lawful for the said corporation at all times thereafter to ask, demand, take and recover to and for their own proper use and behoof such rates, tolls or dues for any passenger conveyed and carried at the cost and charge of the said corporation upon the said rail road, and

and for every ton of goods, chattels, wares and merchandize of any kind whatsoever so conveyed and carried upon the said rail road, such sum or sums of money as the said corporation may think just and reasonable: Provided always, that if after the expiration of ten years from the time of completing the said rail road, the rates, tolls or dues that may be established by the said corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said corporation a greater rate of net profit upon their capital stock than twenty five pounds annually for every hundred pounds of such capital stock; and in order that the true state of the affairs of the said corporation shall be known, it shall be the duty of the president and directors thereof to produce and lay before the several branches of the Legislature of this Province at the expiration of ten years after the said rail road shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said rail road in manner aforesaid, and also of the amount of tolls and revenues of the said rail road, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said ten years; the said several accounts and statements to be signed by the president and treasurer of the said corporation, and by such president and treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the president and directors of the said corporation once in each and every year after the expiration of the said ten years to lay before the several branches of the Legislature a like statement and account verified on oath by the said president and treasurer as aforesaid.

If the tolls be excessive Legislature may reduce them.

XX. And be it enacted, That the said several rates and dues shall be paid to such person or persons at such place or places near to the said rail road, or within the said line or any intermediate space thereof, and in such manner and under such regulations as the said corporation shall direct and appoint; and in case of refusal or neglect of payment of any such dues or rates or any part thereof on demand to the person or persons appointed to receive the same as aforesaid, the said corporation may sue for and recover the same in any Court having jurisdiction to the amount of the sum to which such rates or dues shall amount, or the person or persons to whom the same ought to be paid may and he is and they are hereby empowered to seize and detain such goods, chattels, wares and merchandize for and in respect whereof such rates or dues ought to be paid, and detain the same until payment shall be made; provided that if payment of the said rates or dues shall not be made within three days after such seizure as aforesaid, that the said goods and chattels shall be sold at public auction, and after deducting the said rates or dues, costs and charges, the surplus (if any) to be returned to the owner or owners.

Payment of tolls and recovery on refusal to pay.

XXI. And be it enacted, That the said corporation shall within six calendar months after any land shall be taken for the use of the said rail road, at their own proper costs and charges, divide and separate, and keep constantly divided and separated the said rail road and the ground taken therefor or occupied by the said corporation under the authority of this Act from the adjoining lands or grounds, by posts and rails, hedges, ditches, trenches, banks or other fences, sufficient to keep out sheep and other cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in them as aforesaid, and shall at their own proper cost and charges from time to time maintain and support the said posts, rails, hedges, ditches, trenches, banks and other fences erected,

Land taken for the rail road to be fenced &c. from the adjoining land at the cost of the corporation.

erected, set up and made as aforesaid, and also shall at their own charges make, erect, set up such and so many convenient gates, stiles in and over all the hedges and fences to be by them so made on the sides of such rail road as aforesaid, and also such bridges, arches and passages over, under or across the said rail road, and the land so taken and occupied as aforesaid, and of such dimensions as may be necessary and effectual for the owners and occupiers of the lands or grounds adjoining to the said rail road; and the said corporation shall not make the said rail way or any trench or water course, or any work connected with the said rail road or any part thereof, in or across any common highway, public bridleway or footpath, until they shall at their own proper charges have made and perfected such bridges, passing places or arches over, across or under the places where the said rail road, trenches or water courses, or other works respectively, shall be intended to be made for such road, way or path, and of such dimensions and in such manner as may be found proper and effectual, and all such gates, stiles, bridges, arches and other works and conveniences so to be made, shall from time to time be supported, maintained and kept in sufficient repair by the said corporation.

Temporary roads to be made where the rail road crosses a highway.

XXII. And be it enacted, That when and so often as it shall be necessary to cut into any highway in order to conduct the said rail road across or through the same, the said corporation shall in the first place make a temporary road passing round and avoiding that part of the highway which is to be crossed by the said rail road, but as nearly in the line of the said highway as shall be possible, and such temporary road shall be made as good and as convenient for carriages in all respects as the highway so to be crossed or passed, or by carrying the said rail road on a good and sufficient viaduct over the said highway, and shall be kept in the same state of repair during the whole time the former highway shall remain obstructed, and the said corporation shall then proceed with all possible dispatch to carry the said rail road across the said highway, and after having done so shall restore to the said highway its former direction by continuing it across the said rail road either on a level with the top of the rail thereof or by means of a sufficient and commodious bridge over the said rail road having a rise on the roadway of not more than one foot in eighteen; and the said corporation is hereby authorised and empowered to enter into and take, hold and use or to occupy for a limited time any land or grounds necessary for carrying the provisions of this section into effect under the provisions of this Act with respect to the taking, holding and using or occupying of other lands or grounds necessary for making and completing the said rail road, and in addition to the extent of land which they by the other sections of this Act are empowered to take for the said purpose, any thing in this Act to the contrary notwithstanding.

Communication with a highway being cut off crossing places to be made.

XXIII. And be it enacted, That if the said rail road shall cross and divide the lands of any person or persons so as to cut off that free communication which before existed from the said land and any highway, in such case the said corporation shall make and maintain a crossing place, viaduct or bridge as might be used under the provisions of the preceding section for passing any highway, within half a mile of each and every land so divided, and shall make and maintain a good and sufficient road twenty five feet wide, (passing close to the fence dividing the said rail road from the neighbouring lands, from which such road shall also be divided by a fence made and kept in repair by the said corporation,) from each end of the said crossing place, viaduct or bridge, to each detached portion of every land so divided, so that the proprietors of such land may have the power of passing from the said land to the said highway as they had before

before the said rail road was made, and the said corporation is hereby empowered to take, hold and use, under the provisions made by this Act with respect to the taking, holding and using any other lands or grounds necessary for making and completing the said rail road, so much land as may be necessary for carrying the provisions of this section into effect, and in addition to the extent of land which they are by the other section of this Act empowered to take for the said purpose, any thing in this Act contained to the contrary notwithstanding.

XXIV. And be it enacted, That the several and respective persons united into a corporation as aforesaid for making the said rail road and other works as aforesaid, shall and they are hereby severally required to pay the respective sums which may be by them subscribed, to be advanced as aforesaid, towards making and completing the said rail road, and other works, or such portion of such sum as shall from time to time be called for by the said corporation by virtue of the powers and directions of this Act, and also all persons who may hereafter subscribe and agree to advance and pay any money for the purposes aforesaid, are hereby required to pay the sum or sums of money which shall be by them respectively subscribed to be advanced, or such portion or portions thereof as shall from time to time be called for by the said corporation, by virtue of the powers and directions of this Act, and in case any of the said several and respective persons who may have subscribed, or who shall hereafter subscribe, to advance and pay any sum or sums of money as aforesaid, shall neglect or refuse to pay the same at such time and times as shall be required by the said corporation as aforesaid, then and in such case it shall be lawful for the said corporation to sue for and recover the same in any Court of law having competent jurisdiction.

Subscribers to the stock to pay when called upon, and failing their doing so may be sued.

XXV. And be it enacted, That the said corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said rail road from Saint Andrews to the Province line in manner aforesaid, within fifteen years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then this Act, and every matter and thing therein contained shall cease and be utterly null and void.

Rail road to be completed within fifteen years.

XXVI. And be it enacted, That if any person or persons shall wilfully, maliciously and to the prejudice of the said corporation, break, throw down, damage or destroy any wharf, bridge, fence, rail, support, engine, machine, machinery or other works or device erected, constructed or possessed under the authority of this Act, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, making, completing, supporting, maintaining and using the said rail road and other works, every such person or persons so offending shall forfeit and pay to the said corporation the value of the damage proved by the oath of two or more credible witnesses to have been done, and such damage and the costs of suit in that behalf incurred, to be recovered by action in any Court of law in this Province having jurisdiction to the amount of the sum demanded as damages, and in case of default of payment such offender or offenders against whom judgment shall in such behalf have been rendered shall be committed to the common gaol for any time not exceeding three months, at the discretion of the Court by whom such judgment shall have been given, and shall also 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

Persons damaging the works to pay the damages and be liable to be proceeded against under 1 W. 4, c. 14.

intituled *An Act for the improving of the administration of Justice in Criminal cases.*

Suits on account of any thing done under this Act to be commenced within six months, &c.

XXVII. And be it enacted, That if any suit shall be brought or commenced against any person or persons for any thing alledged to be done under the authority of this Act, or in execution of the powers and authorities, orders and directions herein before given, granted or enacted, every such suit shall be brought or commenced within six calendar months next after the offence was committed, or in case there shall be a continuation of damages then within six calendar months next after the doing or committing of such damages shall cease and not afterwards, and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done under the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought or commenced after the time hereby limited for the bringing or commencing the same, or if the plaintiff or plaintiffs shall become non-suit or discontinue his, her or their action or suit after the defendant or defendants shall have appeared, or if judgment shall be given against such plaintiff or plaintiffs, the defendant or defendants shall have full costs and such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases in law.

Yearly dividends of the profits to be made.

XXVIII. And be it enacted, That the directors of the said corporation shall make yearly dividends 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 allowances 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.

Joint stock to be alone responsible for the debts of the corporation.

XXIX. 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 whatsoever have recourse against the separate property of any individual member or members of the said corporation, or against their person or persons, further than is herein specially provided, and that may be necessary for the faithful application of the funds of this corporation.

Committees of the Legislature to have access to the books of the corporation.

XXX. And be it enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the 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.

Corporation not to engage in banking operations.

XXXI. 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 operations whatsoever.

CAP. XXXII.

An Act to incorporate sundry persons by the name of *The President, Directors and Company of the Saint Stephens Bank, in the County of Charlotte.*

Passed 8th March 1836.

6 **W**HEREAS it is thought that the establishment of a Bank at Saint Stephens would promote the interests of the Province by increasing the means of circulation;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Nehemiah Marks, John Marks, Robert Lindsay, Ninian Lindsay, William Porter, John Porter, George M. Porter, Samuel Abbot, Henry Eastman, William P. Libby, Abner Hill, Stephen Hill, George S. Hill, John M. Alister, John M. Allister, Junior, Japhet Hill M. Allister, William Todd, Junior, Robert M. Todd, Dan Pineo, John L. Lovejoy, Stephen H. Hitchings, Robert Hitchings, Joseph N. Clarke, John Milliken, Aaron Upton, Alexander Campbell, Peter Stubs, Junior, George Abbot, William Andrews, Thomas Armstrong, Abner Hill, Junior, James Frink, Schuyler P. Frink, Thomas Wyer, Robert Watson, Alexander Grant, Freeman H. Todd and Charles Simonds, their associates, successors or assigns, be and they are hereby declared to be a body corporate, by the name of *The President, Directors and Company of the Saint Stephens Bank in the County of Charlotte*, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixt, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said corporation; and also that they the said president, directors and company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

Persons herein named, their associates, successors and assigns incorporated,

may possess lands, &c.

sue and be sued,

have a common seal, and

make laws for the government of the corporation.

II. And be it enacted, That the capital stock of the said corporation shall consist of current gold and silver coins of the Province to the amount of twenty five thousand pounds; the sum of twelve thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of twelve thousand five hundred pounds within two years from the passing of this Act; the whole amount of said stock to be divided into shares of twenty five pounds each, making in the whole one thousand shares.

Capital to be £25,000, in shares of £25 each.

III. And be it enacted, That the said corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple, any lands, tenements, real estates and rents, to any amount not exceeding two thousand pounds: Provided nevertheless, that nothing herein contained shall prevent or restrain the said corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said corporation: Provided further,

Corporation may possess lands &c. to the amount of £2,000.

further, that the said corporation shall on no account lend money upon mortgage or upon lands or other fixed property, nor such be purchased by the said corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said corporation in the course of its dealings.

When 300 shares shall have been subscribed a meeting of the stockholders to be called to make laws and choose directors.

IV. And be it enacted, That whenever three hundred shares shall have been subscribed of the said capital stock, a general meeting of the members and stockholders of the said corporation, or the major part of them, shall take place by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said corporation, as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing nine directors, being stockholders and members of the said corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors so chosen shall serve until the first annual meeting for choice of directors, and shall have full power and authority to manage the concerns of the said corporation, and shall commence the operations of the said bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said corporation, shall be binding on the said stockholders, their successors and assigns.

Annual meeting to be held on first Monday in April.
Directors to be chosen.

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 Monday in April in each and every year at Saint Stephens, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said corporation nine directors who shall be resident in the county of Charlotte, and continue in office for one year, or until others are chosen in their room; in the choice of which directors the stockholders and members of the said corporation shall vote according to the rule hereinafter mentioned; and the directors, when chosen, shall, at their first meeting after their election, choose out of their number a president; Provided always, that not more than eight nor less than five of the directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the president shall always be one.

Directors to appoint officers and servants.

VI. And be it enacted, That the directors for the time being shall have power to appoint such officers, clerks and servants as they or the major part of them shall think necessary for executing the business of the said corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses of buildings, house rent and all other contingencies, shall be defrayed out of the funds of the corporation; and the said directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said corporation as shall be prescribed by the bye laws and regulations of the same.

All expenses to be paid from the corporate funds.

Board of directors for business.

VII. And be it enacted, That not less than five directors shall constitute a board for the transaction of business, of which the president shall always be one except in the case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman in his stead; that the president shall vote at the board as a director, and in case of there being an equal number of votes for and against any question before them, the president shall have a casting vote :

vote: Provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

VIII. And be it enacted, That no director shall be entitled to any salary or emolument for his services, but that the stockholders and members of the said corporation may make such compensation to the president as to them shall appear reasonable and proper.

No director to have a salary.

IX. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said corporation: Provided always, that the stockholder so otherwise qualified be not a director in any other banking company in this Province.

Qualification of directors.

X. And be it enacted, That every cashier and clerk of the said corporation before he enters upon the duties of his office, shall give bonds with two or more sureties to be approved of by the directors, (that is to say,) every cashier in a sum not less than five thousand pounds with a condition for his good and faithful behaviour, and every clerk, with the like conditions and sureties, in such sum as the directors shall deem adequate to the trusts reposed in them.

Cashier and Clerk to give bonds with sureties.

XI. And be it enacted, That the number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, (that is to say,) for one share and not more than four shares, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares, which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

Number of votes of stockholders regulated.

XII. And be it enacted, That all stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder and do produce sufficient authority in writing from his constituent or constituents so to act: Provided that no stockholder be entitled to hold more than three proxies.

Stockholders may vote by proxy.

XIII. And be it enacted, That no member of the said corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than twenty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, that then and in such case it shall be lawful for any stockholder or stockholders to increase his, her or their subscriptions to fifty shares: Provided always, that no stockholder shall be permitted to hold more than eighty shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

Number of shares to be held by members of the corporation.

XIV. And be it enacted, That the directors be and they are hereby authorised to fill up any vacancy that shall be occasioned in the board by the death, resignation or absence from the Province for three months of any of its members, but that in the case of the removal of a director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

Vacant directorships how to be filled up.

XV. And be it enacted, That before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the directors in two of the newspapers published in this Province, of the time and place of payment; and the directors shall commence with the business and operations of the Bank of the said corporation: Provided

Notice to be given when stockholders are to make payments.

No bank bill to be issued or note discounted till £12,000 are paid in.

Commissioners to be appointed to count the money in the vaults.

Shares to be assignable.

Corporation to deal only in bills of exchange, gold and silver, and in sale of goods or stock pledged.

Stockholders to be individually liable for the debts in proportion to, but not exceeding the amount of their stock.

Bonds, bills, notes, &c. to declare payments to be from

always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of twelve thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

XVI. And be it enacted, That as soon as the sum of twelve thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the president shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorised, by and with the advice of His Majesty's Executive Council, to appoint three commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain, by the oaths of the majority of directors, that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said Bank.

XVII. And be it enacted, That the shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or 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 to the said corporation; that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said corporation.

XVIII. And be it enacted, That the said company shall not directly nor indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said goods and stock so pledged shall be sold by the said corporation at public sale at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock, there shall be a surplus after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

XIX. And be it enacted, That the holders of the stock of the said bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said corporation, and also for the payment of all debts at any time due from the said corporation, in proportion to the stock they respectively hold: Provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him: Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said corporation from being also liable for and chargeable with the debts and engagements of the same.

XX. And be it enacted, That every bond, bank bill or bank note, or other instrument, by the terms or effect of which the said corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board

board of directors shall prescribe that payment shall be made out of the joint funds of the said corporation: Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth section of this Act.

the joint funds of the corporation.

XXI. And be it enacted, That the total amount of the debts (deposits excepted), which the said corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders, and in case of any excess the directors under whose administration and management the same shall happen shall be liable for such excess in their individual and private capacities: Provided always, that the lands, tenements, goods and chattels of the said corporation shall also be liable for such excess.

Debts not to exceed twice the amount of capital paid in.

XXII. And be it enacted, That the directors shall make half yearly dividends of all profits, rents, premiums and interest of the said corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days notice in two newspapers published in this Province.

Half year dividends to be made.

XXIII. And be it enacted, That the books, papers, correspondence and funds of the said corporation shall at all times be subject to the inspection of the directors, but no stockholder not a director shall inspect the account of any individual with the said corporation.

Books &c. to be subject to the inspection of the directors.

XXIV. And be it enacted, That all the bills or notes issued by the said corporation shall be signed by the president for the time being, and countersigned and attested by the cashier, and shall be printed and made in steel plates, and all bills or notes so signed and countersigned shall be binding on the said corporation, and payable in specie at said Bank.

Notes to be signed by the President and Cashier.

XXV. And be it enacted, That the said corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

Amount of any altered notes to be paid to any *bona fide* holder.

XXVI. And be it enacted, That the said Bank shall be kept and established at Saint Stephen or at such other place as the board of directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

Bank to be kept at Saint Stephen.

XXVII. And be it enacted, That the directors shall at the general meeting to be held on the first Monday in April in every year, lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said corporation, the amount of bank notes then in circulation, the amount of the gold and silver on hand, and the amount of such debts as are in their opinion bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provisions for dividends, which statements shall be signed by the directors and attested by the cashier, and a duplicate statement so signed and attested shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature: Provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being directors, to inspect the account of any individual or individuals with the said corporation.

Statement of affairs to be laid before the stockholders at the annual general meeting.

XXVIII. And be it enacted, That no loan shall be made by the said Bank on the pledge of its own stock.

No loan on pledge of stock.

XXIX. And be it enacted, That any joint committee hereafter to be appointed

Joint committee of Legislators to have access to books and vaults.

General meetings may be called by stockholders or directors.

On dissolution directors to close the concerns.

Liability for bills issued and not paid.

Amount of aggregate debts of directors to bank.

Semi annual returns of state of bank to the Secretary's office.

ed by the Honorable 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 vaults of the same.

XXX. And be it enacted, That any number of stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power, at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said corporation, giving at least thirty days previous notice in two newspapers published in the Province, and specifying in such notice the time and place of such meeting with the objects thereof; and the directors or any five of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

XXXI. And be it enacted, That on any dissolution of the said corporation immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the said corporation and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests, and in case any bills issued by the said corporation shall remain unpaid, the holders of stock in said corporation as well as those who were stockholders at the time of the notice of said dissolution (which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said corporation being allowed to carry the same into effect) shall be chargeable in their private and individual capacity for the payment and redemption thereof in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth section of this Act: Provided however, that this liability shall continue for two years only from after the notice of such dissolution.

XXXII. And be it enacted, That the aggregate of all the debts due to the said Bank from the directors thereof as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third *per centum* of the capital stock.

XXXIII. And be it enacted, That the cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz:

FORM OF RETURN.

State of ——— Bank, on the ——— Monday of ——— 18—, 3 o'clock, P. M.

DUE FROM BANK.

Bills in circulation

Net profits on hand

Balance due to other Banks

Cash deposited, including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits and balances due to other Banks excepted

Cash deposited bearing interest

Total amount due from the Bank

RESOURCES

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house

Real estate

Bills of other Banks incorporated in this Province

Balances due from other Banks

Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks

Total amount of the resources of the Bank

Date and amount of the last dividend, and when declared

Amount of reserved profits at the time of declaring the last dividend

Amount of debts due and not paid, and considered doubtful

Which return shall be signed by the cashier of said Bank, who shall make oath or affirmation before some magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief, and the cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders and the amount of stock owned by each, and a majority of the directors of said Bank shall certify and make oath or affirmation before the same magistrate as the said cashier, that the books of said Bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

Return of Stockholders to be made when required.

Copies to be laid before the Legislature.

XXXIV. And be it enacted, That the cashier or acting cashier for the time being, shall on each and every discount day furnish a true list to the president or chairman of the said Bank of all delinquent promisers, endorsers and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet, and it shall be the duty of the president or chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the board of directors; and in case the name of any director shall appear on such delinquent sheet either as promiser, endorser or surety, it is hereby declared illegal for such director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

Lists of delinquents to be furnished to the President on discount days.

XXXV. And be it enacted, That in the event of any director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat; and it shall be the duty of the president and other directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth section of this Act as in the case of death or absence from the Province.

Disqualification of directors for delinquency.

XXXVI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note which shall be issued by the said corporation before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

Notes to be presented at the Bank before action.

XXXVII. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

Shares to be personal estate.

XXXVIII. And be it enacted, That the shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with

Shares in the stock to be liable to seizure under execution.

with other personal property : Provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the cashier of the said Bank, and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff the cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold : Provided also, that the said Cashier shall upon the exhibiting to him of such certified copy of the execution be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier.

Limitation.

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

CAP. XXXIII.

An Act to prescribe certain general regulations in respect to Corporations.

Passed 8th March 1836.

Shares in joint stock companies to be deemed personal estate and transmissible as such.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and every share and interest of each and every stockholder or shareholder in the joint or capital stock of any joint stock company, that already is, or during the present Session of the General Assembly, or afterwards, may be incorporated by Act of Assembly or otherwise in this Province, whether the objects and operations of such joint stock company relate to real or personal property, and with whatever powers such joint stock company may be invested, in regard to holding and managing lands and real property, shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

Shares in the capital stock of any joint stock company made liable to seizure in execution.

II. And be it enacted, That the shares in the capital stock of any such joint stock company shall be liable to be seized and taken in execution and sold in like manner with other personal property : Provided always, that the sheriff or other officer executing such execution, shall leave a copy of such execution certified by the sheriff or his deputy with the clerk, secretary, treasurer or cashier of such joint stock company, and the shares in the capital stock of such joint stock company so liable to such execution shall be deemed to be seized in execution when such copy is so left ; and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the sheriff, the clerk, secretary, treasurer, cashier or other officer of such company, whose duty it may be to register the transfer of shares, shall transfer on the books of such company the number of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to such company from the person or persons whose shares may be so seized and sold; and the shares in the said capital stock of the judgment debtor named

in such execution, shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier; Provided always, that no fractional part of any such share or shares shall be seized and sold in execution.

III. And be it enacted, That every such clerk, secretary, treasurer or cashier of such company, shall upon the exhibiting to him of such certified copy of the execution as aforesaid, be bound to give to such sheriff or other officer a certificate of the number of shares in such capital stock held by such judgment debtor named in such execution.

Clerk &c. of company to give a certificate of the number of shares held by a judgment debtor.

IV. And be it enacted, That no joint stock company that already is or hereafter may be incorporated by Act of Assembly or otherwise in this Province, unless expressly incorporated for banking purposes, shall possess or be deemed or construed to possess any power of discounting bills, notes or other evidences of debt, or of dealing or trading in buying or selling gold and silver coins or bullion, or bills of exchange or other negotiable instruments, or of issuing bills, notes or other evidences of debt, upon loan or for circulation, or of engaging in any banking operations whatever.

No incorporated company unless incorporated for banking to engage in banking operations.

V. And be it enacted, That every corporation which may during the present Session of the General Assembly or afterwards be erected or created by Act of Assembly, shall where no other provision is specially made, be able and capable to have succession by its corporate name for the period contained in the act of incorporation, and to sue and be sued, complain and defend in any court of law or equity, and to make and use a common seal and alter the same at pleasure, and to hold, purchase and convey such real and personal estate as the purposes for which it is incorporated may require, not exceeding the amount limited in the act of incorporation, and to appoint such officers and agents as the business of the corporation may require, and to fix their compensation, and to define their duties and obligations, and to make bye laws and regulations not inconsistent with any law in force in this Province for the management of its property, the regulation of its affairs, and the assignment and transfer of its stock.

Future corporations may have succession, sue and be sued, use a common seal, purchase and convey real and personal estate, appoint officers and make bye laws.

VI. And be it enacted, That from and after the passing of this Act, the proceeding by original against any corporation shall be abolished, and the first process in every action to be brought against any corporation shall be by writ of summons according to the form or to the effect following, that is to say :

The proceeding by original against corporations abolished.

William the Fourth, (&c.) To the Sheriff of — Greeting: We command you, that you summon [*here insert the name of the Corporation.*] that he be before (&c.) on (&c.) to answer *A. B.* of a plea [*&c as the case may be.*] and have there then this writ. Witness (&c.)

Form of Summons.

And every such writ of summons may be served on the mayor, president or other head officer, or on the secretary, clerk, treasurer or cashier of such corporation.

Service.

CAP. XXXIV.

An Act for altering the terms of holding the Court of the Governor and Council for causes of Marriage and Divorce.

Passed 8th March 1836.

WHEREAS it is expedient to alter the fixed and stated terms of holding the Court of the Governor and Council for causes of marriage and divorce;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth section of an Act made and passed in the thirty first year of the

31 G. 3, C. 5, s. 6, repealed.

Terms to be 2d Tuesday in February, and 3d Tuesdays in June and October.

the reign of King George the Third, intituled *An Act for regulating Marriage and Divorce, and for preventing and punishing incest, adultery and fornication*; and also an Act made and passed in the forty eighth year of the same reign, for altering and amending the said recited Act, be and the same are hereby repealed.

II. And be it enacted, That the fixed and stated terms of holding the court of the Governor and Council for the purposes and causes mentioned in the said recited Act of the thirty first year of the reign of King George the Third, shall be and commence on the second Tuesday in February, the third Tuesday in June, and the third Tuesday in October in each and every year, and shall continue during the space of ten days.

CAP. XXXV.

An Act to regulate Pawn Brokers within this Province.

Passed 8th March 1836.

General Sessions to grant licences to pawn brokers demanding at the rate of £10 per annum.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province shall at their general sessions have full power and authority, and they are hereby authorised and empowered to give and grant licences to such persons as they in their discretion shall think fit, being of good fame and character, to use, exercise and carry on the trade or business of a pawn broker in their respective Counties, and that it shall and may be lawful for such Justices to ask, demand and receive for every such licence as aforesaid the sum of ten pounds for one year, and in that proportion for a less period of time, and that all sums so received shall be paid by the clerks of the respective Counties into the hands of the respective County Treasurers, to be appropriated by the Justices towards defraying the necessary contingent expenses of the County, such clerks retaining for their trouble ten shillings for each licence so granted.

Fee to Clerk.

Pawn brokers to enter into recognizance.

II. And be it enacted, That every person so licensed as aforesaid, shall at the time of taking such licence enter into recognizance with two good and sufficient sureties to His Majesty in the sum of one hundred pounds, conditioned for the observance of this Act, and to obey such rules and regulations as the said Justices in their general sessions shall from time to time make and ordain, to be observed by pawn brokers in their respective Counties; which rules and regulations the said Justices are hereby authorised and empowered to make and ordain.

Penalty for acting as pawn broker without licence.

III. And be it enacted, That no person shall use, exercise or carry on the trade or business of a pawn broker or deal in any way as a pawn broker within this Province without having such license as aforesaid, under the penalty of ten pounds for each and every offence.

Who shall be deemed pawn brokers.

IV. And be it enacted, That all persons who shall receive by way of pawn, pledge or exchange, any goods, wares or merchandize for the repayment of money lent thereon, shall be deemed pawn brokers, except such persons as shall lend money at six per cent. interest, without taking any other or greater profit for the loan thereof.

Name and word "pawn broker" to be painted over the shop door.

V. And be it enacted, That every pawn broker shall cause his christian and sur name and the word "Pawn Broker" to be painted in large legible characters over the door on the outside of the shop or other place used by him for carrying on such business, on pain of forfeiting two pounds for every week such pawn broker shall use such shop or place without having the same there painted.

VI. And be it enacted, That every pawn broker may demand and take the following rates of profit over and above the principal sum advanced before he shall be obliged to re-deliver the goods pawned, viz: for every pledge upon which there shall have been lent not exceeding two shillings and sixpence, one halfpenny for any time not exceeding one calendar month, and the same for every calendar month afterwards including the current month in which such pledge shall be redeemed, although such month shall not be expired; if five shillings shall have been lent thereon, one penny; if seven shillings and sixpence, one penny halfpenny; if ten shillings, two pence; if twelve shillings and sixpence, two pence halfpenny; if fifteen shillings, three pence; if seventeen shillings and six pence, three pence half penny; if twenty shillings, four pence; and in that proportion for any sum not exceeding forty shillings; and if exceeding forty shillings and not exceeding ten pounds, after the rate of three pence for every twenty shillings by the calendar month, including the current month aforesaid, and so in proportion for any fractional sum; which said several sums shall be in lieu of and taken as a full satisfaction for all interests due and charges for warehouse room or otherwise.

Rate of profits to be taken by pawn brokers.

VII. And be it enacted, That every pawn broker shall cause to be painted or printed in large legible characters the rate of profit allowed by this Act to be taken, and also the price of obtaining a second note or memorandum of the articles pawned where the former one has been lost, mislaid or destroyed, or fraudulently obtained, and place the same in a conspicuous part of the shop or place where such business is carried on, so as to be visible to and legible by persons pledging goods standing in the places provided for such persons coming to pawn or redeem goods.

Rate of profits and price of a second note of articles pawned, to be posted in the shop.

VIII. And be it enacted, That every pawn broker shall keep a book in which shall be entered in a fair and regular manner at the time of each loan a description of the goods, article or thing so received in pawn, pledge or exchange, and the sum lent thereon with the day and year of pledging the same, and the name and place of residence of the person by whom they were pawned; and the said pawn broker at the time of taking such pawn shall deliver to the person pawning the same a note or memorandum written or printed, and signed by such pawn broker, containing a description of the goods pawned and substance of the entry made in his book aforesaid, for which note or memorandum no charge shall be made; and such note or memorandum shall be produced to the pawn broker before he shall be obliged to re-deliver the goods pawned (except as is hereafter excepted).

Pawn broker to keep regular books and deliver to persons pawning articles a note containing description of articles and substance of entry in his books.

IX. 'And for the purpose of recovering goods which may have been lost or stolen and detecting offenders;' Be it enacted, That the book so kept by any pawn broker as aforesaid, shall at all reasonable times within the hours of business be open to the inspection of any Justice of the Peace within the respective Counties, and that any goods or other articles pawned as aforesaid shall be produced for the examination of such Justice if thereunto required; and if any pawn broker shall at any time refuse or neglect to exhibit such book for inspection as aforesaid, or to produce any goods or other articles pawned when thereunto required by any Justice of the Peace as aforesaid, he shall forfeit and pay the sum of two pounds for each and every offence.

Books to be subject to the inspection of Justices of the Peace.

X. And be it enacted, That all pawned goods shall be deemed forfeited if not redeemed within one year from the time of pawning the same, but that no pawn broker shall sell any goods so pawned until the same shall have remained in his or her custody one full year, and such goods shall then be sold at public auction and not otherwise, and that there shall be at least ten days notice of the time and place of such sale, with a description of the goods given in some public news-

Goods not redeemed within one year to be forfeited and then sold by auction.

paper or posted up in the pawn office and at two other public places in the town where such sale is to take place, and if any surplus shall remain of the monies arising from such sale after deducting the amount of loan with all interests due thereon, and the expenses of advertising and selling the same, such surplus shall be paid over by the pawn broker to the person who would be entitled to redeem the said pawn in case no such sale had taken place, and if any pawn broker shall neglect or be guilty of any offence against any of the provisions of this section, he shall forfeit and pay the sum of five pounds for each and every offence.

A true account of all sales to be entered in a book, and to be liable to inspection.

XI. And be it enacted, That every pawn broker shall enter in a book to be kept for that purpose, a just and true account of the sale of all such goods, expressing the day of the month when pledged, the name of the person pledging, and the day when, and the money for which the same were sold, together with the name and abode of the auctioneer, and the expenses of such sale; and the person who pawned such goods, his executors or administrators shall be permitted to inspect the entry made of such sale; and if any pawn broker shall not have made such entry as aforesaid, or shall neglect or refuse to permit any person entitled thereto, to inspect such entry, or shall not have *bona fide* according to this Act sold such goods, or shall refuse to pay over the surplus arising from any such sale when demanded, he shall be liable to the penalty of five pounds for each and every offence.

Penalty for purchasing or receiving in pledge goods from minors &c. between sun rise and sun set.

XII. And be it enacted, That no pawn broker shall purchase, receive or take any goods in pledge from any person, knowing or believing him or her to be a minor, apprentice or servant, or to be intoxicated with liquor, nor receive any goods by way of pawn or pledge, nor purchase, take or receive any goods in the way of his trade or business, between the setting of the sun and rising of the same, under the penalty of five pounds for each and every offence.

Pawn brokers refusing to deliver back goods pawned on tender of proper amount, to be brought before a Justice, and on further refusal to deliver up or make satisfaction to be committed.

XIII. And be it enacted, That if any goods shall be pawned or pledged for securing any money lent thereon, and within one year from the pawning thereof, the pawner being the real owner of such goods at the time of pawning thereof, shall tender to the pawn broker who lent on security of the said goods, the principal money borrowed thereon, and the profit according to the rates by this Act established, and such pawn broker shall thereupon, without reasonable cause, neglect or refuse to deliver back the said goods so pawned, to the person who borrowed the money thereon, his executors or administrators, in such case, on oath thereof made by such pawner, his executors or administrators, it shall be lawful for any Justice of the Peace where such pawn broker shall reside, on the application of such pawner, his executors or administrators, to cause such pawn broker to come before him, and shall inquire touching the premises; and if it shall be made to appear to the satisfaction of such Justice that a tender of the principal money due, and all profit thereon has been made to the said pawn broker within one year as aforesaid, then the said Justice shall, by order under his hand, direct the goods so pawned, forthwith to be delivered up to such pawner, his executors or administrators; and if such pawn broker shall neglect or refuse to deliver up or make satisfaction for such goods as aforesaid, as such Justice shall order, then the said Justice shall commit the said pawn broker, so refusing, to the common gaol of the County where the offence is committed, until he shall deliver up the said goods or make satisfaction for the value thereof to the party entitled to the redemption.

Person producing note and requiring delivery of goods to be deemed their owner.

XIV. And be it enacted, That the person who shall produce the note or memorandum which shall have been given by any pawn broker as aforesaid, and require a delivery of the goods named thereon, shall be deemed, so far as concerns the person who has the goods in pledge, the owner, and any pawn broker, who shall

shall deliver any goods to the person producing such note or memorandum, shall be indemnified and saved harmless, unless he shall have had previous notice from the real owner not to deliver such goods to the person producing such note or memorandum, or notice that the same are suspected to have been fraudulently or feloniously taken or obtained, or that the said note or memorandum hath been lost, mislaid or fraudulently obtained from the owner thereof.

XV. And be it enacted, That in case any such note or memorandum shall be lost, mislaid, destroyed or fraudulently obtained from the owner, and the goods mentioned therein shall remain unredeemed, the pawn broker with whom such goods were pledged, shall at the request of the person representing himself to be the owner, deliver to such person a copy of the note or memorandum of the articles so pledged from the book of entries kept by such pawn brokers, and if the person shall thereupon prove his property in or right to the said goods as therein mentioned to the satisfaction of some Justice of the Peace, and verify on oath the particular circumstances of the loss, destruction or fraudulent obtaining of the original note or memorandum, and such Justice shall certify the same under his hand, then and in such case the said pawn broker shall suffer the person so proving such property to redeem such goods, on leaving with him such copy of the said note or memorandum with the affidavit so certified as aforesaid.

XVI. And be it enacted, That nothing herein contained shall extend or be construed to extend to interfere with the Mayor, Aldermen and Commonalty of the City of Saint John in granting licenses to pawn brokers in the City of Saint John as has been heretofore accustomed, but that such pawn brokers shall be under the same restrictions, pains and penalties, and under the like regulations in every other respect as are provided in and by this Act; and the said Mayor, Aldermen and Commonalty are hereby vested with the like power as in granting licences to pawn brokers in the City of Saint John as are hereby given and granted to the Justices of the Peace in the several Counties, but that the amount of licence money and all fines and penalties arising in the City of Saint John shall be paid into the hands of the Chamberlain of the said City for the public use of the said Mayor, Aldermen and Commonalty.

XVII. And be it enacted, That it shall and may be lawful for the Courts of General Sessions in the several Counties, and for the said Mayor, Aldermen and Commonalty of the City of Saint John, to revoke and annul any licence to any pawn broker by them respectively granted in case of conviction of any of the offences under this Act or for any other satisfactory cause appearing unto them.

XVIII. And be it enacted, That the several and respective penalties imposed by this Act, shall and may be recovered upon complaint made to any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, or if in the City of Saint John before the Mayor, Recorder or any of the Aldermen of the said City, or any Justice of the Peace for the said City and County, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods or chattels, under the hand and seal of such Justice, directed to any constable of the town, parish or city where such offence shall be 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 such distress, it shall and may be lawful for such Justice to issue his warrant under his hand and seal to commit such offender to the common gaol of the County where such offence shall have been committed, there to remain without-bail or mainprize for such time not exceeding thirty days as such Justice shall think fit, unless such penalty and forfeiture together with the costs and charges shall be sooner paid.

A second note of goods pledged to be given, the first being lost &c., and on proof before a Justice as to ownership, goods may be redeemed.

Rights of the corporation of the City of Saint John reserved, and the like powers as to granting licences extended to them.

Licences may be revoked.

Recovery of penalties.

Limitation.

XIX. 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. XXXVI.

An Act for more effectually securing the liberty of the subject by enforcing the execution of writs of *Habeas Corpus*.

Passed 8th March 1836.

Preamble.

WHEREAS the writ of *Habeas Corpus* hath been found by experience to be an expeditious and effectual method of restoring any person to his liberty who hath been unjustly deprived thereof: And whereas the Justices of the Supreme Court in this Province have and are accustomed to exercise the same power and authority as the Justices of the Court of King's Bench in England, in awarding, as well in vacation as in term time, writs of *Habeas Corpus ad subjiciendum* under the seal of the said Court, in cases where any person is confined or restrained of his or her liberty as well for some criminal or supposed criminal matter, as otherwise: And whereas enforcing obedience to such writs and preventing delays in the execution thereof, will be advantageous to the public;

Neglect to make return to or obey a writ of *Habeas Corpus* deemed a contempt of Court.

Proceedings thereupon.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if the person or persons to whom any such writ of *Habeas Corpus* shall be directed, upon service of such writ, either by the actual delivery thereof to him, her or them, or by leaving the same at the place where the party shall be confined or restrained, with any servant or agent of the person or persons so confining or restraining, shall wilfully neglect or refuse to make a return or pay obedience thereto, he, she or they shall be deemed guilty of a contempt of the said Court; and it shall be lawful to and for the Justice before whom such writ shall be returnable, who may be either the Justice awarding the said writ, or any other Justice of the said Supreme Court, upon proof made by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and seal, for the apprehending and bringing before him, or before some other Justice of the same Court, the person or persons so willfully disobeying the said writ, in order to his, her or their being bound to the King's Majesty, with two sufficient sureties, in such sum as in the warrant shall be expressed, with condition to appear in the said Court, at a day in the ensuing term to be mentioned in the said warrant, to answer the matter of contempt with which he, she or they are charged; and in case of neglect or refusal to become bound as aforesaid, it shall be lawful for such Justice to commit such person or persons so neglecting or refusing to any county gaol, there to remain until he, she or they shall have become bound as aforesaid, or shall be discharged by order of the Court in term time, or by order of one of the Justices of the Court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the said Court, and shall continue in force until the matter of such contempt shall have been heard and determined, unless sooner ordered by the Court to be discharged; Provided that if such writ shall be awarded, so late in the vacation by any one of the said Justices, that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall and may, at his discretion, be made returnable in the said Court, at a day certain in the next term; and the said Court shall and may proceed thereupon, and award process of contempt in case of disobedience thereto,

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in like manner as upon disobedience to any writ originally awarded by the said Court: Provided also, that if such writ shall be awarded by the said Supreme Court in term, but so late that in the judgment of the Court obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said Court, be made returnable at a day certain in the then next vacation, before any Justice of the same Court, who shall and may proceed thereupon in such manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

II. And be it further enacted, That although the return to any such writ of *Habeas Corpus* shall be good and sufficient in law, it shall be lawful for the Justice before whom such writ may be returnable to proceed to examine into the truth of the facts set forth in such return, and into the cause of such confinement or restraint, by affidavit or by affirmation (in cases where an affirmation is allowed by law), and to do therein as to justice shall appertain; and if such writ shall be returned before any one of the said Justices, and it shall appear doubtful to him on such examination, whether the material facts set forth in the said return, or any of them be true or not, in such case it shall and may be lawful for the said Justice to let to bail the said person so confined or restrained, upon his or her entering into a recognizance with one or more sureties, or in case of infancy or coverture, or other disability, upon security by recognizance in a reasonable sum, to appear in the said Supreme Court, upon a day certain in the term following, and so from day to day as the Court shall require, and to abide such order as the Court shall make in and concerning the premises; and such Justice shall transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall be lawful for the said Court to proceed to examine into the truth of the facts set forth in the return, either in a summary way by affidavit or affirmation (in cases where by law affirmation is allowed), or by directing one or more issues for the trial of the facts set forth in the said return or any of them, and to order and determine touching the discharging, bailing or remanding the party, as to justice shall appertain.

III. And be it further enacted; That the like proceeding may be had in the Court for controverting the truth of the return to any such writ of *Habeas Corpus* awarded as aforesaid, although such writ shall be awarded by the said Court itself or be returnable therein.

IV. And be it further enacted, That it shall and may be lawful for the Court or Justice proceeding on any such writ of *Habeas Corpus* to make such order in regard to the payment of the charges and expenses of bringing up the party so confined and restrained, and for carrying him or her back to his or her place of confinement in case of remanding, as to such Court or Justice shall upon examination thereof seem meet, and for non-payment thereof to award process of contempt, whereupon such proceedings shall be had as in other cases of contempt for non-payment of costs.

Justice may examine into the truth of the fact set forth in the return and cause of confinement.

Confined person may be let to bail if the truth of the facts stated in the return be doubtful.

Writ, &c. to be transmitted into the Court. Court to examine into the fact.

Like proceedings may be had although writ be awarded by the Court.

Court or justice may order payment of charges and expenses, and for nonpayment award process of contempt.

CAP. XXXVII.

An Act imposing duties upon certain articles imported into this Province for the purpose of Revenue.

Passed 16th March 1836.

WE, His Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the necessary supplies

‘ supplies to defray the expenses of His Majesty’s Government within this Province, have freely and voluntarily resolved to give and grant to the King’s most excellent Majesty the several rates and duties hereinafter mentioned, and do therefore pray your Excellency that it may be enacted;’

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

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

Rum &c.

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

Brandy.

For and upon brandy, two shillings per gallon;

Wines.

For and upon all wines, the sum of ninepence per gallon, and further twenty five *per cent.* upon the true and real value thereof at the place from whence they were imported;

Molasses.

For and upon all molasses, one penny per gallon;

Shrub, Santa or Lime Juice.

For and upon all shrub, santa or lime juice, sixpence per gallon;

Dried Fruits.

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

Coffee, Sugars.

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

For and upon all brown or Muscovado sugar, on the quantity mentioned in the original invoice, allowing twenty five *per cent.* for tare and wastage, two shillings and sixpence per hundred weight;

Horses.

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

Oxen.

For and upon every foreign ox, one pound;

Cows.

For and upon every foreign cow or other horned cattle, three pounds ten shillings;

Dead fresh meats.

For and upon every hundred pounds of foreign dead fresh meats of all kinds, six shillings and eight pence;

Foreign manufactured articles.

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

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

For and upon all soap and candles, ten pounds;

For and upon all tobacco, five pounds;

Nonsenumerated articles.

And for and upon 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 :

[Exceptions.]

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

For

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

British man-
ufactures.

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

[Exceptions.]

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

Colonial leath-
er, and malt
liquor.

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

British East In-
dia Silk or Cot-
ton manufact-
ures, Pepper
and Spices.

All which duties shall be paid by the importer or importers of such articles respectively, notwithstanding any duties which are or may be imposed and collected under any Act or Acts of the Imperial Parliament, and shall be collected and secured by the means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by an Act of the present Session of the General Assembly for collecting the revenue of the Province.

Duties to be
paid notwith-
standing duties
imposed under
Acts of Parlia-
ment.

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

Goods in ware-
house and on
which duties
have not been
secured, to be
liable to duties
imposed by this
Act.

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

Duties to be re-
paid or ware-
house bonds
cancelled as to
goods exported
for the deep sea
or whale fishery.

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

Limitation.

CAP. XXXVIII.

An Act to appropriate a part of the public revenue to the payment of the ordinary services of the Province.

Passed 16th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province for the services hereinafter mentioned, the following sums, to wit: To

- Chaplain.** To the chaplain of the Council in General Assembly, the sum of twenty five pounds.
- To the chaplain of the House of Assembly, the sum of twenty five pounds.
- Sergeants at Arms.** To the sergeant at arms attending the Council in General Assembly, the sum of twenty shillings *per diem* during the present Session.
- To the sergeant at arms attending the House of Assembly, the sum of twenty shillings *per diem* during the present Session.
- Clerk of Council.** To the clerk of the Legislative Council in General Assembly, the sum of two hundred pounds for his services during the present Session.
- Clerk of Assembly.** To the clerk of the House of Assembly, the sum of two hundred pounds for his services during the present Session.
- Clerk assistant of Council.** To the clerk assistant of the Legislative Council, the sum of one hundred pounds for his services during the present Session.
- Clerk assistant of Assembly.** To the clerk assistant of the House of Assembly, the sum of one hundred pounds for his services during the present Session.
- Door keepers.** To the doorkeepers attending the Legislative Council and Assembly, the sum of twelve shillings and sixpence *per diem*, each, during the present Session.
- Messengers.** To the messengers attending the Legislative Council and Assembly, the sum of ten shillings *per diem*, each, during the present Session.
- Attorney General.** To His Majesty's Attorney General, the sum of one hundred pounds for his services for the year one thousand eight hundred and thirty five.
- Solicitor General.** To His Majesty's Solicitor General, the sum of fifty pounds for his services for the year one thousand eight hundred and thirty five.
- Clerk of the Crown, Supreme Court.** To the Clerk of the Crown in the Supreme Court, the sum of one hundred pounds for his services for the year one thousand eight hundred and thirty five.
- Province Treasurer.** To the Honorable Richard Simonds, Province Treasurer, the sum of six hundred pounds for his services from the thirty first day of December in the year one thousand eight hundred and thirty four to the thirty first day of December in the year one thousand eight hundred and thirty five; also the further sum of one hundred and fifty pounds to enable him to pay a clerk in the Treasury for the same period.
- Parish Schools.** To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding seven thousand pounds for the encouragement of parish schools, agreeably to a law of this Province.
- Grammar Schools.** To His Excellency the Lieutenant Governor, the following sums for Grammar Schools, for the year one thousand eight hundred and thirty six :
- For the grammar school in Westmorland, one hundred pounds ;
 - For the grammar school in Saint John, one hundred pounds ;
 - For the grammar school in King's County, one hundred pounds ;
 - For the grammar school in Kent, one hundred pounds ;
 - For the grammar school in Queen's County, one hundred pounds ;
 - For the grammar school in Charlotte, one hundred pounds ;
 - For the grammar school in Northumberland, one hundred pounds ;
 - For the grammar school in Gloucester, one hundred pounds ;
 - For the grammar school in Sunbury, one hundred pounds.
- Light Houses.** To the commissioners of light houses in the Bay of Fundy, the following sums to pay for services in the year one thousand eight hundred and thirty six :
- To the keeper of the light houses on Gannet Rock, and his assistant the sum of one hundred and sixty five pounds ;
 - To the keeper of the light house on Point Le Proc, the sum of one hundred pounds ;

To the keeper of the light house on Thrum Cap, Quaco, a sum not exceeding one hundred pounds ;

The sum of five hundred and fifty pounds, to defray the contingent expenses of the Gannet Rock, Point Le Proe and Quaco light houses for the year one thousand eight hundred and thirty six ;

To the commissioners of Machias Seal Island, Campo Bello and Saint Andrews harbour light houses, the following sums to pay for services in the year one thousand eight hundred and thirty six ;

To the keeper of the light house on Campo Bello, the sum of one hundred and twenty pounds ;

To the keeper of the light houses on Machias Seal Island, the sum of one hundred and thirty pounds ;

To the keeper of the harbour light in Saint Andrews, the sum of thirty pounds ;

The sum of five hundred and fifty pounds to defray the contingent expenses of the said light houses for the year one thousand eight hundred and thirty six.

To the Commissioners of light houses at the entrance of the harbour of Saint John, the sum of two hundred pounds for contingent expenses for the year one thousand eight hundred and thirty six.

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

To the keeper of the light house on Partridge Island, the sum of one hundred pounds ;

To the keeper of the Beacon light in the harbour of Saint John, the sum of one hundred pounds.

To the Adjutant General of the militia forces, the sum of seventy five pounds for his services for the year one thousand eight hundred and thirty six. Adjutant General.

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

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

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

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

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

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

To B. C. Chaloner, tide surveyor at Saint John, the sum of fifty pounds, being for his services from the first day of May in the year one thousand eight hundred and thirty five to the first of May in the year one thousand eight hundred and thirty six. B. C. Chaloner.

Messenger to
the Treasury.

To the Honorable Richard Simonds, Province Treasurer, the sum of one hundred pounds, being for the services of a tide waiter or messenger to the Treasury for the year one thousand eight hundred and thirty six.

Madras School.

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

Fire Insurance
Company.

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

Protection of
Revenue.

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

Courier from
Newcastle to
Fredericton.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds to defray the expenses of a courier from Newcastle to Fredericton.

Courier from
Hopewell to
Bend of Pettico-
diac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds in aid of individual subscription to pay a courier passing between Hopewell and the bend of Petticodiac river in the County of Westmorland.

Missionary to
Indians.

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

Courier between
Bathurst and
Shippigan.

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

J. Simpson.

To John Simpson, King's Printer, the sum of two hundred pounds for printing the daily Journals of the Legislative Council and Assembly during the present Session.

To John Simpson, King's Printer, the sum of one hundred and fifty pounds towards the printing the Journals of the Legislative Council and Assembly for the present year.

W. Watts.

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

Tide Waiters at
Bathurst and
Restigouche.

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

Cape Sable
Seal Island and
Brier Island
Light Houses.

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

Adjutants and
Sergeant Majors
of Militia.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding four hundred and thirty five pounds, to pay the adjutants of militia of the different counties in this Province for the last year, and a further sum not exceeding two hundred and seventeen pounds ten shillings, to pay the sergeant majors of the militia of this Province for the time being, who are actually employed for the same period: provided that each sergeant major who shall appear by a certificate from his commanding officer to have faithfully performed his duty, shall receive a sum not exceeding seven pounds ten shillings.

To the Speaker of the House of Assembly the sum of twenty five pounds for the last Session, and to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly the last Session, the sum of fifteen shillings per day, and for the travelling charges of each and every Member the last Session, the sum of fifteen shillings per day, allowing twenty miles for each day's travel to be certified by the Speaker. Speaker and Members of Assembly.

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

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

To the Lieutenant Governor or Commander in Chief, the sum of thirty pounds in aid of individual subscription to pay a courier passing between Chatham and Tracaday in the counties of Northumberland and Gloucester. Courier between Chatham and Tracaday.

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

CAP. XXXIX.

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

Passed 16th March 1836.

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

To the Trustees of the Savings Bank of the City of Saint John, the sum of one thousand two hundred and ninety three pounds ten shillings and ten pence to reimburse them for the embezzlement made by its late cashier of its funds. Trustees of Savings' Bank, Saint John.

To the Honorable Richard Simonds, Province Treasurer, the sum of fifty pounds, being an additional amount for the services of a clerk in the Treasury to the thirty first day of December in the year one thousand eight hundred and thirty five. Province Treasurer.

To Joshua Stone, the sum of ten pounds in consideration of his services during the American revolutionary war. J. Stone.

To Doctor John Boyd, surgeon to the vaccine institution, central board, Saint John, the sum of twenty pounds for the year one thousand eight hundred and thirty five. Dr. J. Boyd.

To the Clerk of the Legislative Council in General Assembly, the sum of fifty pounds, being additional grant for his services for the Session ending the seventeenth day of March last. Clerk of Council.

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

To

W. Constan-
tine.

To William Constantine, a licensed teacher, the sum of twenty pounds for a school taught by him in the parish of Salisbury, County of Westmorland, for the period of one year ending the twelfth day of November in the year one thousand eight hundred and thirty five.

D. Caldwell.

To His Excellency the Lieutenant Governor, the sum of thirty pounds ten shillings to remunerate David Caldwell, the courier between Fredericton and the Finger board, for expenses incurred by him in crossing the Jemseg and Washademoak ferries in the years one thousand eight hundred and thirty four and one thousand eight hundred and thirty five.

J. W. M. Irish.

To J. W. M. Irish, of Saint John, the sum of eight pounds nine shillings and two pence, being an excess of duties paid by him.

To the Board of Health of the City and County of Saint John, the sum of four hundred and seventy eight pounds to enable them to pay for a building on Partridge Island for the accommodation of sick and distressed emigrants.

E. B. Smith,
Hugh Smith.

To E. B. Smith, Esquire, clerk of the Peace for King's County, the sum of one pound four shillings and eight pence, to be paid to Hugh Smith for bounty on grain raised on new land in the year one thousand eight hundred and thirty two.

T. F. Harley.

To Timothy F. Harley, the sum of ten pounds for teaching a school in the parish of Saint Andrews in the year one thousand eight hundred and thirty four.

Buoys and Bea-
cons, Mirami-
chi.

The sum of two hundred pounds to William Abrams, Esquire, Commissioner of buoys and beacons for the port of Miramichi, to be expended in replacing the buoys and beacons of that harbour.

J. Scott.

To Jeremiah Scott, the sum of ten pounds for teaching a school in the parish of Saint Stephen in the year one thousand eight hundred and thirty five.

J. Whitehead.

To James Whitehead, a meritorious old soldier who served in the revolutionary war, the sum of ten pounds to aid him in his present distressed situation.

F. M'Rae.

To Flora M'Rae, widow of the late Captain Alexander M'Rae, the sum of twenty pounds to assist her in her present distressed situation.

M. Brannon.

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

D. M'Donald.
D. Bruce.

To Donald M'Donald and David Bruce, two very old and infirm soldiers of His Majesty's late forty second regiment, who served in the revolutionary war, the sum of ten pounds each to assist them in their distressed condition.

Courier between
Saint John and
Saint Martins.

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

H. Nase.

To Henry Nase, Esquire, on behalf of the proprietors of a school in Westfield, King's County, the sum of twenty pounds to reimburse them for a like sum paid by them to William Babb, a licensed teacher, in consequence of his not obtaining the provincial bounty for the year ending the ninth day of September in the year one thousand eight hundred and thirty three from his certificate to the Sessions having been mislaid.

J. M. Wilmot
agent for T.
M'Leod.

To John M. Wilmot, of Saint John, agent for Thomas M'Leod, of Londonderry, the sum of sixty four pounds sixteen shillings and eight pence, being an excess of duty paid at the Treasury, Saint John, on passengers per ship Perseus in the year one thousand eight hundred and thirty four in consequence of some informality in the clearance, which is explained by subsequent certificates; the same to be taken from the emigrant fund.

Wharf on Blind
Island.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of forty pounds in aid of individual subscription, towards building a wharf on

on Blind Island in the falls near Saint John, for the improvement of the navigation thereof.

To Robert Rankin and Company, of Saint John, agents for Thomas Coxen of Belfast, the sum of twenty three pounds one shilling and eight pence, being an excess of duty paid at the Treasurer's office, Saint John, on passengers per John and Mary, the same to be taken from the emigrant fund.

R. Rankin & Co., agents for T. Coxen.

To His Excellency the Lieutenant Governor or Commander in Chief the sum of one hundred pounds in aid of private subscription, to assist the Micmac Indians in finishing a chapel for religious worship at Burnt Church on the river Miramichi.

Micmac Indians.

To Lieutenant Colonel Booth, of His Majesty's forty third regiment of Light Infantry, the sum of one hundred and twelve pounds sixteen shillings and one penny, being the amount paid by the officers of that regiment for Provincial duties on wines imported for their use in August, September and October last.

Lt. Col. Booth, drawback on wine.

To William Mackay of Saint John, the sum of seven pounds five shillings and ten pence, being an excess of head money paid at the Treasury, Saint John, on passengers per brig Saint Mungo in August last, the same to be taken from the emigrant fund.

W. M'Kay.

To His Excellency the Lieutenant Governor, the sum of three hundred and fifty pounds for four years, to be paid to any person or persons who shall establish a steam boat communication of not less than seventy horse power between Miramichi and Pictou, Nova Scotia, and Charlotte Town, Prince Edward's Island; the said boat to run not less than once a week (when not prevented by stress of weather or other unforeseen accidents) for five years next succeeding after such steam boat shall commence, say between the months of May and November in each year except the first year, which may commence on the first day of July in such year, during the said period, touching at Miramichi each trip; the said sum to be paid annually by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, on the production of a certificate from the Collector of the Customs at Miramichi, that the said boat has entered and cleared at the custom house, and the time and times such steam boat has entered Miramichi during the season for which such certificate is given, between the periods mentioned, and upon condition that good and approved security be given to His Excellency the Lieutenant Governor or Commander in Chief for the time being, before any warrant be issued for the first annual sum, and that the said boat shall be continued on that line running once a week between the above named periods (except unavoidable accidents as before excepted) for the term of five years next succeeding her commencement, which security shall be lodged with the Secretary of the Province: Provided always, to entitle any person to the benefit of the foregoing sum, a steam boat of the power before mentioned shall be put into operation before the first day of July in the year one thousand eight hundred and thirty seven; this being in lieu of any other grant already made for the same purpose.

Steam Boat between Miramichi, Pictou and Charlotte Town.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds, to be applied towards defraying the expense of building, equipping and fitting a good substantial and effective steam boat, to be propelled by an engine of not less than thirty horse power, of good quality: which steam boat is to run between Fredericton and Woodstock for the conveyance of the mails and passengers; the said sum to be paid to such person or persons as shall first build and provide said steam boat, and establish the same

Steam Boat between Fredericton and Woodstock.

on

on the said route, whenever it shall be certified to His Excellency the Lieutenant Governor or Commander in Chief, by such person or persons as he may appoint for this purpose, that such stean boat has been built, and been running on the said route once a week for fifteen weeks, and that security has been given that the said boat, or some other equally efficient shall be continued on the said route, and kept so running during at least three years from its commencement; this being in lieu of any other grant already made for the same purpose.

A. Michael.

To Agnes Michael, widow of William Michael, the sum of seven pounds, for a school taught by him during the year one thousand eight hundred and thirty four, in the Parish of Fredericton.

W. & T. Leavitt.

To W. and T. Leavitt, of Saint John, the sum of three pounds fifteen shillings, return duties on sugar exported to Africa.

D. Geoffers.

To Daniel Geoffers, of the parish of Addington, the sum of twenty pounds for teaching a school in said parish during the past year.

Court House
Queen's County.

To the Justices of the Peace for Queen's County, the sum of six hundred pounds towards the erection of a new court house and repairing gaol in said County.

J. Samuels.

To Joseph Samuels, of Chatham, Miramichi, the sum of two pounds sixteen shillings and nine pence, being return duties on pencils exported to Quebec in July in the year one thousand eight hundred and thirty four.

C. Finnis.

To Charles Finnis, of Norton, King's County, a licensed teacher, the sum of twenty pounds for teaching a school in that parish for one year ending in July in the year one thousand eight hundred and thirty four.

G. G. Winniett.

To George G. Winniett, of Hampton, King's County, the sum of twenty pounds for teaching a school in that parish for one year ending in September in the year one thousand eight hundred and thirty three.

Gaol and house
of correction,
Saint John.

To the Justices of the Peace for the City and County of Saint John, the sum of two thousand pounds to assist them in building a gaol and house of correction in the said City and County.

Tide Waiter and
Messenger to
the Treasury.

To the Honorable Richard Simonds, Province Treasurer, an additional sum of fifty pounds to enable him to provide for the services of a tide waiter and messenger to the Treasury for the year one thousand eight hundred and thirty six.

P. O'Conner.

To Patrick O'Conner, a licensed school master, the sum of twenty pounds for teaching a school in the parish of Kent, County of Carleton, for the year one thousand eight hundred and thirty five.

J. Whitney.

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

C. Baird.

To Charles Baird, carpenter of brig Peggy at the time the act of piracy was committed by James Nixon and others, the sum of fifteen pounds for his attendance as a witness on the court of Vice Admiralty at Halifax.

Rev. Dr. Gray,
infant school.

To the Reverend Doctor Gray and the committee of management of the infant school, Saint John, the sum of twenty five pounds in aid of individual subscription towards that institution.

Overseers of
Poor, Portland.

To the Justices of the Peace for the City and County of Saint John, the sum of eighty six pounds twelve shillings and ten pence, to reimburse the overseers of the poor for the parish of Portland for the support and relief of indigent black refugees in the year one thousand eight hundred and thirty five. To

To the Justices of the Peace for the City and County of Saint John, the sum of seven hundred and eleven pounds seven shillings to reimburse the overseers of the poor for the City of Saint John for the support and relief of distressed emigrants in the year one thousand eight hundred and thirty five; the same to be taken from the emigrant fund. Distressed emigrants, Saint John.

To the Justices of the Peace for the City and County of Saint John, the sum of one hundred and seventeen pounds nine shillings and two pence to reimburse the overseers of the poor for the parish of Portland for the support and relief of distressed emigrants in the year one thousand eight hundred and thirty five; the same to be taken from the emigrant fund. Distressed emigrants, Portland.

To Thomas DeForest, the sum of ten pounds for a school taught by him near the Nerepis road for six months, ending in February in the year one thousand eight hundred and thirty six. T. DeForest.

To Charles C. Stewart, the sum of nineteen pounds fifteen shillings and nine pence, being return of duties on molasses sent by him on board ships Margaret, James Stewart and Margaret Rait, whaling vessels, in the years one thousand eight hundred and thirty three, one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five. C. C. Stewart.

To Henry E. Dibblee, sub-collector of His Majesty's Customs at Woodstock, the sum of ten pounds fourteen shillings and nine pence, being ten *per cent.* on the amount of duties collected by him under Acts of the Imperial Parliament upon goods, wares and merchandize imported into this Province in the years one thousand eight hundred and thirty four and one thousand eight hundred and thirty five, agreeably to the address of the House of Assembly on the first of March in the year one thousand eight hundred and thirty two to His Excellency the Lieutenant Governor, praying the appointment of such an officer and stating the compensation. H. E. Dibblee.

To J. and H. Kinnear, the sum of sixty three pounds fifteen shillings, drawback on forty one hogsheads of sugar lost on a voyage to Quebec in October last. J. & H. Kinnear.

To Stephen Humbert, the sum of four pounds two shillings and ten pence for grain bounty in the year one thousand eight hundred and thirty two. S. Humbert.

To James M'Lellan, the sum of thirteen pounds six shillings and eight pence for teaching a school in the parish of Sackville in the year one thousand eight hundred and thirty one. James M'Lellan.

The sum of seven pounds five shillings to Gilmour, Rankin and Company, for drawback on rum exported to Prince Edward's Island in November in the year one thousand eight hundred and thirty four. Gilmour, Rankin & Co.

To Thomas P. Marter, the sum of one hundred and twenty five pounds, in full for his services as tide surveyor. T. P. Marter.

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

To the Clerk of the House of Assembly, the sum of ninety pounds, to defray the expense of building an office for the clerk of the Assembly. Clerk of Assembly.

To James Whitehead, a soldier in the revolutionary war, the sum of ten pounds, in addition to any other grant made him the present Session. J. Whitehead.

To Mary Banks, widow of captain W. Banks, the sum of twenty pounds. M. Banks.

To Alexander Gillespie, the sum of fifteen pounds, for teaching a school in Canning in the year one thousand eight hundred and thirty three. A. Gillespie.

To His Excellency the Lieutenant Governor, the sum of two hundred and fifty pounds, to be applied in part payment of services performed by G. F. S. Berton, in revising the Acts of this Province. G. F. S. Berton.

To

Commissioners
of Saint Paul's
Island.

To the Commissioners of Saint Paul's Island, the sum of one hundred and eighty pounds twelve shillings and eight pence, amount expended by them in the year one thousand eight hundred and thirty five, for support of the establishment there made towards affording relief to shipwrecked mariners.

Commissioners
of Government
house.

To the Commissioners of Government House, two hundred and forty one pounds six shillings and two pence, to pay James Taylor, Senior, and Company, the amount of their account for repairs and other incidental expenses for the year one thousand eight hundred and thirty five.

John Robb.

To John Robb, late supervisor of the roads from Dorchester and Petitcodiac to Shediac, eight pounds sixteen shillings and five pence, being amount due him in the year one thousand eight hundred and thirty four; to be taken out of the appropriations for those roads made during the present Session.

Chairman of
Committee on
accounts.

To the Chairman of the committee on public and private accounts, the sum of one hundred pounds, for various important services performed by him during the recess, in conformity with the directions of the House: and also for extra services during the Session, in auditing, allowing and reporting the same; and also the further sum of fifty pounds, for his services in reporting on the late Attorney General's accounts.

William Watts.

To William Watts, Usher of the Supreme Court of this Province, the sum of fifty pounds, for his services in that behalf since Easter Term in the year one thousand eight hundred and twenty five; and the further sum of ten pounds, for his services as Cryer or Usher in the Supreme Court for the ensuing year.

Clerk of Assem-
bly.

To the Clerk of the House of Assembly, the sum of one hundred and twenty five pounds, for compiling and preparing an Index to the journals of the House for the years one thousand eight hundred and nineteen, one thousand eight hundred and twenty, one thousand eight hundred and twenty one, one thousand eight hundred and twenty two and one thousand eight hundred and twenty three.

Hon. Richard
Simonds.

To the Honorable R. Simonds, Province Treasurer, one hundred and twenty five pounds eight shillings and seven pence, for contingencies at Treasurer's office for the year one thousand eight hundred and thirty five.

D. W. Jack.

To D. W. Jack, for gauging and weighing at Saint Andrews for the year one thousand eight hundred and thirty five, nineteen pounds ten shillings.

R. Watson.

To Robert Watson, two pounds fifteen shillings, for gauging and weighing at Saint Stephen's in the year one thousand eight hundred and thirty five.

C. H. Jouett.

To C. H. Jouett, five pounds fourteen shillings, for gauging and weighing at West Isles for the year one thousand eight hundred and thirty five.

To George Henderson, four pounds fifteen shillings and six pence, for gauging at Miramichi.

J. Phelan.

To John Phelan, ten pounds, for teaching a free coloured school in Parish of Kingsclear, County of York, for the year one thousand eight hundred and thirty five.

S. Boyle.

The sum of ten pounds granted in the year one thousand eight hundred and thirty three, to Charles Boyle, to be re-appropriated and paid to Susannah Boyle, the widow of the said Charles Boyle.

Stage Coaches
between Saint
Andrews and
Nova Scotia.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of two hundred and fifty pounds annually for fours years, for the encouragement of a line of stage coaches or public conveyance, proposed to run between Saint Andrews and the Nova Scotia Line, to be paid to James Whitney, Thomas Barlow and others, associating together for that purpose, or in case of their failure, to such person or persons as shall first carry the object into effect: two hundred and fifty pounds of said sum to be paid by warrant of His

Excellency

Excellency the Lieutenant Governor or Commander in Chief for the time being, when it shall be certified to him by such person or persons as he may appoint for that purpose, that the said line of stage coaches or public conveyance has been running on said route at least once a week for three months; and the like sum of two hundred and fifty pounds yearly for four years, upon its being certified as aforesaid, at the end of every year, that the said line of stage coaches or public conveyance has been kept up as aforesaid, during the term for which the application is made.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds annually for four years, for the encouragement of a line of stages or public conveyance to run between Bathurst and Dorchester, to be paid to whosoever shall carry the object into effect: fifty pounds of said sum to be paid by warrant when it shall be certified to His Excellency by such commissioner as he shall appoint for the purpose, that the said line of stages has been running at least once a week for six months, and the residue on like certificate that the same has been continued at least once a week for the residue of the year during the said period. Stages between Bathurst and Dorchester.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seventy five pounds annually for four years, to be paid Henry Jones and his associates, in aid of their expenditure in keeping a line of stages between Fredericton and Woodstock, by stage coaches in summer, and by sleighs in winter, so soon as it shall be made to appear to the satisfaction of His Excellency that the said line of communication has been kept up each year in successful operation for the accommodation and conveyance of passengers at least three times in each week, as provided for in a Bill which passed this House the present Session. Stages between Fredericton and Woodstock.

To the Assistant Clerk of the Legislative Council, forty three pounds, being an additional amount for his services in that capacity for the Session ending the seventeenth day of March last. Assistant Clerk of Legislative Council.

To B. C. Chaloner, gauger and weigher of Saint John, two hundred and fifty pounds, in full for his account to the thirty first day of December last. B. C. Chaloner.

To John Simpson, seventy five pounds, towards printing the Laws for the year one thousand eight hundred and thirty five; also four hundred pounds, on account of his claims against the Province for printing. J. Simpson.

To the Committee of Correspondence, such a sum as will procure bills of exchange on London for two hundred pounds sterling, to be remitted to Henry Bliss, Esquire, London, for the services of himself and the late John Bainbridge, Esquire, as Province agents for the year one thousand eight hundred and thirty five, one hundred pounds sterling, (one half of the said sum) to be paid by the said Henry Bliss, Esquire, to the legal representative of the said late John Bainbridge, Esquire. Province Agents.

To the Commissioners appointed for building a breakwater at Quaco, the sum of four hundred pounds, to enable them to complete their contract for the same. Breakwater at Quaco.

To His Excellency the Lieutenant Governor, the sum of twenty five pounds, to enable him to pay a courier for conveying the mail between Gagetown and the Nerepis road for the year one thousand eight hundred and thirty six.

To William Foshay and John Earle, nineteen pounds twelve shillings and six pence, being expenses incurred by them as commissioners for exploring a new line of road from the Jemseg to the Finger Board. W. Foshay and J. Earle.

To James Taylor of Fredericton, one of the commissioners, seventeen pounds ten shillings, to enable him to discharge the expenses incurred in the exploration of the contemplated Gagetown canal. J. Taylor.

Division line
between King's
and Westmor-
land Counties.

To His Excellency the Lieutenant Governor, thirty pounds, for the purpose of running out a line from near Hayward's mill on the great road southerly to the emigrant settlement, with a view to ascertain the most practicable line of division between the counties of King's and Westmorland, to be hereafter established by an Act of the Legislature.

Mrs. Kennedy.

To Mrs. Kennedy, widow of the late William Kennedy, of Saint Stephen, who faithfully served His Majesty as a non-commissioned officer during the American revolutionary war, ten pounds to assist her in her aged, infirm and indigent circumstances.

Improving navi-
gation of rivers.

To His Excellency the Lieutenant Governor or Commander in Chief, three hundred and fifty pounds for improving the navigation of the river Saint John from Fredericton to the Grand Falls; also one hundred pounds for improving the navigation of the river Saint Croix between the Grand Falls and the lower Chiputnecook Lake; also fifty pounds for improving the navigation of the river Magaguadavic by blasting rocks therein below the falls; also one hundred pounds to be expended in removing the rocks between Indian Town and the Forks of the Miramichi river in the County of Northumberland.

D. A. Lugin.

To Deborah Ann Lugin, widow of the late George K. Lugin, many years King's printer, twenty five pounds to aid her in her present destitute condition.

Public landing
below Gagetown
creek.

To Commissioners to be appointed by His Excellency the Lieutenant Governor, one hundred and twenty pounds in aid of individual subscription towards erecting a public landing on the western side of the river Saint John at the most convenient spot below the entrance of Gagetown creek, in the immediate vicinity thereof, and making a road leading therefrom to the public road.

Lt. Col. Allen.

To Lieutenant Colonel Allen, inspecting field officer, two hundred and fifty pounds for his services; a similar sum having been allowed and paid to Lieutenant Colonel Turner from the King's casual revenue in the year one thousand eight hundred and thirty five.

Government
House.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, one thousand pounds, to be expended in repairing Government house, pursuant to the report of the select committee.

J. Gallagher.

To James Gallagher, of Saint John, one hundred pounds, to relieve him in part for the heavy loss he sustained by his contract for the Indian Town road, and in consideration of the faithfulness with which he completed the said contract.

Solicitor Gene-
ral.

The sum of fifty pounds granted to the late Solicitor General for the year one thousand eight hundred and thirty four, and not drawn by him, to be re-appropriated and paid to the Honorable G. F. Street, the present Solicitor General.

T. Ferguson.

To Thomas Ferguson, of Restigouche, a meritorious old soldier who served in the revolutionary war, ten pounds to aid him in his present distressed situation.

J. Dunlop.

To John Dunlop, a meritorious and very infirm old soldier of the late Queen's rangers, who faithfully served his country in the revolutionary war, ten pounds.

Legislative con-
tingencies.

To the Clerk of the House of Assembly, the sum of twelve hundred and seventy four pounds five shillings and two pence for the contingent expenses of the present Session.

Money to be
paid by warrant
on the Treas-
ury.

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

CAP. XL.

An Act to provide for opening and repairing roads and erecting bridges throughout this Province.

Passed 16th March 1836.

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

To His Excellency the Lieutenant Governor, the sum of twenty pounds for exploring a line of road from Salmon river to Richibucto river. Salmon river to Richibucto.

To His Excellency the Lieutenant Governor, the sum of fifty pounds, to be expended in exploring a line of road from Boies' on the Miramichi to Woodstock. Boies' to Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand seven hundred and fifty pounds for the improvement of the great road between Saint John and the Nova Scotia line, to be laid out as follows : on the Saint John great marsh three hundred pounds ; between the marsh and Hammond river two hundred pounds ; between Hammond river and Hayward's mills four hundred and fifty pounds ; between Hayward's mills and Nova Scotia line six hundred pounds ; on the Westmorland marshes two hundred pounds. Saint John to the Nova Scotia line.

The sum of one thousand one hundred pounds for the great road from Saint John to Saint Andrews including a new bridge over the Le Proe ; out of which to be paid to Robert Hanson such sum not exceeding fifty pounds as in the opinion of the supervisor will remunerate him for building a bridge across the Maguadavic river. Saint John to Saint Andrews.

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

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

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

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

The sum of four hundred and fifty pounds for the road from Fredericton to the Finger board ; three hundred and fifty pounds of which sum to be laid out in opening the new line of road explored by Messrs. Earle and Foshay. Fredericton to the Finger Board.

The sum of one thousand five hundred and sixty pounds for the great road from Fredericton to the Canada line. Fredericton to the Canada line.

The sum of one hundred and twenty five pounds for the great road from Bellisle to Saint John, to be laid out between Bellisle and Andrew Hennigar's. Bellisle to Saint John.

The sum of eight hundred pounds for the great road from Fredericton to Saint Andrews. Fredericton to Saint Andrews.

The sum of three hundred and fifty pounds for the road from Richibucto to Chatham ; sixty five pounds of this sum to be appropriated for the repairs of the bridge over Blanchard's creek in lieu of any other sum ; so much of the balance as may be necessary to be applied to complete the road from the North West to Richibucto river by the line of road now partly made, which when completed to be considered the great road. Richibucto to Chatham.

The sum of two hundred and fifty pounds for the improvement of the road from Oromocto to the Nerepis *via* Gagetown ; fifty pounds of the above sum to be expended between the Oromocto and Gagetown. Oromocto to the Nerepis.

The

Saint John to
Sussex Vale.

The sum of two hundred pounds for the opening and improvement of a new line of road from Saint John to Sussex Vale *via* Loch Lomond, formerly explored by Hazen and others and again explored by Jordan, Payne and Parlee.

Fredericton to
Newcastle.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two thousand two hundred and fifty pounds for the great road from Fredericton to Newcastle; of which, nine hundred and seventy five pounds to be expended from the Nashwaak river to Craig's on the Portage, and one hundred and fifty pounds between the north west Ferry and Bergen's on the south west; the residue to be expended as follows: one thousand pounds between Craig's on the Portage and Swim's ferry, and one hundred and twenty five pounds from Bergen's on the south west to Swim's ferry; all the money which is to be expended between the Nashwaak and Swim's ferry, to be laid out upon the line of road, as near as may be, explored and recommended to this House by Alexander Goodfellow, David Crocker and Robert Wasson, the commissioners appointed by His Excellency the Lieutenant Governor to examine and explore the line of road between Fredericton and Swim's ferry last year.

Nerepis road to
the Oromocto.
Saint John to
Hopewell.

The sum of fifty pounds for the road from the Nerepis road to the Oromocto.

The sum of two hundred pounds for the improvement of the road from Saint John to Hopewell; one hundred and forty pounds of which to be expended from the New Ireland settlement inclusive to Hopewell.

Connick's, at
Waweig, to
Bridge at Saint
Stephens.
Woodstock and
Houlton.

The sum of sixty pounds for the improvement of the road from Connick's at Waweig to the bridge at Saint Stephens's.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds for the improvement of the great road between Woodstock and Houlton.

Bye Roads in
Kent.

The sum of thirty five pounds for the bridge and road on the east side of Cocagne Bay, and to improve the road through the cape.

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

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

The sum of twenty pounds for the road on the west side of Cocagne Bay leading to Buctouche.

The sum of ten pounds for the road on the south side of Little Buctouche and to improve the hill at Smelt brook.

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

The sum of twelve pounds to open a road from Savoy's at the shore road to the post road.

The sum of ten pounds for the road on the south side of Chockpish river.

The sum of twelve pounds to open a road from the lower village at Emanuel Richards' to the post road.

The sum of twenty pounds for the road from the lower village to Richibucto by Atkinson's.

The sum of thirty pounds for the road from Child's creek to the east branch of Saint Nicholas river.

The sum of thirty five pounds for the erection of a bridge over the east branch of Saint Nicholas river and to cut down the hills.

The sum of twelve pounds for the road from the east branch to the south branch of Saint Nicholas river.

The sum of fifteen pounds for the road from the south branch to Johnson's.

The sum of eighty pounds for the road from the west branch to the coal branch.

The

The sum of forty pounds to pay the balance due for completing the bridge at the coal branch. Kent Bye Roads,
continued.

The sum of fifteen pounds for the road from the west branch of Saint Nicholas river to the Town plat.

The sum of forty pounds for the road from the Coal branch bridge to Pine's on the main river; twenty pounds of which is towards erecting a bridge over Trout brook.

The sum of ten pounds for the road from Coal branch bridge to the church.

The sum of thirteen pounds for the erecting a bridge at Indian creek.

The sum of ten pounds towards completing the bridge at Bass river.

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

The sum of sixty one pounds for the road from Mill creek to Molus river.

The sum of ten pounds for the road from Mill creek to the Indian line by way of Carruther's.

The sum of twenty pounds for the road from Richibucto to Mill creek.

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

The sum of twenty five pounds for the road on the south side of the Kouchibouguacis river.

The sum of twenty five pounds for the road from Kouchibouguacis to Kouchibouguac.

The sum of twenty pounds for the road on the south side of the Kishebouguac from M'Innis' lower line up.

The sum of twenty pounds for the road on the north side of Kishebouguac.

The sum of twenty pounds for the road from Point Sapine to Kishebouguac; eight pounds of which sum to be expended to the northward of the chapel.

The sum of forty pounds for the road from Sand Point to the Little river road. Bye Roads in
Sunbury.

The sum of fifty pounds for the road from Oak Point to the Little river mills; fifteen pounds of this sum to be expended in erecting a bridge over Mill brook on the said road.

The sum of thirty pounds to build a bridge across the French lake thoroughfare.

The sum of eighty pounds for the road from George Boon's farm to Ezekiel Seely's.

The sum of twenty pounds for the road from William Boon's to Thomas Stennix's.

The sum of ten pounds for the road from Daniel Wood's to the Gary road.

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

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

The sum of fifteen pounds for the road from South branch road to Scoullar's mill.

The sum of ten pounds ten shillings to open and improve a road to a new settlement near Walter Patterson's.

The sum of twenty pounds for the road from John Bailey's to Thomas Hartt's.

The sum of twenty pounds for the road from Thomas Hartt's to Solomon Tracey's.

The sum of thirty five pounds for the road from Andrew Smith's to Thomas Hartt's.

The sum of fifteen pounds for the road from Hartt's mills to Diamond square.

The sum of ten pounds for the road from Andrew Smith's to Daniel Dow's.

The sum of twenty pounds for the road from Burpe's mill through the Gordon settlement in the rear of Burton.

The sum of ten pounds to repair a causeway near S. Smith's in Maugerville.

The sum of ten pounds to reduce Bliss' hill, so called, in Lincoln.

Sunbury Bye
Roads, continu-
ed.

The sum of ten pounds for the road from J. M. Wilmot's farm to William Dow's.

The sum of forty pounds to erect a bridge at Peabody's mills.

The sum of twenty pounds to open and improve a road from William Dow's to the Rushagoanis.

The sum of ten pounds to improve the road from William Shank's in the Sherly settlement to the Burton road.

The sum of twenty pounds to open and improve a road from John Bell's to Burpe's mill.

Bye Roads in
Queen's County.

The sum of fifteen pounds for the road from Sand's creek to James Ralston's on the south east side of the Grand Lake.

The sum of ten pounds for the road from Young's Cove to Cumberland Bay.

The sum of ten pounds for the road from John M'Lean's to Peter Day's.

The sum of twenty five pounds for a bridge on said road on lot number one.

The sum of fifty pounds for the road from Cumberland Bay to the head of the Grand Lake, so much of this grant as may be required to be expended in exploring the best line for this road.

The sum of forty pounds for the road from the head of the Grand Lake to James M'Donald's on Salmon River.

The sum of twenty pounds to build a bridge over a brook up Young's cove, between Wiggins' mill and James Sharp's.

The sum of twenty pounds for the road from Henry Lyon's on the Nerepis stream to the great road near Gabriel Fowler's.

The sum of twenty pounds for the road from Sand's creek to the Washademoak.

The sum of thirty pounds to build a bridge over Slip's brook, and improve the road round Rouse's cove on the Washademoak.

The sum of twenty pounds for the road from John Mullin's upper line to Nerepis brook on the east side of the Washademoak lake.

The sum of ten pounds for the road from David Fowler's to Thomas Carpenter's ferry on the west side of the Washademoak lake.

The sum of sixty five pounds for the road from Stephen Thorn's lower line to Yeoman's mills at Newcastle.

The sum of ten pounds for the road from the lower mills on the Newcastle to the upper mills (on the east side).

The sum of ten pounds for the cross road near Yeoman's to Cockly's.

The sum of fifteen pounds for the road from Cox's point to Conrad Miller's on the road to the creek.

The sum of twenty five pounds for the road from Cox's point to Cumberland Bay bridge.

The sum of ten pounds for the new road from Jasper Burton's to George Burk's.

The sum of twenty pounds for the road from O'Leary's on the western side of the Salmon River to Iron bound cove.

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

The sum of ten pounds for the cross road on the rear of David Brill's lot above mentioned, to the Grand Lake.

The sum of ten pounds for the road from the Shannon settlement to John Shaw's mills.

The sum of twenty pounds for the road from James Cody's lower line to White's mill, and to build a bridge over Salmon creek at White's mill dam.

The sum of ten pounds to open a road from said bridge to the Forks of the road to the rear of Ebenezer Perry's.

The

The sum of ten pounds for the road from the said Forks to Thomas Sheare's.

The sum of ten pounds for the road from Lewis' cove to John Shaw's mill.

The sum of fifty pounds for the road from Vail's to the Nerepis road along the line of the Spry Grant.

The sum of thirty pounds for a new road from William Quinn's corner near the Church to Darby Gillan's, on the Nerepis road, the best line for the said road to be explored by the Commissioner.

The sum of twenty five pounds for the road from William Quinn's to the King's County Line towards Jones' mill, Long Reach.

The sum of thirty five pounds for the road leading from Sanburn's mill to the Jerusalem settlement, and building a bridge over Sanburn brook.

The sum of fifteen pounds for the road from Carleton Peters' to Mace's.

The sum of fifteen pounds for the road from Mace's to Ocnabog bridge.

The sum of twenty five pounds for a bridge and causeway over Tyng's brook.

The sum of sixty pounds for causeways and bridges for the road on a piece of sunken land on the Washademoak, between J. H. Craft's and Joseph Mott's.

The sum of ten pounds for the road from the cross road at the school house near Bailey's towards Paisley's, till it meets King's County Line.

The sum of fifteen pounds for the road from Grand Lake to the Washademoak Lake, near Cox's mill.

The sum of twenty five pounds for the road from New Canaan to the Butternut ridge.

The sum of twenty five pounds for the road from Butternut ridge towards Studholm's mill stream to the King's County Line.

The sum of twenty five pounds for the bridge over Donaldson's brook, on the road from Watson's ferry to the ferry at the Narrows, near Philip White's.

The sum of ten pounds for a road between lots number two and three, (Minchin's Survey), leading from the south east side of the Grand Lake to a back settlement.

The sum of ten pounds from Isaac Warden's upper line through Salmon Creek settlement to Washademoak.

The sum of ten pounds from Waterloo settlement to Samuel Foster's mills.

The sum of ten pounds to explore the best and most direct line of road from the Jemseg to Coal Creek and Salmon river.

The sum of fifteen pounds for improving the road from M'Donald's mill to Hardwood Ridge.

The sum of fifty pounds for improving the road near Jones' mill below Little River.

The sum of ten pounds for the road from Cox's mill to the Jemseg, between said mill and Hiram Briggs' farm.

The sum of ten pounds for repairing the bridge over Easty's mill stream, on the road between Gage Town and the Oromocto.

The sum of thirty pounds for the road from New Horton to Cape Enrage.

The sum of thirty pounds for the road from Cape Enrage to Salmon River.

The sum of twenty pounds for the road from German Town Lake to Cape Enrage.

The sum of forty pounds in aid of individual subscription for the repair of the bridge over Hopewell river.

The sum of fifteen pounds for the repair of Crooked creek bridge in Hopewell.

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

Queen's County
Bye Roads,
continued.

Bye Roads in
Westmorland.

The

Westmorland
Bye Roads,
continued.

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

The sum of twenty five pounds for the road from Calhoon's to Alexander Steeves', out of which seventeen pounds ten shillings is to be paid to John M' Rae for a balance due him for over expenditure in making a bridge on the same road.

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

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

The sum of seventy five pounds for the road and bridges from M'Latchey's creek to Stoney creek, and thence to Mud creek; out of which is to be paid ten pounds ten shillings and sixpence due to John Beaty for over expenditure by him in building a bridge over M'Latchey's creek.

The sum of fifteen pounds for the road from Chapman's up Turtle creek.

The sum of fifteen pounds for the road leading up Pollet river to John Geldart's.

The sum of fifteen pounds for the road from Thomas Colpit's mill through to Coverdale river road, and thence to Robert Colpit's (the third).

The sum of twenty five pounds for the road from Holstead's to Butternut ridge.

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

The sum of ten pounds for the road from Cochran's on the North river to Lewis' settlement.

The sum of ten pounds for the road from near Job Steves' to Kelly's settlement.

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

The sum of twenty five pounds for the road from the Bend to Mountain settlement.

The sum of forty pounds for the road from the Bend to Irish town settlement.

The sum of fifteen pounds for the road from the Bend on M'Laughlin's road towards Richibucto.

The sum of forty pounds for the road from near Gabriel Herbert's through Downing's and Belleville villages, and thence through the Portage to the Chapel; seven pounds ten shillings of which to be expended on the Aboideau near Wilmot's dock.

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

The sum of fifteen pounds in aid of individual subscription to explore and lay out a road from near Ralph Carter's to Petitcodiac river near the line run out by Mr. Garden.

The sum of fifteen pounds for the road from Morang Tario's to John Gallang's.

The sum of sixty five pounds for the bridge over the Aboushagan river.

The sum of forty five pounds for the road from Thomas Easterbrook's, Junior, to Benjamin Landrie's.

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

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

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

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

The sum of fifteen pounds for the road from William Mittin's to Benjamin Bowser's.

- The sum of twenty pounds for the road from George Richardson's to Crossman's.
- The sum of ten pounds for the road from Bay Verte to Tignish.
- The sum of twenty pounds for the road from Tedish to Shemogue.
- The sum of twenty pounds for the road from William Milner's to Grand Aunce.
- The sum of fifteen pounds for the road from James Purdy's to William Cook's.
- The sum of sixty pounds for the Gaspereaux bridge and the road to Cape Tormentine through the Emigrant settlement.
- The sum of fifteen pounds for the road from the Aboushagan road to David Cook's.
- The sum of ten pounds for the road from the Shemogue road to Square lake.
- The sum of fifteen pounds for the road from the Shediac road to the head of the tide on the Shediac river by Joseph Hanington's mills.
- The sum of ten pounds for the road from Shemogue road to John Downing's.
- The sum of fifteen pounds for the road from Westcock to Cape Maranguin.
- The sum of twenty pounds for the road from the bridge on the south west branch of the Aboushagan river to the Sackville road.
- The sum of fifteen pounds for the road from James Ayer's to Beech hill.
- The sum of thirty pounds for the road from widow Kinnear's to Fairfield.
- The sum of ten pounds for the road from George Dobson's to the Emigrant road.
- The sum of five pounds for the road from the Shediac road to Haven's.
- The sum of ten pounds for the road from Cook Smith's in Dorchester to the Sackville line.
- The sum of ten pounds for the road from the great road in Dorchester to the Sackville line by Chapman's mills.
- The sum of fifteen pounds for the road from Sackville to Aboushagan.
- The sum of twenty pounds for the road from Shediac road through the Manudie French settlement.
- The sum of twenty pounds for the road from the Chapel to the south west branch of the Aboushagan river.
- The sum of twenty pounds for the road from Gaspereaux river to Shemogue.
- The sum of twenty pounds for the road from Thomas Townsend's to Bay Verte.
- The sum of ten pounds for the road from the great road to Richard Lowrison's.
- The sum of twenty pounds for the road from the great Shemogue road to the little Shemogue.
- The sum of twenty pounds for the Neck road from near Seely's point to James White's in Kingston.
- The sum of ten pounds for the road across Long Island in the Kennebecasis.
- The sum of fifteen pounds for the road from Bates' mills through the midland to the neck road near M'Williams'.
- The sum of ten pounds for the road from the Neck road through the midland to Harrison's upper line, Milkish.
- The sum of fifteen pounds for the road from Justus Wetmore's mill to the Long Reach.
- The sum of ten pounds for the road from the Kingston road to Gorum's bluff.
- The sum of ten pounds for the road from James Ccsburn's to the road leading from Bates' to Bostwick's.
- The sum of ten pounds for the road from Pickett's mills to Bellisle bay.
- The sum of twenty pounds for the road from Pickett's mills to Ketchum's on the Kennebecasis.

Westmorland
Bye Roads,
continued.

Bye Roads in
King's County.

King's County
Bye Roads,
continued.

The sum of ten pounds for the road from Kiersted's mill dam to the school house near James White's in Kingston.

The sum of ten pounds for the road from Henry Piers' to Peters' mill.

The sum of ten pounds for the road from the Midland settlement, Kingston, to near Seely's, Kennebecasis.

The sum of fifteen pounds for the road from Benjamin Whites's in Kingston to George Harding's Westfield.

The sum of fifteen pounds for the road from Gonong's to Charles Gray's.

The sum of ten pounds for the road from John Dickson's to Captain Perry's, Kingston.

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

The sum of fifteen pounds for the road from the Nerepis road, Grand Bay, to John Fowler's, and thence to the settlement of Mitchell and others, Westfield.

The sum of ten pounds for the road from the settlement of Dennis Finlay and others, to the river near James M'Donald's.

The sum of twenty pounds for the road from the ferry house, north side of Nerepis, to Salmon creek.

The sum of ten pounds for the road from near Brittain's mills to the Parish line towards Wallis'.

The sum of ten pounds for the road from the settlement of Cheyne and others, in rear of Long Reach, Westfield, to the River.

The sum of ten pounds for the road from Moses Kembal's in Westfield to the back settlement.

[D. B. Wetmore.]

To His Excellency the Lieutenant Governor, the sum of five pounds, to be paid to D. B. Wetmore, Esquire, for the like sum over expended by him last year on the road from William Giggy's to Stephen Cronck's.

The sum of twenty pounds for the road from J. B. Lyon's, Long Reach, to the Milkish.

The sum of ten pounds for the road from John Cunningham's upper line to John M'Dougal's lower line, Milkish.

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

The sum of fifteen pounds for the road leading from the Reach road by Hare's farms to the north west side of the Milkish.

The sum of ten pounds for the road from John Crabb's, Junior, and others, in rear of Greenwich Hill to the shore.

The sum of ten pounds for the road from Thomas Wallis' to the Parish line on the road towards Britain's mills.

The sum of ten pounds for the road from the settlement of John Trott and others, to the Yorkshire road, Greenwich.

The sum of fifteen pounds for the Yorkshire road from Pywell's to the Queen's County Line.

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

The sum of ten pounds for the road from the cross roads in the second tier of lots by the School House to the widow Sterritt's.

[J. M'Keel.]

To His Excellency the Lieutenant Governor, the sum of six pounds eleven shillings and six pence, to be paid to John M'Keel, being a balance to complete the contract for building a bridge over the creek near Greenwich Hill.

The sum of eight pounds eight shillings and six pence, to aid in cutting down a hill near Comely's farm, and improving the road near the same. The

The sum of ten pounds for the road from Joseph M'Keel's towards the bridge at Jones' creek. King's County.
Bye Roads,
continued.

The sum of ten pounds for building a bridge over the stream near Caleb Flewelling's, and improving the road near the same.

The sum of ten pounds for the road from Thomas Connor's upper line towards Moses Brundage's.

The sum of ten pounds for the road from the widow Lynch's to Timothy Flannagan's.

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

The sum of ten pounds for the road from Edward M'Mackin's to the cross road from Deforest's lake.

The sum of fifteen pounds for the road from the Hammond river bridge to the old Westmorland road on the east side of the river.

The sum of eighty pounds for the new line of road from Barnes' bridge to the Church near Joshua Upham's.

The sum of twenty pounds for the road from Nethery's to M'Laughlin's on the Shepody road.

The sum of ten pounds for the road from Davis' bridge to Sherwood's grist mill.

The sum of ten pounds for the road from Elias Prince's to the Hammond river bridge.

The sum of ten pounds for the main road through Darling's island.

The sum of twenty pounds for the road from the old line at Gondola Point Church to the new line of road near Hammond river bridge.

The sum of ten pounds for the road from Gondola Point Church to Lakefield.

The sum of ten pounds for the road from Alexander Henderson's lot on south side Hammond river to the road leading to Saint John by way of Loch Lomond.

The sum of twenty five pounds for the road from J. C. Robinson's to Deforest's lake.

The sum of ten pounds for the road from the Maxwell road to William M'Knight's.

The sum of ten pounds for the road from James Shanklin's to Murray's mill.

The sum of fifteen pounds for the road from near the Scotch kirk to the Queen's County line by way of Shearer's.

The sum of ten pounds for the road from Humphrie's passing Samuel Jones' to the maid road leading to Bellisle.

The sum of ten pounds for the road from John Vanwart's to the County line near Shaw's.

The sum of ten pounds for the road from Peter King's to M'Laughlin's.

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

The sum of twenty five pounds for the road from Ezekiel Foster's to Gillies', near the Church, Bellisle.

The sum of ten pounds for the road from Thomas Robertson's to the school house at the Cross roads.

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

The sum of ten pounds for the road from Thomas Keaton's to the forks of the road near Spragg's point.

The sum of ten pounds for the road from near John Shaw's to the Henderson settlement.

The sum of twenty five pounds for the road from the forks of the finger board road near Heald's to near John Hays', Norton. The

King's County
Bye Roads,
continued.

The sum of twenty pounds for the road from William H. Baxter's to Henry Jackson's, Junior, Norton.

The sum of ten pounds to assist in building a bridge over the Moosehorn brook near John Ross'.

The sum of seventy pounds for the road on south east side of Kennebecasis from Norton bridge to the main road near Groom's in Hampton.

The sum of fifteen pounds for the road from Pattycake brook to Barnes'.

The sum of ten pounds for the road from John Hallett's to Luke Harrison's, Trout creek, in Sussex.

The sum of ten pounds for the road from Luke Harrison's to the head of the settlement.

The sum of ten pounds for the road from John Walker's to the burying ground.

The sum of ten pounds for the road from Walker's to the Campbell settlement.

The sum of ten pounds to rebuild a bridge near Cornelius M' Monagle's.

The sum of ten pounds for the road from Daniel Campbell's to Sidney Baxter's.

The sum of ten pounds for the road from Gayley's to the Butternut ridge.

The sum of fifteen pounds for the road from Jonathan Lunn's to Ezekiel Foster's.

The sum of ten pounds for the road from S. Goslin's to James Roache's.

The sum of ten pounds for the road from George Good's to Peter Lyon's.

The sum of ten pounds for the road from Ellison's to Drummond's.

The sum of ten pounds for the road from George Dunfield's to Charles Grave's.

The sum of ten pounds for the road from Robert Teakle's, Senior, to the main road near Martin's.

The sum of ten pounds for the road from the Smith creek road near Charles Christie's to near John M' Arthur's.

The sum of ten pounds for the road from Alexander Kennedy's to the Queen's County line by the way of M' Farlane's.

The sum of ten pounds for the road from Gershom Kiersted's to the Queen's County line by the way of Johnston's.

The sum of fifteen pounds for the road from Henry Parlee's to the Finger board road.

The sum of ten pounds for the road from Caleb Spragg's to near Gilead Secord's.

The sum of ten pounds for the road from John Snider's to the main road near Fulkin's.

The sum of ten pounds for the road from Fulkin's to Belding's.

The sum of ten pounds for the road from Thomas Tingling's to the main road at the mill stream.

The sum of ten pounds for the road from Nathaniel Johnston's to the main road near Darling's.

The sum of ten pounds for the road from Ezekiel Foster's to the main road near the meeting house.

The sum of fifteen pounds for the road from Roache's to near Ryan's mill.

The sum of ten pounds for the road from Curry's to the main road near Goslin's.

The sum of ten pounds for the road from Coate's mills to R. W. Stockton's.

The sum of ten pounds for the road from the old Cumberland road to the main road near George Fairweather's.

The

The sum of ten pounds for the road from John Parlee's to Henry Leek's, thence to Isaac Parlee's. King's County
Bye Roads,
continued.

The sum of ten pounds for the road from John Jordan's to Peter Hall's.

The sum of twenty five pounds to explore and open a road in the rear of the front lots in Newcastle from the road leading from Newcastle to Chaplain's Island to the main north west road leading to M'Kay's. Bye Roads in
Northumber-
land.

The sum of fifteen pounds to complete the road from James Cassey's to the back lots and thence in front upwards till it strikes the road leading to Chaplain's Island.

The sum of twenty five pounds to complete the road leading from Duncan Stewart's in the rear of Douglas town settlement to the settlement in rear of Moorfield's.

The sum of ten pounds for improving the road running between lots numbers fifty four and fifty five to the rear of the second tier of lots in the parish of Newcastle.

The sum of ten pounds to continue the road on the west side of Big Bartibog from John Wright's farm upwards.

The sum of ten pounds to improve the road from Curry's on the Bartibog to Green brook.

The sum of twenty five pounds to improve the road from Wilson's lot on the Rock heads, Chatham, to Carruther's on the river Napan.

The sum of fifteen pounds in aid of subscription to continue the road from Saint John's church, Chatham, to strike the river Napan opposite the residence of Thomas Hannah, and from thence to George Kerr's lot.

The sum of fifteen pounds to improve the road from the road in front of the second tier of lots to the third tier in the rear of Saint Paul's church.

The sum of fifteen pounds to assist in repairing the bridge across M'Callum's cove, Chatham head.

The sum of fifteen pounds to improve the road in rear of Mr. Peters' landing to Napan.

The sum of twenty pounds for the road on the south side of the Miramichi river between Barnaby's river and Peter Stewart's farm.

The sum of twenty pounds for the road between Nelson village and Barnaby's river.

The sum of fifteen pounds to explore and open a road from Sutton's barn, Nelson, to the third tier of lots near to Thomas Oats' farm.

The sum of fifteen pounds to improve the road from the south side of Barnaby's river between lots numbers eight and nine to the Semiwagan hardwood ridge.

The sum of fifteen pounds to improve the road from Nowlan's farm back of Nelson to the upper settlement, Barnaby's river.

The sum of twenty pounds to improve the road from Patrick Whallan's on the north side of Renous river to Indian Town.

The sum of twenty pounds to assist in improving the old road from Doak's and M'Laggan's mills to the Forks.

The sum of twenty pounds towards exploring and opening a road from Doak's and M'Laggan's mills on Bartholomew's river to the mouth of the Dungarvon on Renous river.

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

The sum of twenty pounds to assist in making and improving the road on the south side of the south west branch of Miramichi river from William Hoggan's towards Robert Doak's in the parish of Blissfield. The

Northumber-
land Bye Roads.
continued.

The sum of fifteen pounds to assist in erecting a bridge across M'Allister's brook on the south side of the south west branch of Miramichi river.

The sum of thirty pounds to complete the bridge across Fraser's cove north side north west branch of Miramichi river.

The sum of ten pounds to explore and open a new line of road between Caul's cove and Oxford's cove.

The sum of twenty five pounds towards improving the road between Fraser's mill cove and Charles Dalon's.

The sum of forty five pounds for the road from Newcastle to Chaplain's Island on the north west branch of Miramichi.

The sum of twenty five pounds towards erecting a bridge across John Goodfellow's brook at the place appointed last fall.

The sum of fifteen pounds for the road leading from the lower Williams town settlement to the main north west near Jared Tozer's.

The sum of fifteen pounds for the road from John Goodfellow's on the north west to Christopher Parker's on the south west, through the Williams town settlement.

The sum of ten pounds to improve the road on the south side of the little south west from Cuppage and White's, to James Homes', through the Indian land.

The sum of ten pounds to improve the road between Beaubair's point on the south side of the north west branch of Miramichi and Charles Tozer's bridge.

The sum of two hundred pounds to be expended on the road between Bartibog and the County line; fifteen pounds of which sum to assist in building a bridge across M'Leod's grist mill stream on the Tabusintac River.

The sum of fifteen pounds to improve the road commencing near to Curry's Tavern on the north side of Bartibog River, leading to the Chapel.

Bye Roads in
Charlotte
County.

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

The sum of twenty five pounds for the road from the Basswood Ridge to Saint Stephen.

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

The sum of twelve pounds for the road from the Chiputnecticook ridge to Daniel Campbell's in Saint James.

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

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

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

The sum of twelve pounds on the road from Chiputnecticook ridge across the upper bridge to the main road to Saint Stephen's.

The sum of twenty five pounds for the road from James Jackson's to Hitching's mill, Saint James.

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

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

The sum of ten pounds for the road from Porter's mill to the Ledge in Saint Stephen's.

The sum of twelve pounds for the road from the long bridge inclusive to James Maxwell's in Saint Stephen's.

The sum of twenty three pounds fifteen shillings for the road from the Kirk over the Basswood Ridge to Oak hill in Saint James.

The sum of twelve pounds for the road from Peake's to Ewart's bridge towards the Baillie settlement in Saint James.

The sum of fifteen pounds for the road from Oak hill through the Lynnfield settlement to the settlement a few miles beyond it towards the widow M'George's.

The sum of twelve pounds for the road from Oak Hill to the Saint David's road near the church.

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

The sum of twelve pounds for the road from Milltown to Sprague's Falls in Saint Stephen's.

The sum of twenty five pounds for the new road from the long bridge to the Saint David line.

To William Wescott of Saint David, the sum of twelve pounds, to enable him to finish a bridge on the road from the head of Oak Bay to Tower's corner in Saint David, the same to be expended under the superintendence of the Commissioner for last year. [W. Wescott.]

The sum of one hundred pounds in addition to the grant of last Session to assist in the erection of a bridge across Little Black River on the site determined upon last summer by the Commissioners. [Bridge across Little Black River.]

The sum of twenty five pounds for the road leading from Horton's Creek to John M'Donald's place on the Bay du Vin, thence towards Kingston's. [Horton's Creek to John M'Donald's.]

The sum of ten pounds for the road from Tower's to Foster's in the Parish of Saint David.

The sum of fifteen pounds for the road from the Rolling Dam towards the Dumbarton settlement in the Parish of Saint Patrick.

The sum of fourteen pounds for the road from Bonney Brook towards the Pleasant Ridge in the Parish of Saint Patrick.

The sum of eleven pounds for the road leading from the school house to the Gove settlement on the western side of the Bocabec Lake in the Parish of Saint Patrick.

The sum of thirty pounds for the road from Connick's at Waweig, towards Whittier's Ridge in the Parish of Saint Patrick.

The sum of twelve pounds to explore and mark out a line from Bocabec bridge in Saint Patrick to Garcelon's mill in Saint David.

The sum of ten pounds to aid in opening a road from Walter M'Farlen's to Thomas Carson's in the Parish of Saint Patrick.

The sum of sixteen pounds for the road from James Stewart, Senior's farm in Saint Patrick towards John Mann's at the mouth of the River Magaguadavic.

The sum of thirty pounds for the road from Clark's farm towards the Rolling Dam on the east side of the Digdeguash.

The sum of ten pounds for the road from Welch's brook towards Frye's, through Morrison's and Sime's grant in the Parish of Saint Patrick.

The sum of six pounds for the road to Clarence Hill in the Parish of Saint Patrick.

The sum of twelve pounds for the road from the Irish settlement towards the Rolling Dam on the western side of the Digdeguash.

The

Charlotte County
Bye Roads,
continued.

The sum of fifteen pounds for the road from Wilson's falls towards M'Farlen's on the western side of the Digdeguash.

The sum of sixty nine pounds fifteen shillings for the road from the head of Oak Bay to Tower's corner in the Parish of Saint David's.

The sum of twenty pounds for the road from Dunham's corner in Saint David towards Foster's new mill.

The sum of twelve pounds for the bridge at the foot of Moor's lake between Saint David and Saint James.

The sum of twelve pounds for the road from Edwin Foster's in Saint David towards Simmond's in Saint James.

The sum of ten pounds to repair bridges between Marks' farm and the Saint Stephen Line.

The sum of fifteen pounds from Leven's on the board road towards John Cotterell's in Saint David.

The sum of twelve pounds for the road from the foot of Tower's hill to M'Lauchlan's hill in Saint David.

The sum of ten pounds for the road from Cricket's on L'Etang River to Justason's.

The sum of twenty pounds for the road from David Boyd's farm to William Stewart's.

The sum of twenty pounds for the road from Rait's mill to the Church in Pennfield.

The sum of ten pounds for the road from M'Dermod's in rear of the lake Utopia to the Saint John road.

The sum of thirty pounds for the road from Sealy's mill in rear of lake Utopia to the Saint John road.

The sum of fifteen pounds for the road from Sealy's mill towards red rock.

The sum of sixty pounds for the road from the upper mills of Magaguadavic to the forks.

The sum of twenty five pounds to finish the bridge near the forks.

The sum of thirty pounds to improve the road across the Portage of Magaguadavic.

The sum of twenty five pounds to improve the landing place at the head of the basin of Magaguadavic.

The sum of twenty five pounds for the road from the head of the basin to George Steeves'.

The sum of twenty three pounds fifteen shillings for the road from Philo Sealy's to L'Etang river.

The sum of twenty pounds for the road from Philo Sealy's to George M'Kenzie's.

The sum of fifteen pounds for the road from Traynor's to the school house in Pennfield; five pounds of which to reimburse the Commissioner for that amount over expended by him last year.

The sum of fifty pounds for the road between Saint Paul's church and the residence of the widow Sheppard on the Seal cove road.

The sum of forty pounds for the road between Saint Paul's church and the residence of Abner Bingham on the main hill road leading through the island of Grand Manan.

The sum of thirty pounds for the road between Mr. Diske's barn and Whale cove on the northern end of the island of Grand Manan.

The sum of fifty pounds for the road between northeast harbour and north harbour in the upper district of Deer island, parish of West Isles. The

The sum of seventy pounds for the road from Chamcook settlement to the road near Leonard Bartlett's, at Waweig, parish of Saint Andrews.

The sum of fifteen pounds fifteen shillings for the road from the bridge at Morison's gate on the road in the rear of Tuff's field to meet the house leading to the poor house in the parish of Saint Andrews, and to repair the bridge, and to assist in gravelling the road from Indian point leading to the Saint John road.

The sum of eight pounds for the road from Chamcook Island leading to the main road to Saint John.

The sum of ten pounds for the road from William M'Curdy's to the main road leading to Saint John.

The sum of ten pounds from Tuff's cove to Joe's Point in the parish of Saint Andrews.

The sum of twenty pounds to improve the road from Elihu Cogswell's to the rear of the Newborough settlement.

The sum of thirty five pounds to improve the road from Daniel Shaw's to the Beguaguimick Point; part to be expended in completing the bridge at deep creek.

The sum of twenty five pounds to improve the road from William Orser's leading to the settlements on the south side of Beguaguimick.

The sum of twenty five pounds to complete the bridge across the Beguaguimick near the Cold stream.

The sum of twelve pounds to improve the road from the mouth of the Cold stream to the rear of the settlement along that stream.

The sum of seventeen pounds to improve the road along the north side of the Beguaguimick to the Cold stream.

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

The sum of ten pounds to improve the road from James Clarke's through the settlement along the north side of the Beguaguimick upwards.

The sum of twenty five pounds to improve the main bye road from Stickney's creek to Nehemiah Tompkin's.

The sum of sixty pounds to improve the road from Patchel's at the Woodstock ferry to Daniel Shaw's upper line: a part of which to be laid out in repairing the bridges at Shea's, Shaw's and Philip's creek.

The sum of twenty five pounds to improve the road leading from Benjamin Tibbit's mill to the American line.

The sum of ten pounds to improve the Cross road from the eight mile tree on the Restook portage to the river at Merritt's farm.

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

The sum of ten pounds to improve the road from the river Saint John at William M'Dougald's to John Wright's in a back settlement.

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

The sum of thirty pounds to improve the road from Tobique river to Peters' farm; part of which to be expended in building a bridge at or near the shore.

The sum of fifteen pounds to improve the road from Samuel Bishop's farm to the Munick; a part of which to be expended in digging down Mersereau's hill.

The sum of ten pounds to improve a road leading from Thomas Gee's to a back settlement.

The sum of ten pounds to improve a road from Thomas Pomeroy's to a back settlement.

Charlotte County Bye Roads, continued.

Bye Roads in Carleton County.

Carleton County Bye Roads,
continued.

The sum of ten pounds to improve the road from the white marsh farm to the cross road in the Greenfield settlement.

The sum of twenty pounds to improve the cross road or that running north and south from the main road along the base lines of the first tier of lots in the Greenfield settlement.

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

The sum of ten pounds for improving the road on the lower side of the Monquat to a back settlement.

The sum of twenty pounds to improve the road from the Munick creek to the lower line of the parish of Perth.

The sum of twenty pounds to improve the road from Zebulon Wright's to Robert Woodward's in the parish of Kent.

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

The sum of twelve pounds to improve the road from Peabody's mill on the Meduxnikick up to the Falls on the south branch.

The sum of ten pounds for the road from Charles Palmers's to William Mal-laroy's.

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

The sum of twenty pounds to improve the road from Rufus Payson's to Wil-
liam Lindsay's.

The sum of six pounds to improve the road from the Forks near Rufus Pay-
son's mill to Beverly Estey's, and from thence through the settlement.

The sum of twelve pounds to improve the road from Willer Chapman's through
the Moccie grant to Jackson town road.

The sum of six pounds to improve the road from Willer Chapman's to James
M'Grath's.

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

The sum of twelve pounds to improve the road from James M'Grath's to Wil-
liam Lindsay's.

The sum of seventeen pounds to improve the road from Henry Sharp's past
George Wilson's to Dougherty's.

The sum of twenty five pounds to improve the road leading from Boyer's
mill to the Presqu' Isle settlement.

The sum of fifteen pounds to improve the road from Stephen Burpe's upper
line through the Presqu' Isle settlement towards the American Line.

The sum of forty five pounds to improve the road from Jacob Esterbrooks'
to the Williams Town settlement; a part to be expended in building a bridge
across the little Presqu' Isle.

The sum of twelve pounds to improve the road from Richmond corner to
Peabody's mills on the Meduxnikick.

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

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

The sum of ten pounds to improve the road from Perley's mill southerly to
Isaac Gidney's.

The sum of twelve pounds to improve the road from Andrew Blair's to Rich-
mond corner, to be laid out through the swampy parts of the road. The

The sum of twelve pounds for the road from Andrew Blair's to Green Creek.

The sum of seven pounds for the road from James M'Indoe's to Meduxnikick.

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

The sum of ten pounds to improve the road from Peter Gallagher's to J. O'Donnely's in the settlement in the rear of Judge Beardsley's.

The sum of forty pounds to improve the road from Eel River to Fraser's farm at the Woodstock ferry.

The sum of fifteen pounds to improve the road on the lower side of the glebe lot in Woodstock to a back settlement, to be laid out on the rear part of the road.

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

The sum of ten pounds to open a road along the lower line of the Woodstock grant to a settlement on the north side of Eel River.

The sum of seven pounds to improve the road from John D. Beardsley's to a back settlement.

The sum of twenty five pounds to improve the road from Richard Ketchum's store in Woodstock, towards Henry Sharp's, towards Jackson Town settlement.

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

The sum of twelve pounds to open and improve a road from Robert Hume's to Zephaniah Mill's, the road to be laid out on the line between Hume's and Crabb's lots, and continue on the line between Jonathan Tracey's and Mill's.

The sum of seven pounds to improve the road from James M'Burney's lower line to James Belyea's line.

The sum of ten pounds to open and improve a road from the falls on the south branch of the Maduxnikick, through a settlement towards the American Line.

The sum of ten pounds to improve the road from William Roger's in Kent, to Dyer's above the Chitehawk.

The sum of twenty five pounds to improve the road from the Beguaguimick to James Stickney's, a part of which to be expended in covering the bridge opposite Palmer's Island.

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

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

The sum of forty three pounds twelve shillings and four pence for the road from Blakslee's farm to Little River, and for repairing or rebuilding the bridge over the said river and the road over the marsh.

The sum of ten pounds for the road from Little River to Anthony's farm.

The sum of fifteen pounds for the road from Anthony's south line to Mispic mills.

The sum of fifteen pounds for the road from Mispic settlement, and for a bridge over Thomas Creek.

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

The sum of twenty five pounds for the road from the Forks at the Loch Lomond road near Little River to Black River.

The sum of ten pounds for the road from Little River to Mount Prospect.

The sum of five pounds seven shillings and two pence to reimburse Charles Emslie for a balance due him as Road Commissioner.

Carleton County Bye Roads,
continued.

Bye Roads in
Saint John.

The

Saint John
County Bye
Roads,
continued.

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

The sum of fifteen pounds for the road from the Public Highway near Delaney's to the Kennebecasis opposite the Brothers.

The sum of thirty pounds for the road from the Forks of the Shepody and new Shepody road to the Parish Line near Jones'.

The sum of twenty pounds for the road from the Parish Line near Jones' to William Millican's, Parish of Saint Martin's.

The sum of twenty pounds for the road from the Parish Line near Jones' to the old Quaco road.

The sum of fifty pounds for the road from Van Horne's farm to Quaco.

The sum of twenty pounds for the road from M^r Bratney's farm to Tynemouth and thence to Quaco.

The sum of twenty pounds for the road from the rear of Cody's farm to Wilmot's.

The sum of twenty five pounds for the road from the bridge near Cody's to the head of the first lake.

The sum of thirty pounds for the road from Smith's farm at the head of the lake to Van Horne's.

The sum of thirty pounds for the road from the Westmorland road through the Golden Grove settlement.

The sum of thirty pounds for the road from Quaco road near the Church to Smith's and Barnes' mills; eighteen shillings and six pence of which sum to be paid by the Commissioner to Thomas Smith, for a balance due him.

The sum of thirty pounds for the road from the Forks of the Quaco road near the head of the first lake to the Parish line near Brand's farm adjoining Cother's.

The sum of ten pounds for the road from the Black River road to west beach, Cape Spencer settlement.

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

The sum of ten pounds for the road from Gardner's creek to the Parish Line near Tynemouth, ten mile creek.

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

The sum of thirty pounds for the road from the Forks at the Black settlement near Cody's to Ellison's creek in the Black River settlement, to be expended from Slack's mountain to the shore.

The sum of thirty pounds for the road from the bridge near Cody's to the Black settlement, and thence to the Caledonia and Hibernia settlement.

The sum of thirty pounds for the road from the school house, Dipper Harbour, to the main road.

The sum of twenty pounds for the road from Musquash cove to Pisarinco cove through the Irish settlement.

The sum of forty pounds to assist in making a road round east Quaco creek above high water mark.

The sum of twenty pounds for the road from Peter Duffe's on the Shepody road at Tuft's to Martin's head.

The sum of twelve pounds for the road commencing at Mark's house on the Martin's head road to the Bay shore at the mouth of little Salmon river.

The sum of seven pounds and sixpence to re-imburse George Ball for balance due him as Commissioner of roads for over expenditure.

The sum of forty pounds for the road from Johnston's or late Johnston's on the old Quaco road through the Ryan and Millican settlements and to the new Shepody road. Saint John
County Bye
Roads,
continued.

The sum of twelve pounds for the road from the parish line, Saint Martin's, to the ten mile creek road.

The sum of twenty pounds for the road from the ten mile creek road to Quaco.

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

The sum of fifteen pounds for the road from Cole's mill to Craft's mill and thence to the Irish settlement, and from thence to black beach on the shore of the Bay of Fundy.

The sum of fifteen pounds for the bridge or foot path along the bay shore at Tuft's to Martin's head.

The sum of twenty pounds for the road from Eel River to Shugomock.

The sum of thirty pounds for the road from Easty's to the Howard settlement.

The sum of ten pounds for the road from Shugomock to Poquiock.

The sum of ten pounds for the road from Poquiock to the Church.

The sum of fifty pounds for the road from the Church to William Davidson's and across Whitehead's gully.

The sum of ten pounds for a public landing at the commencement of the road leading to the Poquiock settlement.

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

The sum of fifteen pounds towards erecting a bridge across the lake and Magundy streams.

The sum of thirty five pounds for the road from John Gray's to lake George.

The sum of twenty pounds for the road from H. Pickard's to the school house, Magundy settlement.

The sum of fifteen pounds for the road on the base line, Magundy, from lot number one to number eleven inclusive.

The sum of fifteen pounds for the road from Lockhart's to the Magaguadavic ridge.

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

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

The sum of thirty pounds towards building a bridge across Long's creek.

The sum of ten pounds for the road from Nicholas Barker's to James Scott's.

The sum of seven pounds ten shillings for the road from Hawke's upper line to Thomas Welsh's.

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

The sum of thirty pounds for the road leading to upper Caverhill settlement; ten pounds of which to be expended between Doctor Caverhill's and Farnham's.

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

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

The sum of fifteen pounds for the road from Adam Jackson's to George Stewart's.

The sum of fifteen pounds for the road from George Stewart's to the River Saint John.

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

York County
Bye Roads,
continued.

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

The sum of fifteen pounds for the road from the mouth of the Mactequack to the Ridge Road.

The sum of fifteen pounds towards completing a bridge across Jones' mill stream.

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

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

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

The sum of twenty pounds for a new road from the Royal Road to the King settlement.

The sum of ten pounds for the road from the Royal Road to the Tay settlement.

The sum of twenty pounds towards erecting a bridge across the north branch of Tay and to improve the hill.

The sum of ten pounds for the road from John Davis' to the New Brunswick Company road.

The sum of thirty five pounds for the road from Israel Whitlock's to the head of the Penniock settlement.

The sum of seventy five pounds for the road from Monkton Ferry to Weade's hill on the Nashwaak.

The sum of twenty pounds for altering and amending the road from William Currie's to Daniel Hallett's upper line.

The sum of eighty pounds for the road from Fredericton to the New Maryland settlement.

The sum of twenty five pounds for the road from the school house in New Maryland to the County Line.

The sum of seven pounds ten shillings for the road leading to Andrew Little's.

The sum of twenty seven pounds ten shillings to remunerate Daniel Jewett for building a bridge across the Mactequack stream.

The sum of twenty pounds for the road from Mactequack bridge to Mause-
roll's creek.

The sum of seventy five pounds towards completing the bridge across the Ma-
dam Keswick river.

The sum of twenty five pounds towards repairing the bridge across the Nash-
waaksis Stream, (at Pickard's mills).

The sum of twenty five pounds for the road from Dalhousie towards Eel River
settlement.

The sum of two hundred pounds for the road from Dalhousie towards Robert
Reids'.

The sum of thirty pounds for the road from Ferguson's mill stream to James
Christopher's.

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

The sum of twelve pounds for finishing a bridge at John Dickie's; eight pounds
of this sum to be paid to William Fleming for materials for said bridge.

The sum of fifteen pounds for a bridge on Nash's creek; six pounds to be paid
out of this sum to Jacob Nash for repairs put on the bridge.

The sum of one hundred pounds for a bridge to be erected across Middle river,
Bathurst,

Bye Roads in
Gloucester.

Bathurst, from the public landing to join the line of the Restigouche road at the ferry landing, in aid of individual subscription.

Gloucester Bye
Roads,
continued.

The sum of thirty pounds for the road from William Welsh's to Grant's brook.

The sum of forty pounds for the road from Bathurst to the Babino.

The sum of fifteen pounds for Middle river bridge and the approaches thereto.

The sum of fifteen pounds for the bridge over Doucett's cove.

The sum of ten pounds for the road towards William Molloy's.

The sum of ten pounds for the bridge at Napier's landing.

The sum of one hundred pounds for the road from the Miramichi great road towards Salmon beach, including a bridge over Bass river.

The sum of fifteen pounds for the road from Tague's brook to Francis Ellis'.

The sum of ten pounds for a bridge over Francis Ellis' brook.

The sum of ten pounds for the road from Janeville to the back settlement.

The sum of forty pounds for the road from Robert Ellis' to Matthew Parrot's.

The sum of one hundred pounds for the road from the north river of Carraquet towards Grand Aunce.

The sum of fifteen pounds for the road from Sullivan's lot through the Waterloo settlement towards Misonette.

The sum of twenty pounds for the road from Shippegan towards Paskal Laundry's ferry leading to Carraquet.

The sum of thirty pounds for the road from Shippegan to Pokemouche.

The sum of forty pounds for a bridge over Trout brook and the approaches thereto.

The sum of sixty pounds for the road from Pokemouche to the Northumberland line by Tracadu.

The sum of twenty pounds for the road from the Wough to Carraquet.

The sum of twenty pounds for the road from the Wough to Smelt's.

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

Money to be
paid to persons
working or fur-
nishing mate-
rials.

Duty of Com-
missioners with
respect to sums
intrusted to
them.

III. And be it enacted, That all the before mentioned sums of money shall be paid

Money to be
paid by the

Treasurer by
Warrant.

paid by the Treasurer out of the monies in the Treasury, or as payment may be made at the same, by warrants of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Executive Council, for which warrants no fee or deduction shall be demanded or taken from the persons in whose favor they may issue.

Compensation
to Commis-
sioners.

IV. And be it enacted, That the said Commissioners or persons intrusted with the expenditure of the said several and respective sums of money, shall for their time and trouble, be allowed to retain at and after the rate of five *per centum* out of the said sums so intrusted to them respectively, (together with a reasonable compensation for actual work and labour performed by them on the said several roads and bridges): Provided nevertheless, that all Supervisors of great roads shall be allowed to retain out of the monies appropriated for any great road ten *per centum* of the amount thereof, any thing herein contained to the contrary in any wise notwithstanding.

No money to be
expended on al-
tered roads until
the alteration
be laid out and
recorded.

V. And be it enacted, That none of the before mentioned sums of money or any other part thereof shall be laid out or expended in the making or improving any alteration that may be made in any of the said roads, unless such alteration shall have been first duly laid out and recorded.

CAP. XLI.

An Act relating to insolvent confined Debtors.

Passed 16th March 1836.

10 & 11 G. 4,
c. 30.

1 W. 4, c. 43.

2 W. 4, c. 18.

3 W. 4, c. 18,
repealed.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in force for the support and relief of confined Debtors, and to make more effectual provisions for the same*; also an Act made and passed in the first year of the reign of His present Majesty, intituled *An Act to amend the Laws in force relating to insolvent confined Debtors*; also an Act made and passed in the second year of the same reign, intituled *An Act to continue and amend the Acts relating to the support and relief of confined Debtors*; also an Act made and passed in the third year of the said last mentioned reign, intituled *An Act further to amend the Acts relating to the support and relief of confined Debtors*, be and the same are hereby severally repealed.

Confined Deb-
tors may apply
for an order for
maintenance to
a Judge of the
Supreme Court,
or a Judge of
the Common
Pleas and a
Justice of the
Quorum.

If on examina-
tion on oath he
be found unable
to support him-
self, &c. an or-
der for main-
tenance to be
made.

II. And be it enacted, That whenever any person may be confined within any gaol or the limits thereof within this Province for any debt, damages or costs, whether on mesne or final process, and such person so confined shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person, immediately or at any time after the said debtor may be put in confinement, to make application to any Judge of the Supreme Court of this Province, or any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace, being of the Quorum, and in the County where such person shall be confined, for a weekly support or maintenance; and such Judge or Justices (after fourteen days previous notice to the plaintiff or person at whose suit such person may be confined, his or her attorney) shall examine on oath such person so confined as to his or her ability to support himself or herself, and if on examination, to be taken in writing on oath as aforesaid, to be filed in the office of the clerk of the Court out of which such process may have issued, it shall ap-
pear

pear to such Judge or Justices that such person is utterly unable to support himself or herself, and has no property whatever real or personal, of what nature or kind soever, except necessary bedding, wearing apparel, kitchen utensils, and necessary tools of his trade or occupation, not exceeding in value in the whole fifteen pounds, and that such confined person hath not at any time since he or she was served with the first or mesne process in the suit in which he or she may have been confined, or since he or she had notice of the said suit having been commenced, made over, assigned, transferred or put out of his or her possession or power, either directly or indirectly, any property whatsoever, whether real or personal, for the purpose of defrauding such plaintiff or giving any undue preference to any other plaintiff or creditor, that then it shall be lawful for such Judge or Justices to make an order for the party at whose suit such person may be confined, to pay a weekly sum of five shillings to be applied for the support of such person, which sum shall be paid weekly, and the first payment be made at the time such Judge or Justices may in such order direct; and after such order made, it shall be the duty of such party without any further notice to pay such weekly support agreeably to such order, and in case of failure thereof, it shall and may be lawful for any such Judge or Justices as aforesaid, on such failure being made known to him or them, to make an order under his or their hands, directed to the Sheriff or Gaoler, to discharge the said person out of confinement by reason of such suit, and such person shall be forthwith discharged by the said Sheriff or Gaoler without any claim or detention for any reason of any Sheriff's fees, Gaoler's fees, board found or provided, or any other pretence whatsoever; provided that nothing in this Act shall prevent any plaintiff from prosecuting his or her suit if on mesne process to final judgment, or from taking out *feri facias* against the goods and chattels, lands and tenements of such defendant, or from recovering in any other manner the amount of the judgment obtained in the suit, so always that the person of any debtor so discharged shall be freed from arrest in any proceedings or actions upon such judgment.

On failure of payment, an order for discharge to be made.

Not to prevent plaintiff from proceeding in final judgment or taking out *feri facias*.

III. And be it enacted, That such allowance shall be paid to the gaoler of the County in which such debtor may be confined, at any time during the day (between sunrise and sunset) such allowance becomes due, for the use and support of such confined debtor.

Maintenance to be paid to the Gaoler.

IV. ' And whereas it is expedient in certain cases to authorise and empower the Supreme Court of Judicature of this Province to grant relief or discharge confined debtors, who by the strict provisions of this Act may not be entitled to the benefit thereof; Be it therefore further enacted, That when any person may have been confined in any gaol or limits thereof in this Province for the space of one year at the suit of any person for either debt, costs or damages, such confined person may apply to the said Supreme Court in term time, on affidavit of the circumstances, for relief or discharge, which said Court on notice having been given of such application to the adverse party or his attorney may enquire into the matter on affidavit or otherwise, and if it shall thereupon appear to said Court that the person so confined has no property whatever, real or personal, within his possession, power or control, wherewith he can satisfy such demand or any part thereof, or support himself in custody, such Court may in its discretion make an order either for the maintenance or discharge of such person so confined, in the same manner as any Judge of such Court may do by virtue of this Act, and which order or discharge shall in all respects have the like force and effect as any order or discharge made by any Judge pursuant to the directions of this Act.

Persons not strictly entitled to the benefit of this Act, after one year, may apply to the Supreme Court for relief.

V. And be it enacted, That any person who may have received such weekly allowance

After receipt of weekly allow-

ance for one year, debtor to be discharged from confinement.

allowance for the space of one year, shall immediately thereafter be entitled to his or her discharge from confinement at the suit of the party who may have paid the same; and in such case the said Judge or Justices of the Peace who made the order for such weekly support, or any other Judge or Justice of the Peace as aforesaid, is hereby authorised and required to discharge such person from custody at the suit of the party who may have paid the support: Provided always, that in case of such discharge the party shall be entitled to the same remedy by proceeding to final judgment or taking out execution against goods, chattels, lands and tenements as is provided in the second section of this Act.

Provisions of Act extended to judgment debtors in the Court of a Justice of the Peace.

VI. And be it enacted, That each and every defendant committed to gaol in execution upon any judgment recovered before any Justice of the Peace in such Justice's Court shall be entitled to the benefit of this Act; and such Justices or any other Justice of the Peace of the County in the gaol of which the defendant shall be confined, upon such application, notice and examination as are prescribed in the cases mentioned in this Act, shall make the like orders for the relief of such defendant in every respect as if the execution against such defendant had issued out of either of the Courts before mentioned in this Act.

Sheriff or Gaoler to bring the debtor before the Judge or Justices.

VII. And be it enacted, That upon the application of any such person to any such Judge or Justices as aforesaid for such support, such Judge or Justices is hereby authorised and required to make an order under his or their hand, directed to the Sheriff or Gaoler in whose custody such person may be confined, to bring up such person before him or them, at the time and place in such order to be specified, for the purpose of being examined as is provided in the second section of this Act, and such Sheriff or Gaoler shall not be liable to any action for escape or other suit for or on account of obeying such order according to the true intent and meaning of this Act.

Weekly allowance may be stopped if after order made it shall appear that the debtor has means of supporting himself.

VIII. And be it enacted, That in any case where it shall be made to appear to the satisfaction of any Judge or Justices who may have ordered support to any person, or to any other Judge or Justice of the Court out of which the process may have issued upon which such person may be confined, after such support ordered, that such person has the means of providing his or her necessary support, whether from property possessed at the time or since obtained, or by any other means, in either such cases, upon application made to him or them, such Judge or Justices shall be and are hereby authorised and empowered, by order under his or their hand and seal, to suspend the payment of such support for a stated time, or until further orders given in that behalf by such Judge or Justices, or by the Court out of which the process shall have issued: Provided always, that in case the said Judge or Justices shall direct the suspending or withholding support until further order from the Court is given in that behalf, it shall and may be lawful for such Court at the next or at any future sitting to hear and determine upon the same, and make such order as to such Court may appear fit and proper; provided that such Court shall not direct the payment of any greater support than by this Act is authorised; and further provided, that no order shall be made for suspending the payment of support without due notice being given to the confined person of the application for that purpose being made, in order that such person may attend if he or she think proper, and any Judge or Justices aforesaid may order and direct the Sheriff or Gaoler to cause such person to be brought before him or them for that purpose in the same manner as directed in and by the seventh section of this Act.

Maintenance may be refused

IX. And be it enacted, That if it shall at any time be made out to the satisfaction of any Judge or Justices as aforesaid, that the person so applying for or having

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ving support under this Act (and having the benefit of the gaol limits), can either by labour or otherwise earn or procure his or her necessary support or maintenance, such Judge or Justices shall and may refuse to make such order for support as aforesaid, or in case the same be made to suspend the same in the manner as is provided in the eighth section of this Act.

or suspended if the debtor can earn it.

X. And be it enacted, That when any plaintiff or defendant shall have occasion to compel the attendance of any witness or witnesses to testify or give evidence before the Judge or Justices to or before whom any application, examination or other proceeding may be had under this Act, it shall and may be lawful for such plaintiff or defendant to issue a subpœna, or if need be a *subpœna duces tecum*, out of the Court from which the process under which the person is confined may have issued, commanding and requiring the attendance of such witness, and the production of books and papers before such Judge or Justices at the time and place in such subpœna to be specified; which said subpœna shall be served and the witness paid or tendered his reasonable expenses in the same manner as if the subpœna had issued from such Court in the ordinary manner, and the witness or person served therewith shall be subject to the same punishment by such Court, or liable to the like damages in all respects to the party injured for wilfully refusing or neglecting to obey such subpœna as in any other case he would be liable or subject to.

Attendance of witnesses or production of books &c. to be enforced by subpœnas.

XI. And be it enacted, That when any person so confined shall be possessed of money or debts at the time of his or her confinement or afterwards, and shall have offered to pay or assign the same to the party at whose suit such person may be confined, or in case there be several parties to them respectively, in part payment of and in proportion to such demand or demands, or when such confined person shall be possessed of either real or personal property, (excepting nevertheless wearing apparel, bedding and tools to the value of fifteen pounds as before excepted,) and shall have offered to convey and assign the same to the party or parties at whose suit or suits such person may be confined, at a fair price to be agreed upon, in part payment and in proportion as aforesaid, and in case of disagreement as to the price or value of such property shall have offered to pay in manner aforesaid the proceeds arising from the sale of such property, which said property shall be sold at public auction by such confined person, after having first advertised the time and place of the sale thereof for the space of fourteen days and given the party or parties respectively or their attornies notice of such sale, and the said party or parties shall have refused to accept and receive the said payment or assignments, or the said proceeds arising from the sale of the said property as aforesaid, that then it shall and may be lawful for the said person so confined to assign or pay over the same to any other *bona fide* creditor or creditors, and that when such party or parties may have received such assignment or payment from such confined person as aforesaid, or when the confined person in case of refusal by such party or parties may have assigned or paid the same to other *bona fide* creditors as aforesaid, that then in either of such cases the said confined person shall be entitled to the benefit of this Act in all respects the same as if such person had no such debt or property at the time of confinement or application.

Debtor may assign his property to other creditors, if confining creditor refuse to take it or the proceeds.

XII. And be it enacted, That the Justices of the Peace in the several and respective Counties shall and they are hereby authorised and empowered, at any general or special Sessions to be holden in the respective Counties, to designate certain limits around the several and respective gaols in this Province without any reference to gaol yards, which limits shall in no case be less than forty rods nor exceed one hundred and sixty rods from any gaol: Provided always, that nothing

After assignment debtor to have the benefit of this Act.

Justices to designate the Gaol Limits.

in

in this section shall be construed to extend to prevent the Justices of the Peace for the County of Charlotte in general Sessions to extend the limits of the gaol in that County, so as to allow persons confined therein to attend divine service on sabbath days in the town plat of the town of Saint Andrews.

Sheriff may permit prisoners to have liberty within the limits upon bond.

XIII. And be it enacted, That when any person is confined in any gaol in this Province either upon mesne process or execution, the Sheriff in whose custody such person may be is hereby authorised and empowered to permit such person to go about and have his liberty within the limits designated for such gaol as provided in the twelfth section of this Act, upon a bond being given to the Sheriff, by the name of his office, by such person with two sufficient sureties to the satisfaction of the Sheriff in double the amount of the sum for which such person shall be in confinement, upon condition thereunder written that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand and receive for making such bond five shillings and no more, and such bond shall be in the form following, that is to say :

Fee.

Form of Bond.

Know all men by these presents, that We — are held and firmly bound to — Sheriff of the County (*or* City and County) of — in the sum of — lawful money of New Brunswick, to be paid to the said Sheriff or to his certain attorney, executors, administrators or assigns, for which payment to be well and truly made, we bind ourselves and each of us by himself for and in the whole, our and each and every of our heirs, executors and administrators firmly by these presents. Sealed with our seals. Dated this — day of — in the — year of the reign of our Sovereign Lord — of the United Kingdom of Great Britain and Ireland, &c. &c. and in the year of our Lord one thousand eight hundred and —.

Whereas the above named — Sheriff as aforesaid, hath given permission to the above bounden —, a person confined in the gaol of the County (*or* the City and County) above mentioned, to go about and have his liberty within the limits of such gaol: Now the condition of the above obligation is such, that if the said — shall not go or be at large out of the said limits of such gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation is to be void, otherwise to remain in full force and virtue. Signed, sealed and delivered in the presence of —.

Bond to be assigned to Plaintiff.

Which said bond the said Sheriff or his deputy, at the request of the plaintiff in such suit or his attorney, shall assign to the said plaintiff in such action, by endorsing the same and attesting to it under his hand and seal in the presence of two or more credible witnesses, and if the said bond or assignment be forfeited, the plaintiff in such action after such assignment made may bring an action and sue therefor in his own name; and the Court where the action is brought may by rule or rules of the same Court give such relief to the plaintiff and defendant in the original action and to the obligors in the said bond as is agreeably to justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defeazance to such bond.

Sheriff not liable to action of escape for liberty given under this Act.

XIV. And be it enacted, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor, under the provisions and according to the true intent and meaning of this Act: Provided always, that if any confined person shall go or be at large in any manner or by any means not authorised by this Act, the Sheriff shall then be liable to all intents and purposes in the same manner as if this Act had not been made.

XV. ' And whereas it is expedient that creditors may have power to discharge debtors without losing the benefit of judgment obtained against such debtors;' Be it therefore enacted, that it shall and may be lawful for any creditor or creditors, at whose suit any debtor or debtors is, are or shall be in prison, and taken or charged in execution for any sum of money, by writing signed by such creditor or creditors or by one of them, for and in behalf of himself or herself and the others of them (being complainants in the same action), to signify or declare his, her or their consent to the discharge of such debtor or debtors from the prison in which he, she or they is, are or shall be confined in execution at the suit of such creditor or creditors, without losing the benefit of the judgment upon which such execution issued, except as is hereinafter provided, and that notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as is hereinafter provided; and it shall be lawful for such creditor or creditors at any time to take out execution on every such judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them, (other than and except the necessary apparel and bedding of him, her or them, or his, her or their families and the necessary tools of his, her or their trade or occupation, not exceeding the value of fifteen pounds in the whole,) or to bring an action or actions on every such judgment, or to bring any action or use any remedy for the recovery of his, her or their demand against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done, in case such debtor or debtors had never been taken or charged in execution upon such judgment: Provided always, that no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution, or convicted upon any judgment hereinbefore declared to continue and remain in full force, or in any action which may be brought on any such judgment, and that no proceeding by *fieri facias*, action or otherwise shall be had against any bail in the action on which such judgment was obtained.

Creditor may consent to discharge his debtor in custody on execution without losing the benefit of the judgment.

Bail discharged.

XVI. And be it enacted, That the executors and administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate in such and the same manner, and with the same advantages and consequences in all respects as such creditors if living might or could have done in pursuance of this Act, and such executors and administrators respectively shall not by reason of any such discharge, in pursuance of this Act, be deemed guilty of *devastavit*, or be chargeable with the debt due from the person or persons so discharged.

Executors and Administrators may consent to the discharge of debtors.

XVII. And be it enacted, That every Sheriff, gaoler or keeper, in whose prison, gaol or custody, any debtor or debtors is, are or shall be confined or detained in execution, shall and every of them is hereby required within twenty four hours next after such consent in writing of any creditor or creditors as hereinbefore mentioned shall have been produced to, and left with such Sheriff, gaoler or keeper, or his deputy or agent, at such prison or gaol, (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by affidavit of some credible person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a Commissioner duly authorised to take affidavits in the County where such debtor or debtors shall be confined,) to discharge and set at liberty the debtor or debtors to whose discharge such consent shall be signified or declared

Debtor to be set at liberty after consent of creditor in writing being produced, &c.

declared as aforesaid, if he, she or they are in custody only upon the execution issued at the suit of the creditor or creditors signifying and declaring such consent.

Sheriff not to levy on the apparel, bedding or tools of a debtor if the same do not exceed £15 in value.

XVIII. And be it enacted, That in all cases wherein a writ of *feri facias* shall be issued upon any judgment obtained, or to be obtained in any Court in the Province, it shall not be lawful for the Sheriff or other officer executing such writ, to seize or levy upon the necessary apparel and bedding of the debtor or debtors, against whom such judgment shall be obtained, or of his, her or their family or families, the necessary tools of his, her or their trade or occupation, in satisfaction of such judgment: Provided always, that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of fifteen pounds in the whole to any one debtor, which value shall be ascertained by the oath of three disinterested freeholders in the County, to be appointed by such Sheriff or other officer to appraise to same, which oath the said Sheriff is hereby authorized and empowered to administer.

False swearing under this Act deemed perjury.

XIX. And be it enacted, That every person who shall be convicted of making or taking a false oath to any of the matters hereinbefore described or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

All persons indemnified if debtor be discharged on account of maintenance ordered not being paid, or after 12 months confinement.

XX. And be it enacted, That in case any confined person may have been discharged in consequence of the weekly support ordered agreeably to the provisions of this Act not having been paid, or after a twelve months confinement agreeably to this Act, all persons whosoever shall be indemnified and are hereby freed and discharged against and from all suits, actions and prosecutions, informations or judgments whatsoever, that may be had, moved, prosecuted or adjudged against them or any of them for or by reason or on account of such person having been discharged as aforesaid.

Present Gaol limits to be continued until others be established.

XXI. And be it enacted, That any gaol limits already established in any County or City and County in this Province by virtue of any Act or Acts now in force, shall remain to all intents and purposes until others be established agreeably to this Act.

Debtor may render himself or be rendered in discharge of limit or bail bond.

XXII. And be it enacted, That any debtor having the liberty of the gaol limits under the provisions of this Act, may render himself or be rendered by his sureties or one of them to close custody in the gaol in discharge of the limit bond, in like manner a principal may render himself or be rendered in discharge of his bail in cases of special bail, and upon such render being made the obligation of the said bond shall become void.

9 & 10 G. 4, c. 7. continued.

XXIII. And be it enacted, That an Act made and passed at the Session of the General Assembly holden in the ninth and tenth years of the reign of King George the Fourth, intituled *An Act to authorise the extension of the gaol limits in the City of Saint John*, be and the same is hereby declared to be continued and in force for and during the continuance of this Act.

Limitation.

XXIV. 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 establish the road leading from Connick's, at Waweig in the County of Charlotte, to the lower bridge over the river Saint Croix, as one of the great roads of communication.

Passed 16th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the road leading from Connick's at Waweig round the head of Oak Point Bay, and thence through the parish of Saint Stephen, in the County of Charlotte, to the lower bridge over the river Saint Croix, be and the same is hereby established one of the great roads of communication in this Province.

Road from Connick's at Waweig to Saint Croix established one of the great roads.

CAP. XLIII.

An Act for the limitation of actions and suits relating to real property and for simplifying the remedies for trying the rights thereto.

Passed 16th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the words and expressions hereinafter mentioned which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, (that is to say): the word "land" shall extend to messuages and all other corporeal hereditaments whatsoever, and also to any share, estate or interest in them or any of them, whether the same shall be a freehold or chattel interest; and the person through whom another person is said to claim shall mean any person by, through or under, or by the act of whom, the person so claiming became entitled to the estate or interest claimed as heir, issue in tail, tenant by the curtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee or otherwise; and the word "person" shall extend to a body politic, corporate or collegiate, and to a class of creditors or other persons, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Meaning of the words in the Act;

"Land."

Persons through whom another claims.

"Person."

Number and Gender.

II. And be it further enacted, That no person shall make an entry or bring an action to recover any land but within twenty years next after the time at which the right to make such entry or to bring such action shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims. then within twenty years next after the time at which the right to make such entry or to bring such action shall have first accrued to the person making or bringing the same.

No land to be recovered but within 20 years after the right of action accrued.

III. And be it further enacted, That in the construction of this Act, the right to make an entry or bring an action to recover any land shall be deemed to have first accrued at such time as hereinafter is mentioned, (that is to say): when the person claiming such land, or some person through whom he claims, shall in respect of the estate or interest claimed have been in possession or in receipt of the profits of such land, and shall while entitled thereto have been dispossessed or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits were or was so received; and when the person claiming such land shall claim the estate or interest of some deceased person

When the right shall be deemed to have accrued; in the case of an estate in possession;

on dispossession;

on abatement or death;

person

person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death ; and when the person claiming such land shall claim in respect of an estate or interest in possession granted, appointed or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument ; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession ; and when the person claiming such land, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

on alienations ;

in case of future estates ;

in case of forfeiture or breach of condition.

If advantage of forfeiture is not taken by remainderman he shall have a new right when estate comes into possession.

Reversioner to have a new right.

An administrator to claim as if he obtained the estate without interval.

In the case of a tenant at Will, the right to be deemed to have accrued at the end of one year.

IV. Provided always, That when any right to make an entry or to bring an action to recover any land by reason of any forfeiture or breach of condition shall have first accrued in respect of any estate or interest in reversion or remainder, and the land shall not have been recovered by virtue of such right, the right to make an entry or bring an action to recover such land shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

V. Provided also, That a right to make an entry or to bring an action to recover any land, shall be deemed to have first accrued in respect of an estate or interest in reversion at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held or the profits thereof shall have been received, notwithstanding the person claiming such land, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined, have been in possession or receipt of the profits of such land.

VI. And be it further enacted, That for the purposes of this Act an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

VII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or bring an action to recover such land shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined : Provided always, that no mortgagor or cestuique trust shall be deemed to be a tenant at will, within the meaning of this clause, to his mortgagee or trustee.

VIII.

VIII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or bring an action to recover such land shall be deemed to have first accrued at the determination of the first of such years or other period, or at the last time when any rent payable in respect of such tenancy shall have been received (which shall last happen).

No person after a tenancy from year to year to have any right but from the end of the first year or last payment.

IX. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land subject to such lease, or of the person through whom he claims, to make an entry or to bring an action after the determination of such lease shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

When rent amounting to 20s., reserved by a lease in writing, shall have been wrongfully received, no right to accrue on the determination of the lease.

X. And be it further enacted, That no person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

A mere entry not to be deemed possession.

XI. And be it further enacted, That no continual or other claim upon or near any land shall preserve any right of making an entry or of bringing an action.

No right to be preserved by continual claim.

XII. And be it further enacted, That when any one or more of several persons entitled to any land as coparceners, joint tenants or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land or of the profits thereof, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons or any of them.

Possession of one coparcener, &c. not to be the possession of the others.

XIII. Provided always, and be it further enacted, That when any acknowledgment of the title of the person entitled to any land shall have been given to him or his agent in writing signed by the person in possession or in receipt of the profits of such land, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed according to the meaning of this Act to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last mentioned person or any person claiming through him to make an entry or to bring an action to recover such land shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given.

Acknowledgment in writing equivalent to possession or receipt of rent.

XIV. Provided also, and be it further enacted, That when no such acknowledgment as aforesaid shall have been given before the time appointed for this Act to take effect, and the possession or receipt of the profits of the land shall not at the time of this Act taking effect have been adverse to the right or title of the person claiming to be entitled thereto, then such person or the person claiming

Where possession is not adverse at the time of passing the Act, the right shall not be barred until after five years.

through him may, notwithstanding the period of twenty years herein before limited shall have expired, make an entry or bring an action to recover such land at any time within five years next after the time appointed for this Act to take effect.

Persons under disability to be allowed ten years.

XV. Provided always, and be it further enacted, That if at the time at which the right of any person to make an entry or bring an action to recover any land shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, (that is to say,) infancy, coverture, idiotcy, lunacy, unsoundness of mind or absence beyond seas, then such person or the person claiming through him may, notwithstanding the period of twenty years herein before limited shall have expired, make an entry or bring an action to recover such land at any time within ten years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability or shall have died, (which shall have first happened).

But no action shall be brought beyond forty years after the right accrued.

XVI. Provided nevertheless, and be it further enacted, That no entry or action shall be made or brought by any person who, at the time at which his right to make an entry or to bring an action to recover any land shall have first accrued, shall be under any of the disabilities herein before mentioned, or by any person claiming through him, but within forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the date at which he shall have ceased to be under any such disability, or have died, shall not have expired.

No further time to be allowed for a succession of disabilities.

XVII. Provided always, and be it further enacted, That when any person shall be under any of the disabilities herein before mentioned at the time at which his right to make an entry or to bring an action to recover any land shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or to bring an action to recover such land beyond the said period of twenty years next after the right of such person to make an entry or to bring an action to recover such land shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

What parts shall not be deemed beyond seas.

XVIII. And be it further enacted, That no part of the British Provinces of Nova Scotia, (including Cape Breton), Lower Canada, Upper Canada, Prince Edward Island and Newfoundland, nor of the United States of America, shall be deemed to be beyond seas within the meaning of this Act.

When the right to an estate in possession is barred, the right of the same person to future estates shall also be barred.

XIX. And be it further enacted, That when the right of any person to make an entry or bring an action to recover any land to which he may have been entitled for an estate or interest in possession shall have been barred by the determination of the period herein before limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right or possibility in reversion, remainder or otherwise in or to the same land, no entry or action shall be made or brought by such person or any person claiming through him to recover such land in respect of such other estate, interest, right or possibility, unless in the meantime such land shall have been recovered by some person entitled to an estate, interest or right, which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

Where tenant in tail is barred, remainderman

XX. And be it further enacted, That when the right of a tenant in tail of any land to make an entry or to bring an action to recover the same shall have been

been barred by reason of the same not having been made or brought within the period herein before limited, which shall be applicable in such case, no such entry or action shall be made or brought by any person claiming any estate, interest or right which such tenant in tail might lawfully have barred.

shall not recover.

XXI. And be it further enacted, That when a tenant in tail of any land entitled to recover the same shall have died before the expiration of the period hereinbefore limited, which shall be applicable in such case, for making an entry or bringing an action to recover such land, no person claiming any estate, interest or right which such tenant in tail might lawfully have barred, shall make an entry or bring an action to recover such land but within the period during which if such tenant in tail had so long continued to live he might have made such entry or brought such action.

Possession adverse to a tenant in tail shall run on against the remainderman.

XXII. And be it further enacted, That no person claiming any land in equity shall bring any suit to recover the same but within the period during which by virtue of the provisions herein before contained he might have made an entry or brought an action to recover the same respectively if he had been entitled at law to such estate, interest or right in or to the same as he shall claim therein in equity.

Limitation as to suits in equity.

XXIII. Provided always, and be it further enacted, That when any land shall be vested in a trustee upon any express trust, the right of the cestuique trust or any person claiming through him to bring a suit against the trustee or any person claiming through him to recover such land, shall be deemed to have first accrued according to the meaning of this Act at and not before the time at which such land shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

In cases of express trust the right not to accrue until conveyance.

XXIV. And be it further enacted, That in every case of a concealed fraud the right of any person to bring a suit in equity for the recovery of any land of which he, or any person through whom he claims may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands to have a suit in equity for the recovery of such lands or for setting aside any conveyance of such lands on account of fraud against any *bona fide* purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time that he made the purchase did not know and had no reason to believe that any such fraud had been committed.

As to cases of fraud.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of Courts of Equity in refusing relief on the ground of acquiescence or otherwise to any person whose right to bring a suit may not be barred by virtue of this Act.

Saving the jurisdiction of equity.

XXVI. And be it further enacted, That when a mortgagee shall have obtained the possession or receipt of the profits of any land comprised in his mortgage, the mortgagor or any person claiming through him shall not bring a suit to redeem the mortgage but within twenty years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the title of the mortgagor or of his right of redemption shall have been given to the mortgagor, or some person claiming his estate, or to the agent of such mortgagor or person, in writing signed by the mortgagee or the person claiming through him; and in such case no such suit shall be brought but within twenty years next after the time at which such acknowledgment,

Mortgagor to be barred at the end of twenty years from the time when the mortgagor took possession, or from the last written acknowledgment.

ment, or the last of such acknowledgments if more than one, was given; and when there shall be more than one mortgagor or more than one person claiming through the mortgagor or mortgagors, such acknowledgment if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land by, from or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land shall bear to the value of the whole of the land comprised in the mortgage.

At the end of the period of limitation the right to be extinguished.

XXVII. And be it further enacted, That at the determination of the period limited by this Act to any person for making an entry of bringing any action or suit, the right and title of such person to the land, for the recovery whereof such entry, action or suit respectively might have been made or brought within such period, shall be distinguished.

Receipt of rent deemed receipt of profits.

XXVIII. And be it further enacted, That the receipt of the rent payable by any tenant from year to year or other lessee, shall as against such lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Act.

Real and mixed actions abolished after 31st. December, 1836.

XXIX. And be it further enacted, That no writ of right or writ in nature of a writ of right, and no other action real or mixed (except a writ of right of dower, or writ of dower *unde nihil habet*, or an ejectment), shall be brought after the thirty first day of December one thousand eight hundred and thirty six.

Money charged upon land and legacies to be deemed satisfied at the end of twenty years, if there shall be no interest paid or acknowledgment in writing in the meantime.

XXX. And be it further enacted, That no action or suit, or other proceeding, shall be brought to recover any sum of money secured by any mortgage, judgment or lien, or otherwise charged upon or payable out of any land at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the mean time some part of the principal money or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments if more than one, was given.

No arrears of dower to be recovered for more than six years.

XXXI. And be it further enacted, That no arrears of dower nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

XXXII.

XXXII. 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 seven. Commencement of Act.

CAP. XLIV.

An Act in addition to 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.* 7 G. 4, c. 12.

Passed 16th March 1836.

WHEREAS seamen in cases of dispute may be exposed to great inconvenience, expense and delay in obtaining payment of their wages; for remedy thereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases of wages not exceeding twenty pounds which shall be due and payable to a seaman for his services in any ship or vessel, it shall be lawful for any Justice of the Peace in any part of this Province residing near to the place where the ship or vessel shall have ended her voyage, cleared at the custom house or discharged her cargo, or near to the place where the master or owner upon whom respectively the claim is made shall be or reside, upon complaint on oath or affirmation (in the case of persons allowed by law to affirm in civil cases), to be made to such Justice by any such seaman or on his behalf, to summon such master or owner to appear before him to answer such complaint, and upon the appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such Justice is hereby empowered to examine upon the oath or affirmation (in the case of persons allowed by law to affirm in civil cases), of the parties and their respective witnesses (if there be any), touching the complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the seaman in making and hearing of the complaint as well those incurred by the distress and levy and in the enforcement of the Justice's order, and in case sufficient distress cannot be found it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship in respect of the services on board which the wages are claimed, or the tackle and apparel thereof, and if such ship shall not be within the jurisdiction of such Justice, then he is hereby empowered to cause the party upon whom the order of payment shall be made to be apprehended and committed to the common gaol of the County, there to remain without bail until the payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justice as aforesaid shall be final and conclusive as well on every such seaman as on the owner and master of the ship.

In cases of wages not exceeding £20, master or owner of vessel may be summoned by a Justice of the Peace, and such order for payment be made as may be just.

Payment may be enforced by distress and sale and commitment to Gaol.

II. And be it enacted, That if any suit for the recovery of a seaman's wages shall be instituted against the ship, or the master or owner thereof, in the Vice Admiralty Court, or against the master or owner in any Court of Record in this Province, and if it shall appear to the Judge in the course of such suit that the plaintiff might have had as effectual a remedy for the recovery of his wages by complaint If suit be brought in the Vice Admiralty Court or any Court of Record, Plaintiff to have no costs if a complaint

medy could be had by application to a Justice of the Peace.

complaint to a Justice of the Peace as hereinbefore provided, then and in every such case it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the plaintiff.

CAP. XLV.

3 W. 4, c. 33. An Act to amend and explain an Act, intituled *An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein.*

Passed 16th March 1836.

Islands in front of the Parish of Dumfries to be deemed parts thereof.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and singular the islands in the River Saint John, lying and being in front of the Parish of Dumfries in the County of York, shall be deemed and taken to be part and parcel of the said Parish of Dumfries, any law, usage or custom to the contrary notwithstanding.

CAP. XLVI.

5 W. 4, c. 36. An Act in addition to an Act, intituled *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 Milltown, and its immediate vicinity.*

Passed 16th March 1836.

Householders to provide themselves with two buckets and with ladders to afford access to the top of the house.

1. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so soon after the passing of this Act as the same can be procured, every householder in the district of Milltown mentioned and described in the Act to which this is an addition shall provide himself or herself with two good leather buckets, of sufficient size to hold two and a half gallons of water each, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his, her or their house, and shall also provide himself, herself or themselves with two good and sufficient ladders, one to reach from the ground to the roof of his, her or their house, and the other to lay on the roof thereof, and secured at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof until it meets the ladder standing on the ground, which said ladders every such householder or householders shall keep stationary at his, her or their house in such convenient situation as will at all times afford a ready access to the top of his, her or their house or houses when necessary; and that on every alarm of fire in the said district every householder in the said district knowing of such alarm and not being a fireward, shall forthwith carry his or their buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be by them used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of the Act to which this is an addition are directed to be recovered and applied.

Buckets to be carried or sent to the place on fire.

Penalty for neglect.

Limitation.

II. And be it enacted, That this Act shall continue and be in force so long as the said Act to which this is an addition and no longer.

CAP. XLVII.

An Act in addition to *An Act for regulating Juries and declaring the qualifications of Jurors.*

Passed 16th March 1836.

WHEREAS in and by an Act made and passed in the twenty sixth year 26 G. 3, c. 6.
 of the reign of his late Majesty King George the Third, intituled *An Act for regulating Juries and declaring the qualifications of Jurors*, no provision is made respecting the qualification or summoning of Jurors on writs of inquiry and other inquests: And whereas it is expedient to make provision by law for the summoning such Jurors and for regulating their fees;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall be liable to be summoned or empannelled to serve as a Juror or Jurors in any County in this Province upon any inquest or inquiry to be taken or made by or before any Sheriff or Coroner in any civil suit, by virtue of any writ of inquiry issuing out of any of the Courts of this Province, or by virtue of any other legal authority or power whatsoever, who shall not be duly qualified to serve as Jurors upon trials in any Court of law within this Province.

No person to be summoned as a Juror on any inquest, &c. who is not qualified to serve as such upon trials in Courts of law.

II. And be it enacted, That if any person or persons having been duly summoned to serve on a Jury in any County in this Province upon any inquest or inquiry before any Sheriff as aforesaid or Coroner shall not after being openly called three times appear and serve on such Jury, every such Sheriff or in his absence the under Sheriff, and every such Coroner, are hereby authorised and empowered (unless some reasonable excuse shall be proved on oath or affidavit) to impose such fine upon every person so making default as they shall respectively think fit, not exceeding ten shillings; and every such Sheriff, under Sheriff and Coroner respectively, shall immediately after taking any such inquisition make out and sign a certificate containing the christian and surname, the residence and trade or calling of every person so making default, together with the amount of the fine imposed and the cause of such fine, and shall transmit such certificate to the Clerk of the Court out of which the writ of inquiry in such case shall have issued within thirty days after imposing such fine, and every such Clerk is hereby required within such time as aforesaid, to enter the fines so certified on a roll or schedule in same manner as all other fines imposed by such Courts respectively on Jurors are entered, and the same shall be levied and applied in like manner and subject to the like powers, provisions and penalties in all respects as is provided by an Act made and passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled *An Act to provide for the more effectual recovery of fines imposed upon Jurors and officers attending the Courts of Justice in this Province.*

Persons summoned and not appearing and serving on inquests before Sheriffs or Coroners to be fined.

Certificate of defaulters to be transmitted to the Clerk of the Court.

6 G. 4, c. 19.

III. And be it enacted, That no person or persons who shall after the passing of this Act serve on any such Jury in any County of this Province, upon any inquest or inquiry before any Sheriff or Coroner, shall be allowed to take for serving on such Jury more than the sum of money which such Sheriff, or in his absence the under Sheriff, or such Coroner shall think just and reasonable, not exceeding the sum of two shillings and sixpence.

Jurors not to receive more than two shillings and six pence for serving.

IV. And be it enacted, That from and after the passing of this Act no person shall be qualified to serve as a petit Juror unless he be possessed of real or personal estate of the value of fifty pounds.

Qualification of Petit Jurors.

V. And whereas from the increased business in the Supreme Court, it may sometimes be necessary to require the attendance of a second jury for the trial of

A Judge of the Supreme Court may issue a pre- of

cept for sum-
moning a se-
cond Jury at the
Circuit Courts
or Sittings.

‘ of causes at the Circuit Courts or Sittings ;’ Be it enacted, that it shall and may be lawful, whenever the same shall appear to be necessary, for any Judge of the said Supreme Court to issue a precept under his hand and seal, directed to the Sheriff of any County or City and County in this Province, commanding such Sheriff to summon twenty four men duly qualified for that purpose to appear and serve as jurors for the trial of causes both civil and criminal at any Circuit Court or Sittings, as the case may be, on a day to be named in such precept, which day shall in no case be earlier than the sixth day after the day appointed for the opening and commencement of such Circuit Court or Sittings; and such Sheriff shall cause such persons to be duly summoned, and shall return a panel of such jurors to the Court on the day named in the precept; and such jurors being duly summoned according to Law shall give their attendance, 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 misdemeanor or default at the Court to which they may be summoned, as if summoned and returned upon the first panel of jurors for the trial of causes at such Court.

CAP. XLVIII.

An Act to amend the law relating to the summary practice in the Inferior Courts of Common Pleas.

Passed 16th March 1836.

Where Plaintiff
is entitled to
judgment by de-
fault under 35
G. 3, c. 2, De-
fendant may be
let in as in ac-
tions not sum-
mary after in-
terlocutory
judgment.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any summary action in any of the Inferior Courts of Common Pleas within this Province, wherein the plaintiff may be entitled to judgment by default under the provisions of the sixth section of an Act made and passed in the thirty fifth year of the reign of His Majesty King George the Third, intituled *An Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions*, the Court in which such action shall have been instituted, or any 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 Courts may be done after interlocutory judgment, any thing in the said sixth section of the said Act or in any other Act to the contrary thereof in any wise notwithstanding.

Matter in bar
to action may
be given in evi-
dence under ge-
neral issue, no-
tice of such mat-
ters being given
to Plaintiff's
Attorney.

II. And be it enacted, That in all summary actions in the said Courts 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 in the said Courts be given in evidence unless such notice thereof be given, and that notice of trial shall be given as in other cases.

Costs where
proceedings are
had as in ac-
tions not sum-
mary where
they ought to
be summary.

III. And be it enacted, That if any plaintiff proceed according to the practice of the said Courts in actions not summary in any case in which by the provisions of the several Acts of Assembly of this Province the proceedings ought to be summary, he shall not be entitled in any such case to more costs than if he had proceeded in a summary manner, unless he obtains the order of the Court in which such action shall be prosecuted for larger costs upon good cause shewn therefor, any law, statute or usage to the contrary notwithstanding.

Trial fee to be
taxed as costs.

IV. And be it enacted, That in every such summary action which may be tried by a Jury a fee of one guinea shall be taxed as costs in the cause for the successful party.

CAP. XLIX.

An Act for rendering a writing necessary to the validity of certain promises and engagements.

Passed 16th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith: Provided always, that nothing herein contained shall apply to any such promise or ratification made before the time appointed for this Act to take effect.

No action to be maintained upon promises not in writing, to pay debts &c. contracted during infancy;

II. And be it further enacted, That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain money or goods upon credit, unless such representation or assurance be made in writing signed by the party to be charged therewith: Provided also, that nothing herein contained shall apply to any such representation or assurance made before the time appointed for this Act to take effect.

nor upon assurances as to character, credit, &c.

III. And whereas by an Act of Assembly passed in the twenty sixth year of the reign of King George the Third, intituled *An Act for prevention of frauds and perjuries*, it is among other things enacted, that no contract for the sale of any goods, wares and merchandizes for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold and actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract or their agents thereunto lawfully authorised: And whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied, and it is expedient to extend the said enactments to such executory contracts; Be it enacted, That the said enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards made after the time appointed for this Act to take effect, notwithstanding the goods may be intended to be delivered at some future time or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

26 G. 3, c. 14.

Enactments of 26 G. 3. c. 14. extended to contracts for sale of goods deliverable at a future time &c.

IV. And be it further enacted, That no acceptance of any inland bill of exchange shall be sufficient to charge any person unless such acceptance (if made after the time appointed for this Act to take effect) be in writing on such bill, or if there be more than one part of such bill, on one of the said parts.

Acceptance of inland Bills of Exchange to be in writing.

V. 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 seven.

Commencement of Act.

CAP. L.

An Act to authorise the Justices of the Peace in and for the City and County of Saint John, to erect a building in the said City, for a common Gaol and House of Correction, and to raise a sum of money for erecting and completing the same.

Passed 16th March 1836.

Power given to contract for erecting a Gaol and House of correction, for a sum not exceeding £4,000.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the City and County of Saint John at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions to be for that purpose convened, or the major part of them so assembled, be and they are hereby authorised and empowered by themselves or by one or more committees of management for that purpose to be appointed to contract and agree with able and sufficient workmen for erecting and finishing a building within the said City, suitable and proper for a common gaol and house of correction, for such sum and sums of money not however exceeding in the whole the sum of four thousand pounds, and in such manner and form as shall be approved of by the said Justices.

Justices in General Sessions empowered to borrow £3,000.

II. And be it further enacted, That the said Justices at any General Sessions of the Peace for the said City and County, be and they are hereby authorised and empowered to borrow such sums of money as may from time to time be required for the erecting and completing of the said building, not exceeding in the whole the sum of three thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, and that certificates or notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, viz :—

Number.

City and County of Saint John, ss : These are to certify that (*here insert residence and addition of lender*), hath lent and advanced to the Justices of the Peace for the said City and County the sum of one hundred pounds currency, which sum is payable to him or his order, together with interest at and after the rate of — *per centum per annum*, pursuant to an Act of Assembly made and passed in the sixth year of the reign of His Majesty King William the Fourth, intituled *An Act to authorise the Justices of the Peace in and for the City and County of Saint John, to erect a building for the common Gaol and House of Correction in the said City, and to raise a sum of money for erecting and completing the same.*

Dated the — day of — in the year of our Lord one thousand eight hundred and thirty —.

By order of the Sessions.

A. B. presiding Justice.

C. D. Clerk.

Which same certificates or notes shall be signed by the Justice presiding at the said Sessions and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the minutes of the said Court.

Certificates or Notes to be negotiable.

III. And be it further enacted, That the said certificates or notes shall be negotiable in the same manner as promissory notes; and that the holders thereof shall be entitled to receive interest from the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

IV.

IV. And be it further enacted, That it shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorised and required, to make a rate and assessment each and every year of such sum of money, besides the charge for assessing and collecting, as will discharge the interest of the loan contracted by virtue of this Act, until the total amount of the loan and all interest thereon heretofore obtained by virtue of the Act of Assembly made and passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled *An Act to authorise the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County*, is fully paid off and discharged; and from and after the time of the payment and discharge of the total amount of such loan so contracted by virtue of the same Act, it shall and may be lawful for the said Justices, and they are hereby authorised and required to make a rate and assessment of not exceeding four hundred pounds in each and every succeeding year, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money are to be assessed, levied, collected and paid in such proportions, and in the same manner as any other County rates for public charges are or may be assessed, levied, collected and paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force in the Province, for the assessing, levying and collecting of rates for public charges.

V. And be it further enacted, That the monies so to be assessed as aforesaid, shall from time to time be applied, after discharging the yearly interests due on the several loans contracted by virtue of this Act, to the payment of the principal sums mentioned in such certificates or notes in due order according to the numbers, beginning with number one; and that the Treasurer of the said County shall from time to time give one month's public notice by advertisement in one of the newspapers published in the said City, for calling in such and so many of the certificates or notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time named in the said notice the interest on such certificates or notes shall cease.

VI. And be it further enacted, That the said County Treasurer shall be entitled to have and retain the sum of one pound *per centum* on every one hundred pounds for his services, in receiving and paying the said monies so to be assessed under the provisions of this Act and no more.

An annual assessment to be made until the loan under 9 G. 4. c. 2, be paid off; and thereafter after an assessment of not exceeding £400 *per annum* to be made to discharge loan under this act.

To be assessed as other County rates.

Money to be applied after payment of interest to the discharge of the principal according to the numbers of the notes.

Notice of calling in notes for payment to be given.

County Treasurer to have one per centum for his services.

CAP. LI.

An Act relating to the limitation of personal actions.

Passed 16th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all actions of debt for rent upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or *scire facias* upon any judgment or recognizance, and also all actions of debt upon any award where the submission is not by specialty, and all actions for penalties, damages or sums of money given to the party grieved by any Statute or Act of Assembly now or hereafter to be in force, that shall be sued or brought, shall be commenced and sued within the time and limitation hereinafter expressed and not after; that is to say, the said actions of debt for rent upon an indenture

Limitation of action of debt on specialties &c.

of

of demise, or covenant or debt upon any bond or other specialty, actions of debt or *scire facias* upon any judgment or recognizance, within ten years after the passing of this Act, or within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved one year after the passing of this Act or within two years after the cause of such actions or suits, but not after; and the said other actions within three years after the passing of this Act or within six years after the cause of such actions or suits, but not after; provided that nothing herein contained shall extend to any action given by any statute when the time for bringing such action is or shall be by any statute specially limited.

Remedy for infants, femes covert, &c.

Absence of defendants beyond seas provided for.

Proviso in case of acknowledgment in writing, or by part payment.

The limitation after judgment reversed.

II. And be it further enacted, That if any person or persons that is or are or shall be entitled to any such action or suit, or to such *scire facias*, is or are or shall be at the time of any such cause of action accrued within the age of twenty one years, *feme covert*, *non compos mentis* or beyond the seas, then such person or persons shall be at liberty to bring the same actions so as they commence the same within such times after their coming to or being of full age, discover, of sound memory or returned from beyond the seas, as other persons having no such impediment should according to the provisions of this Act have done; and that if any person or persons against whom there shall be any such cause of action is or are or shall be at the time such cause of action accrued beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons within such times as are before limited after the return of such person or persons from beyond the seas: Provided always, that if any acknowledgment shall have been made either by writing signed by the party liable by virtue of such indenture, specialty, judgment or recognizance, or his agent, or by part payment or part satisfaction on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid and so acknowledged to be due within twenty years after such acknowledgment by writing or part payment or part satisfaction as aforesaid, or in case the person or persons entitled to such action shall at the time of such acknowledgment be under such disability as aforesaid, or the party making such acknowledgment be at the time of making the same beyond the seas, then within twenty years after such disability shall have ceased as aforesaid, or the party shall have returned from beyond seas as the case may be; and the plaintiff or plaintiffs in any such action on any indenture, specialty, judgment or recognizance, may by way of replication state such acknowledgment, and that such action was brought within the time aforesaid in answer to a plea of this statute.

III. And nevertheless be it enacted, if in any of the said actions judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment the judgment be given against the plaintiff, that he take nothing by his plaint, writ or bill, that in all such cases the party plaintiff, his executors or administrators as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed or such judgment given against the plaintiff and not after: Provided always, that nothing in this section shall extend to or affect any contract, promise or agreement made and subsisting before the passing of this Act.

IV. And whereas by an Act of Parliament passed in England in the twenty first year of the reign of King James the First, and in force in this Province, intitled *An Act for limitation of actions and for avoiding of suits at law*, it was among other things enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and

‘ and merchant, their factors or servants, all actions of debt grounded upon any
 ‘ lending or contract without specialty, and all actions of debt for arrearages of
 ‘ rent, should be commenced within three years after the end of the then present
 ‘ Session of Parliament or within six years next after the cause of such actions or
 ‘ suits, and not after: And whereas various questions have arisen in actions founded
 ‘ on simple contract as to the proof and effect of acknowledgments and promises
 ‘ offered in evidence for the purpose of taking cases out of the operation of the
 ‘ said enactments, and it is expedient to prevent such questions and to make pro-
 ‘ vision for giving effect to the said enactments and to the intention thereof;’ Be
 it further enacted, That in actions of debt or upon the case grounded upon any
 simple contract, no acknowledgment or promise by words only made after the
 passing of this Act shall be deemed sufficient evidence of a new or continuing
 contract whereby to take any case out of the operation of the said enactments of
 the said Act of Parliament, or to deprive any party of the benefit thereof, unless
 such acknowledgment or promise shall be made or contained by or in some writing
 to be signed by the party chargeable thereby, and that where there shall be two
 or more joint contractors, or executors or administrators of any contractor, no such
 joint contractor, executor or administrator shall lose the benefit of the said enact-
 ments so as to be chargeable in respect or by reason only of any written acknow-
 ledgment or promise made and signed by any other or others of them: Provided
 always, that nothing herein contained shall alter or take away or lessen the effect
 of any payment of any principal or interest made by any person whatsoever: Pro-
 vided also, that in actions to be commenced against two or more such joint con-
 tractors, or executors or administrators, if it shall appear at the trial or other-
 wise that the plaintiff, though barred by the recited Act of Parliament of the
 twenty first year of King James the First or this Act, as to one or more of such
 joint contractors, or executors or administrators, shall nevertheless be entitled to
 recover against any other or others of the defendants by virtue of a new acknow-
 ledgment or promise, or otherwise, judgment may be given and costs allowed for
 the plaintiff as to such defendant or defendants against whom he shall recover,
 and for the other defendant or defendants against the plaintiff.

In actions of
debt or upon the
case, no ac-
knowledgment
shall be deemed
sufficient unless
it be in writing
or by part pay-
ment.

Proviso for the
case of joint
contractors.

V. And be it further enacted, That if any defendant or defendants in any ac-
 tion on any simple contract shall plead any matter in abatement, to the effect
 that any other person or persons ought to be jointly sued, and issue be joined
 on such plea, and it shall appear at the trial that the action could not by reason
 of the said recited Act of Parliament of the twenty first year of King James the
 First or this Act be maintained against the other person or persons named in such
 plea or any of them, the issue joined in such plea shall be found against the
 party pleading the same.

Pleas in abate-
ment.

VI. And be it further enacted, That no endorsement or memorandum of any
 payment written or made after the passing of this Act upon any promissory note,
 bill of exchange or other writing, by or on the behalf of the party to whom such
 payment shall be made, shall be deemed sufficient proof of such payment so as to
 take the case out of the operation of the said recited Act of Parliament of the
 twenty first year of King James the First or of this Act.

Indorsement of
payment.

VII. And be it further enacted, That the said recited Act of Parliament of
 the twenty first year of King James the First and this Act shall be deemed and
 taken respectively to apply to the case of any debt alleged by way of set off on
 the part of any defendant, either by plea, notice or otherwise, according to the
 nature of such debt, whether by record, specialty or simple contract.

Debts alleged
by way of set-
off.

VIII. And be it further enacted, That all parts of the world beyond the limits

All parts beyond
the limits of the
Of

Province deemed beyond seas.

of this Province shall be deemed to be beyond the seas within the meaning of this Act and of the said recited Act of the Parliament of England passed in the twenty first year of the reign of King James the First, and of an Act of Parliament passed in England in the fourth year of the reign of Queen Anne and in force in this Province, intituled *An Act for the amendment of the Law and the better advancement of Justice*, so far as relates to personal actions.

CAP. LII.

An Act to make provision for carrying on the affairs of the Savings Bank at Saint John.

Passed 16th March 1836.

‘ **W**HEREAS in consequence of the difficulties in which the Bank for savings established in the City of Saint John has lately been involved, it is expedient to make some further provision by Act of Assembly for carrying on the affairs of the said institution;’

Trustees and managers to call a meeting of the members of the institution and of others within two months from the passing of this Act.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the acting trustees and managers of the said institution or some two or more of them are hereby authorised and required, within two months after the passing of this Act, to call a meeting of the members of the said institution, and of any persons desirous to become members thereof, giving at least fourteen days notice in two of the newspapers published in the said City of the time and place of such meeting, and such meeting shall be deemed to be the annual meeting of the members of the said institution for the present year under the rules and regulations for the management thereof deposited and filed in the office of the Clerk of the Peace for the City and County of Saint John; and it shall be lawful for such persons so assembled at such meeting, or at any adjourned meeting, to choose trustees and managers, and to alter and amend the said rules and regulations, or to make new rules and regulations for the management of the said institution: Provided always, that any rules and regulations so to be made shall be conformable to the provisions of an Act made and passed in the sixth year of the reign of King George the Fourth, intituled *An Act to encourage the establishment of Banks for savings in this Province*, and shall be entered, deposited and filed in the manner directed in and by the said Act.

Persons assembled may choose trustees and managers, and alter and amend the rules and regulations.

6 G. 4, c. 4.

CAP. LIII.

An Act to enable the Governor and Trustees of the Madras School to dispose of certain parts of their Lands.

Passed 16th March 1836.

‘ **W**HEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of divers wilderness and uncultivated lands in this Province, and it is expedient when it would be for the benefit of the institution that they should have power to sell and dispose of the same, and to invest the proceeds in manner hereafter mentioned;’

Governor and trustees may dispose of any of their wilderness lands or the timber growing thereon. Conveyance under the Corpo-

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever it shall appear to the said Governor and Trustees to be clearly for the benefit and advantage of the institution to sell and dispose of any of their wilderness and uncultivated lands in any part of the Province, or to sell any timber growing on such lands, that they shall be, and are hereby authorised and empowered so to do; and any sale and conveyance thereof, or of any part thereof, in

in fee simple or otherwise, made under the seal of the said Corporation, shall be good and valid, any law or usage to the contrary notwithstanding.

II. And be it enacted, That all the monies and proceeds arising from such sales, shall be invested and laid out by the said Governor and Trustees in the purchase of other lands for the purposes of the institution, or shall be put and kept out at interest upon good and sufficient landed securities, and the annual income and interest arising therefrom be applied by the said Governor and Trustees to and for the purposes of the institution: Provided always, that when any land shall have been granted or conveyed to the said Governor and Trustees for the use or benefit of any particular school or schools, the proceeds thereof shall be invested or the interest applied for the use and benefit of such particular school or schools.

ration seal to be valid.

Proceeds to be invested in other lands or kept out at interest on landed securities.

Proviso as to lands granted for any particular school.

III. And be it enacted, That any lease made by the said Governor and Trustees of any of their lands, tenements and hereditaments for any term not exceeding twenty one years may be made with such covenant or covenants for the renewal of the same as the said Governor and Trustees may think for the advantage of the institution, and may agree upon with the person or persons who may take such lease; and good and valid leases of any land leased with such covenants of renewal therein, may be made under the seal of the said corporation, any law or usage to the contrary notwithstanding.

Leases with covenants for renewal may be made.

CAP. LIV.

An Act to enable the corporation of King's College to dispose of certain parts of their Lands.

Passed 16th March 1836.

WHEREAS the Chancellor, President and Scholars of King's College at Fredericton, in the Province of New Brunswick, hold certain wilderness and uncultivated lands in the neighbourhood of Fredericton, and it would be for the benefit of the said College if a certain proportion of such lands were sold, and the proceeds thereof invested in the manner hereinafter mentioned;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the College Council of the said College, from time to time as they shall judge it to be for the advantage of the said College, to sell and dispose of in fee simple such parts and portions of the said wilderness and uncultivated lands as they shall in their discretion select and allot for that purpose, for such price and upon such terms of payment as the said College Council may agree upon; and good and valid conveyances of any lands so sold may be made by the said corporation of King's College under the seal of the said College, any law or usage to the contrary notwithstanding; Provided always, that the aggregate of any lands which may be sold and disposed of under the provisions of this Act, shall not exceed one fourth part in quantity of such wilderness and uncultivated lands; and provided also, that it shall not be lawful for the College Council to sell any of the said lands in lots to exceed one hundred acres each, and that in no case shall lots be sold adjoining to or bounded by each other; and further provided, that the sale of the said lands shall be made by public Auction, thirty days previous notice of the time and place of such sale to be first given in one or more of the public newspapers of this Province.

College Council may sell the wilderness land of the Corporation.

Provisos as to quantity and situation of land to be sold.

Sales to be made by public auction.

II. And be it enacted, That all the monies and proceeds arising from such sales, shall be put and kept out at interest by the said corporation of King's College,

Proceeds to be kept out at interest on landed security.

lege, upon good and sufficient landed securities, and the annual income and interest arising therefrom be applied to and for the uses and purposes of the Institution.

College Council authorised to grant leases, with covenants of renewal, of block number seven in Fredericton, in the whole or in parts.

III. ' And whereas the said Chancellor, President and Scholars hold a block of land in the town plat of Fredericton, comprising town lots from number ninety nine to number one hundred and sixteen; both inclusive, which form the whole of the block known by the number seven in the said town plat as described in the royal grant of certain lots in the said town plat, passed under the great seal of the Province of New Brunswick to Cornelius Ackerman and others, bearing date the seventh day of August in the year of our Lord one thousand seven hundred and eighty eight, and the plan to the same grant annexed; and beneficial leases of the lands comprised in the said block cannot be made without covenants for renewing such leases, and doubts exist whether any such covenants would be valid;' Be it therefore enacted, that the said College Council shall be and they are hereby authorised and empowered to lease the said block of land in the said town plat of Fredericton, either in the whole or in such lots or parcels as the said College Council may from time to time think fit, for any term or terms not exceeding twenty one years, for and upon such rents and with such covenant or covenants for the renewal of such lease or leases as the said College Council may think for the advantage of the Institution, and may agree upon with the person or persons who may take such leases; and good and valid leases of any land so leased with such covenant or covenants therein may be made by the said Corporation of King's College, under the seal of the said College, any law or usage to the contrary notwithstanding.

Power in preceding section extended as to any wilderness land.

IV. And be it enacted, That the powers given to the College Council in the next preceding section of this Act shall extend and be construed to extend to authorise the said College Council to lease any part of the wilderness Lands belonging to said College upon the same terms, reservations and conditions as they are authorised to lease the lots contained in block number seven by any of the provisions of this Act.

CAP. LV.

An Act to incorporate *The Central Fire Insurance Company of New Brunswick.*

Passed 16th March 1836.

' WHEREAS the great increase of wealth and combustible property in the Province for several years past renders an increase in the facilities for protecting the same expedient and necessary;'

Persons herein named, their associates, successors and assigns incorporated;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Amasa Coy, John M. Wilmot, Joseph Gaynor, Nehemiah Merritt, Jeremiah M. Connell, Thomas C. Everitt, Thomas T. Smith, Henry George Clopper, Charles D. Everitt, John Simpson, Francis E. Beckwith, Asa Coy, Justin Spahnn, H. Fisher, Junior, Henry Blakslee, George Sears, John T. Smith, Charles Connell, Junior, Charles Perley, Robert Chestnut, William D. Hartt, Thomas Leavitt, Lemuel A. Wilmot and Charles Fisher, their associates, successors or assigns, be and they are hereby declared to be a body politic and corporate by the name of the *Central Fire Insurance Company of New Brunswick*, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy, houses, lands, tenements, hereditaments, rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, convey, let or assign the same or any part thereof

may possess lands, &c.;

in

in any legal method or manner, and to do and execute all other things in and about the same as they shall think advisable and necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity or any other place or places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner to all intents and purposes as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they have one common seal to serve the ensembling 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.

sue and be sued,
and

have a common
seal.

II. And be it enacted, That the capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds current money of the Province, to be paid according to the legal value thereof, at the several times of the payment of the same; ten thousand pounds, being the one fifth part thereof, to be paid within six months after the passing of this Act, and the remaining four fifths, or forty thousand pounds, to be paid at such time or times and in such parts or portions as the directors for the time being or a majority of them shall from time to time think necessary; the whole amount of such capital or stock to be divided into shares of ten pounds each, making in the whole five thousand shares.

Amount of capital and how payable.

III. And be it enacted, That all the subscribers for stock or shares in the said Corporation shall previous to the day of the election of directors pay into the hands of such person or persons as the persons incorporated by the first section of this Act or the major part of them, or in case of the death of any of them of the major part of the survivors, may direct, a deposit of not less than two per cent. not exceeding five per cent. upon the amount of capital or stock of the said Corporation for which they have subscribed, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation of the time or several periods of time when, of the place and places where, and person or persons to whom the said deposit shall be paid; and the said deposit shall be taken and allowed to every subscriber who shall pay it as part and out of the first twenty per cent. of the capital stock required to be paid in under and by virtue of this Act, and every subscriber who shall neglect or refuse to pay in the said deposit shall for every share he shall neglect or refuse to pay in be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation, and no subscriber shall upon any pretence whatever vote at the first meeting for the choice of directors upon any share or shares he has not paid the said deposit.

Subscribers to Stock to make a deposit previous to the election of directors.

IV. And be it enacted, That every stockholder or subscriber shall pay into the hands of the directors for the time being, or into the hands of such person or persons, or into the cashier or cashiers, treasurer or treasurers of such body corporate or bodies corporate, as the directors or a majority of them shall appoint, within the aforesaid six months, one fifth part or twenty *per centum* on the whole amount of his or her share or shares, including the deposit mentioned in the third section of this Act, and shall give to the president and directors hereinafter mentioned good and sufficient security or securities, either by bond and mortgage on real estate or by bond with two or more good and sufficient sureties, renewable at least as often as once in three years, to the satisfaction of the said president and directors for the time being, which securities shall be made and taken, and

Twenty per cent. on the stock to be paid within six months, and security given for the remainder.

Securities to be taken to the satisfaction of persons to be appointed by the Governor in Council.

Subsequent payments not to exceed 20 per cent. at one time.

Corporation not to commence operations until £10,000 be paid in, to be ascertained by Commissioners.

A general meeting to be called to make Bye Laws, and choose Directors.

Directors to choose a President, appoint a Secretary &c., receive instalments and take securities &c.

Annual general meeting to be on 1st Tuesday in March.

kept and continued from time to time, to the satisfaction of such persons as the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, shall appoint to examine and report upon the funds and securities of the said Company, that the residue of the whole amount of his or her share or shares shall be paid 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 at any one time exceed twenty *per centum* on the whole amount of capital or stock belonging to any individual, and that not less than fifty days notice of such payment being required shall be given in one or more of the newspapers published in this Province: Provided always, that the said Corporation shall not go into operation until the said sum of ten thousand pounds shall have been paid, and shall then be in the vault or office of the said Corporation or Company, and that as soon as the said sum shall have been so paid the president shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorised, by and with the advice of His Majesty's Executive Council, to appoint three commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vault or office, and to ascertain by the oaths of a majority of the directors (which oaths any one of His Majesty's Justices of the Peace for the County of York is hereby authorised to administer) that one fifth part of the amount of the capital of the said Company hath been paid in by the stockholders towards the payment of their respective shares and not for any other purpose.

V. And be it enacted, That a general meeting of the members and stockholders of the said Corporation or the major part of them shall take place in Fredericton, by notice in the Royal Gazette and in one of the papers published in the City of Saint John fourteen days previous to such meeting, which notice Charles Fisher, Esquire, Barrister at Law, or in case of his death, neglect or refusal, any other of the persons incorporated in and by the first section of this Act is hereby authorised and empowered to give, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing nine directors being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors shall as soon thereafter as may be convenient meet together and choose out of their number a president, and shall also appoint at the same time or at any future meeting a secretary and so many and such other officers, clerks, servants and agents for carrying on the said business as they shall deem requisite and necessary, and shall at the same time or at any future meeting accept and receive what remains due of the first instalment of the twenty *per centum* on each subscriber or stockholder's share or subscription, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Insurance Company subject to the rules and regulations as hereinafter provided, and shall continue and serve to be directors aforesaid until the first annual meeting for the choice of directors as is hereafter made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws and statutes of this Province.

VI. And be it enacted, That there shall be a general meeting of the stockholders and members of the said Corporation held annually on the first Tuesday in March in each and every year at Fredericton, at which annual meeting there shall be

be chosen by a majority of the said stockholders and members of the said Corporation then met, out of the said stockholders and members nine directors, who shall continue in office for one year or until others are chosen in their room, in the choice of which directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the directors when chosen or the major part of them shall at the first meeting after their election choose out of their number a president, who is to be chosen by a majority of votes, each director having one vote: Provided always, that five of the directors in office shall be re-elected at such annual meeting for the next succeeding year, of which the president shall always be one.

Directors to be chosen.

Directors to choose a President.

Five Directors to be re-elected.

VII. And be it enacted, That the directors for the time being shall have power to do and execute all the matters and things contained in the preceding sections of this Act as far as the same may be left unexecuted by the directors therein mentioned, and that they shall manage the whole concerns of the said Corporation agreeably to this Act of incorporation and such bye laws, rules and regulations as the stockholders and members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the Corporation, and also shall have power to appoint such officers, clerks and agents, and establish such agencies, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow the said officers, clerks, agents and servants such compensation for their respective services as to them the said directors shall appear reasonable and proper, all which together with the expenses of buildings, house rent and all other contingencies shall be defrayed out of the funds of the said Corporation.

Powers of Directors.

All expenses to be paid from the Corporation funds.

VIII. And be it enacted, That not less than three directors shall constitute a board for the transaction of business, of which the president shall always be one, except in case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman for the time being; that the president 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 shall have a casting vote.

Board of Directors for business.

IX. And be it enacted, That no director shall be entitled to any salary or emolument for his services, but that the members and stockholders of said Corporation for the time being may make such compensation to the president as to them shall appear reasonable and proper.

No Director to have a salary.

Compensation to President.

X. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than twenty shares of the capital stock of the said Corporation.

Qualification of Directors.

XI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given shall be in the following proportion: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any stockholder shall be entitled to have; and that every person may vote by proxy, provided such proxy be a stockholder and previous to voting produce a sufficient authority from his constituent or constituents so to act; and provided further, that no stockholder shall hold more than five proxies.

Votes of Stockholders regulated.

Persons may vote by proxy.

How Directors
to be chosen
when not chosen
at the annual
meeting.

Filling up vacan-
cies.

On payment of
£10,000, notice
to be given and
the business to
be commenced.

Corporation em-
powered to in-
sure on houses
&c.

Losses to be
settled by the
Directors and
paid within 90
days.

Execution of
Policies entered
into by agents.

Directors to
make half year-
ly dividends of
the profits.

XII. And be it enacted, That if it should so happen that the directors should not be chosen on the first Tuesday in March in any years aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in Fredericton; and in case any director should disqualify himself by the sale disposal or transfer of his shares or of any of them, so as to reduce his interest in said stock to less than twenty shares required for the qualification of a director, or in case of the removal of a director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given, and in case of any vacancy among the said directors by death, resignation or absence from the Province for three months, the said directors shall or may fill up the same by choosing one of the stockholders, and the person so chosen by the said stockholders or directors shall serve until another be chosen in his room.

XIII. And be it enacted, That as soon as the said first instalment of ten thousand pounds shall have been actually paid in manner and form as is herein before provided, on account of the subscriptions to the said stock, notice thereof shall be given in one or more of the newspapers published in this Province, and the directors shall commence with the business and operations of the said Corporation: Provided always, that no insurance shall be effected nor shall any policy be signed in manner as is hereinafter provided, until the sum of ten thousand pounds shall be actually paid and received on account of the subscriptions to the capital or stock of the said Corporation.

XIV. And be it enacted, That the said Corporation shall have power and authority to make insurance on houses, mills, manufactories, buildings, ships or other vessels on the stocks, or in the rivers or in port, merchandize, monies, goods, wares and effects against loss or damage by fire, and to fix the premium and terms of payment; and all policies of insurance by them made shall be subscribed by the president, or in case of his death, absence, sickness or inability, by any two of the directors, and countersigned by the secretary of the said Corporation, or in case of the sickness, absence or inability of the secretary, by such person or persons as the directors or a majority of them may appoint to act in his stead, and shall be binding and obligatory upon the said Corporation and Company; and that all losses duly arising under any policy so subscribed and countersigned shall and may be adjusted and settled by the board of directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within ninety days from such adjustment: Provided always, that the said directors shall not in any case make insurance on any single building or goods contained therein to an amount exceeding three thousand pounds.

XV. And be it enacted, That all policies entered into in behalf of the said Company and Corporation by any agent or agents duly appointed by the directors or a majority thereof, shall, in addition to the signing and countersigning required by the thirteenth section of this Act, be also countersigned by the said agent or agents, and especially mention in the said policy the invalidity of such policy without such additional countersigning, and no policy entered into by any agent or agents of the said Company or Corporation shall be obligatory upon the said Company or Corporation without these requisites are complied with.

XVI. And be it enacted, That it shall be the duty of the directors of the said Corporation or a quorum thereof to make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place

place as the directors or a quorum thereof shall appoint, of which they shall give thirty days previous notice in one or more of the newspapers published in this Province: Provided always, that the monies received for premium of risks which shall be undetermined and outstanding at the time of the making of such dividends shall not be considered as part of the said profits of the said Company; and provided further, that if the amount of capital or stock paid as by this Act is required shall be by any means reduced to a sum less than ten thousand pounds, then in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Company.

Capital paid in being reduced to less than £10,000 no dividend to be made.

XVII. And be it enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements and real estate, and rents, to any amount not exceeding five thousand pounds: Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate or chattels to any amount whatsoever, by mortgage taken as a collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the capital or stock of the said Corporation that shall at any time or times remain unpaid.

Corporation may possess real estate to the value of £5,000.

Proviso for collateral security.

XVIII. And be it enacted, That the capital or stock of the Company collected at each instalment, and at the times and manner hereinbefore provided, shall be by the said directors invested and disposed of in such public funds, or to such public or corporate bodies or associations, or joint companies as may be deemed advisable, and in the event of there being no public funds or public or corporate bodies, or associations, or joint companies, in which the same can be safely vested or to whom the same can be advantageously and safely lent and disposed of, then it shall and may be lawful for the said directors or a majority of them to apply and dispose thereof by letting the same out at interest, either upon the security of lands or other property or otherwise, as they may think fit: Provided always, that no monies of the said Corporation shall be put out at interest nor any security taken for the same, either by bond or mortgage, or bill or note, or otherwise, for a shorter period than one year; and further provided, that as long as the amount of the said first instalment of ten thousand pounds or any part thereof shall be at the disposal of the said directors, and shall be required for the use of the Province, then it shall be obligatory upon the said directors to loan the said sum of ten thousand pounds or any part thereof to the Province or the Treasurer thereof for the public use of the Province, at the rate of not exceeding six *per centum per annum*; and further provided, that nothing herein contained shall be construed to extend to deprive the directors of their right of calling upon the Province for the payment of the said sum of ten thousand pounds, or any part thereof they may require to meet any extraordinary loss the surplus fund hereinafter provided and any disposable fund of the Corporation may not sufficiently provide for or discharge, or to call in the same upon the dissolution of the said Corporation.

Investment of capital.

XIX. And be it enacted, That the directors of the said Corporation shall not at any half yearly dividend of the profits, rents, and premiums and interest of the said Company, divide or pay, or cause or permit to be divided or paid any greater or larger dividend than will amount to the rate of six pounds *per centum* on the total amount of capital stock collected and actually invested and disposed of as is provided in and by this Act; and also that the sum at any time divided and

Half yearly dividend not to exceed six per cent. nor two thirds of the earnings.

The whole earnings may be divided when the capital invested amounts to £25,000.

Investment of money accruing in the course of dealings of the Corporation.

Corporation not to engage in banking operations.

Shares to be assignable.

Liability of the President and Directors in case of losses equal to the capital.

Joint stock only responsible for debts and engagements.

and paid shall not exceed two thirds of the net amount of the actual gains and earnings of the said Company gained or earned since the making of the then last dividend: Provided always, that whenever the capital or stock actually invested as by this Act is required, and the surplus fund shall together amount to the sum of twenty five thousand pounds, then the directors of the said Company may, if they think the same advisable, divide and pay the whole of the net amount of the gains and earnings of the said Company at each half yearly dividend, any thing herein contained to the contrary thereof in any wise notwithstanding.

XX. And be it enacted, That it shall and may be lawful to and for the directors of the said Corporation to use, apply and dispose of the monies arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums and interest thereof, by letting the same out at interest, either upon the security of lands or other property, or otherwise, as the directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding: Provided always, that no monies of the said Corporation shall be put out at interest, nor any security taken for the same, either by mortgage, bill, bond, note or otherwise, for a shorter period than one year.

XXI. And be it enacted, That the said Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins or bullion, or bills of exchange, or other negotiable instruments, or any goods, wares, merchandize or commodity whatsoever, or deal in the lending of money, or in bills of exchange or other negotiable instruments by way of discount or otherwise, or engage in any banking operations whatsoever: Provided always, that nothing herein contained shall be construed to extend to prevent the Company from hiring or lending its funds arising either from the payment of any instalments or from the accumulation of its profits, rents, premiums and interest, agreeably to the terms and provisions of the seventeenth and nineteenth sections of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

XXII. And be it enacted, That the shares, capital or stock of the said company shall be assignable or transferable, according to such rules and regulations as may by the members and stockholders be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable, and that 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 whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

XXIII. And be it enacted, That in case of any loss or losses taking place, which shall be equal to the capital or stock of the said company, and the president and directors after knowing of such loss or losses taking place, shall make any further policy of insurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

XXIV. And be it enacted, That the joint stock or property of the said Corporation shall 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 whatsoever have recourse against the separate

separate property of any present or future member or members of the said Corporation, or against their person or persons, further than has been herein before provided and that may be necessary to secure the faithful application of the funds of this Corporation.

XXV. And be it enacted, That the bonds and other securities of what nature or kind soever, taken for the payment of the residue of the said capital or stock as is herein before directed, shall from time to time be renewed or changed and other and further security or securities for the same be given as is provided in and by the fourth section of this Act; and in case of any refusal or delay to renew or change any such security or securities, or to give or grant other and further security or securities therefor to the satisfaction of the said directors or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said directors or a majority thereof, to cause such proceedings both in law or in equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several security and securities, or it shall and may be lawful to and for the said directors or a majority 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 amount due to the said Company on account of such forfeited shares at the time of such forfeiture as is herein before provided, and shall likewise be subject to all the provisions of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

Bonds for residue of the capital may be renewed or changed.

In case of refusal may be prosecuted for shares forfeited.

XXVI. And be it enacted, That the books, papers, correspondence and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the directors or any of them, but no stockholder not a director shall inspect the account of any individual or corporate body with the said Company.

Books &c. to be open to the inspection of the Directors.

XXVII. And be it enacted, That the directors shall at the general meeting to be holden on the first Tuesday in March in every year lay before the stockholders for their information an exact and particular statement in triplicate of the then state of the affairs and business of the said Company agreeably to the several regulations of this Act, and such other rules and regulation as may by the members and stockholders of the Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation; which statement in triplicate as aforesaid shall be signed by the directors and attested on oath by the secretary, or in case of his sickness, absence or inability to attend by such person or persons as the directors or any quorum thereof may appoint to act in his stead, and shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature: Provided always, that the rendering of 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.

Statement of affairs to be laid before the annual meeting.

To be transmitted for the information of the Lieutenant Governor and the Legislature.

XXVIII. And be it enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either

Joint committee of Council and Assembly to have access to the books, &c. either

either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

Calling of general meetings not for the dissolution of the corporation.

XXIX. And be it enacted, That any number of stockholders not less than twenty, who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation, other than a dissolution thereof, giving at least thirty days notice in two of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof, and the directors or any five of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Calling of general meetings for the purpose of dissolving the Corporation.

XXX. And be it enacted, That any number of stockholders not less than thirty who together shall be proprietors of three thousand five hundred shares shall have the power at any time by themselves or their proxies to call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Company, 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 ways and means to dissolve the said Company; and upon such or any other dissolution of the said Company, the directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests.

Annual statement of affairs for the information of the Legislature.

XXXI. And be it enacted, That the secretary of the said Company shall on the first Thursday in January in each and every year, make a return in triplicate of the state of the affairs of the said Company as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year, and when declared, together with the amount of surplus profits then belonging to the said Company, and how the same have been invested and secured, the amount of real estate owned by said Company, together with a particular statement of all other the affairs of the said Corporation, which return shall be signed by the secretary of the said Company, who shall make oath or affirmation, before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief, and the secretary of the said Company shall also at the time herein before mentioned, make a return under oath of the names of the stockholders and the amount of stock owned by each, and a majority of the directors of the said Corporation, shall certify and make oath or affirmation before the same Magistrate as the said secretary that the books of the said Company indicate the state of facts so returned by their secretary, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of the Session thereof as practicable,

licable such returns as aforesaid as he may have received since the then last previous Session.

XXXII. And be it enacted, That when the said Corporation shall have provided and secured the said capital or joint stock of fifty thousand pounds as aforesaid, it shall and may be lawful for them to cause insurances to be made on houses, buildings, stores, goods, wares and merchandize within this Province, from loss and damage by fire to the value of two hundred thousand pounds and no more, and the whole of the said capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the said policies; and in case the said Corporation shall at any time make any insurances beyond the said sum of two hundred thousand pounds, each of the members of the said Corporation shall be liable in their own persons and estates for his share or proportion of such sums insured beyond the said sum of two hundred thousand pounds.

Insurances to the amount of £200,000 may be made when the capital of £50,000 is provided and secured.

Liability of Stockholders when insurances exceed £200,000.

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

Limitation.

CAP. LVI.

An Act to incorporate sundry persons by the name of *The President, Directors and Company of the City Bank.*

Passed 16th March 1836.

WHEREAS it is thought that the establishment of another Bank in the City of Saint John would promote the interests of the Province by increasing the means of circulation;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Nehemiah Merritt, James Hendricks, Robert W. Crookshank, Thomas Leavitt, Henry Boyer Smith, John Robertson, Nathan S. Demill, John Walker, Hugh Johnston, Charles Simonds, Thomas Wyer, Charles Hazen, E. D. W. Ratchford, John Ward, Junior, Edward B. Chandler, their associates, successors or assigns, be and they are hereby declared to be a body corporate by the name of *The President, Directors and Company of the City Bank*, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they the said president, directors and company, or the major part of them, shall from time to time and at all times have full power,

Persons herein named, their associates, successors and assigns incorporated,

may possess lands, &c.;

sue and be sued;

have a common seal; and

make Bye Laws for the government of the Corporation.

authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation: Provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

Capital to be
£100,000.

£50,000 to be
paid in within
one year from
passing of Act,
residue within
five years.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of one hundred thousand pounds; the sum of fifty thousand pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the remaining half of all the shares of the said capital stock shall be paid in such instalments, and at such days and times as the directors of the said Bank may find occasion to require the same, thirty days notice being previously given in two of the newspapers in this Province of the time and place of such payment; the whole amount of said stock to be divided into shares of fifty pounds each, making in the whole two thousand shares; and provided also, that the whole of the capital stock shall be called in within five years after the passing of this Act.

Corporation may
possess lands
&c. to the value
of £3,000.

III. And be it enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple any lands, tenements, real estates and rents to any amount not exceeding three thousand pounds: Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation: Provided further, that the said Corporation shall on no account lend money upon mortgage or upon lands, or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

When 400
shares are sub-
scribed for a
meeting to be
called to choose
Directors and
make Bye Laws
&c.

IV. And be it enacted, That whenever four hundred shares shall have been subscribed of the said capital stock, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing thirteen directors being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors so chosen shall serve until the first annual meeting for choice of directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation shall be binding on the said stockholders, their successors and assigns.

Annual meeting
for choice of
Directors to be
held on 1st

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 May in each and every year at the City of Saint John, at which annual

nual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation thirteen directors who shall be resident in the City or County of Saint John, and continue in office for one year, or until others are chosen in their room; in the choice of which directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the directors when chosen shall at their first meeting after their election choose out of their number a president: Provided always, that seven of the directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the president shall always be one.

Tuesday in
May.

Directors to
choose a Presi-
dent.

VI. And be it enacted, That the directors for the time being shall have power to appoint such officers, clerks and servants as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which together with the expenses of buildings, house rent, and all other contingencies shall be defrayed out of the funds of the Corporation; and the said directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

Directors to ap-
point officers,
clerks &c.

VII. And be it enacted, That not less than five directors shall constitute a board for the transaction of business, of which the president shall always be one, except in the case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman in his stead; that the president shall vote at the board as a director, and in case of there being an equal number of votes for and against any question before them the president shall have a casting vote: Provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

Board of Direc-
tors for business.

No vote to be
excluded by one
vote.

VIII. And be it enacted, That no director shall be entitled to any salary or emolument for his services, but that the stockholders and members of the said Corporation may make such compensation to the president as to them shall appear reasonable and proper.

No Director to
have a salary.

Compensation
to President.

IX. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holding not less than ten shares of the capital stock of the said Corporation: Provided always, that the stockholder so otherwise qualified be not a director in any other banking company in this Province.

Qualification of
Directors.

X. And be it enacted, That every cashier and clerk of the said Corporation before he enters upon the duties of his office shall give bonds with two or more sureties to be approved of by the directors, (that is to say), every cashier in a sum not less than ten thousand pounds with a condition for his good and faithful behaviour, and every clerk with the like condition and sureties in such sum as the directors shall deem adequate to the trusts reposed in them.

Cashiers and
Clerks to give
security.

XI. And be it enacted, That the number of votes which each stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, (that is to say), for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes to ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

Votes of Stock-
holders regu-
lated.

XII. And be it enacted, That all stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder and

Stockholders
may vote by
proxy.
do

do produce sufficient authority in writing from his constituent or constituents so to act ; provided that no stockholder be entitled to hold more than five proxies.

Number of
shares to be
held by stock-
holders.

XIII. And be it enacted, That no member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than twenty shares of the said capital stock, and if the whole of the capital stock shall not have been subscribed within the said three months, to be accounted as aforesaid, that then and in such case it shall be lawful for any stockholder or stockholders to increase his, her or their subscriptions to forty shares: Provided always, that no stockholder shall be permitted to hold more than fifty shares in the whole unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

Mode of filling
up vacant Direc-
torships.

XIV. And be it enacted, That the directors be and they are hereby authorised to fill up any vacancy that shall be occasioned in the board by the death, resignation or absence from the Province for three months of any of its members, but that in the case of the removal of a director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, and the person so chosen by the directors or stockholders shall serve until the next succeeding annual meeting of the stockholders.

Notice to stock-
holders of pay-
ments being re-
quired.

XV. And be it enacted, That before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the directors in two of the newspapers published in this Province of the time and place of such payment, and the directors shall commence with the business and operations of the Bank of the said Corporation: Provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of fifty thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

Banking opera-
tions not to be
commenced till
£50,000 are
paid in.

Commissioners
to be appointed
by the Lieuten-
ant Governor to
count the money
in the vaults &c.

XVI. And be it enacted, That so soon as the sum of fifty thousand pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the president shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorised, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of directors that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act when paying in the capital stock of the said Bank.

Shares to be as-
signable.

XVII. And be it enacted, That the shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or 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 to the said Corporation, that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable, that whenever any
stockholder

stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

XVIII. And be it enacted, That the said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock there shall be a surplus after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Corporation to deal in Bills of Exchange, gold and silver or in sale of goods or stock pledged.

XIX. And be it enacted, That the holders of the stock of the said Bank shall be chargeable in their private and individual capacity and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation in proportion to the stock they respectively hold: Provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him: Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

Liability of stockholders in their private capacity.

XX. And be it enacted, That every bond, bank bill, or bank note or other instrument, by the terms or effects of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board of directors shall prescribe that payment shall be made out of the joint funds of the said Corporation: Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth section of this Act.

Bonds, Bills, Notes &c. to declare payment to be from the joint funds of the Corporation.

XXI. And be it enacted, That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, deposits excepted, shall not exceed twice the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; Provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

Debts not to exceed twice the amount of capital paid in.

XXII. And be it enacted, That the directors shall make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice in two of the newspapers published in this Province.

Directors to make half yearly dividends.

XXIII. And be it enacted, That the books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the directors, but no stockholder not a director shall inspect the account of any individual with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XXIV. And be it enacted, That all the bills or notes issued by the said Corporation shall be signed by the president for the time being, and countersigned and attested by the cashier, and shall be printed and made in steel plates; and all bills or notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at the said Bank.

Bills or Notes to be signed by the President and Cashier.

Corporation to pay to *bona fide* holder the original amount of any altered note.

XXV. And be it enacted, That the said Corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

No action to be had on any bank bill until after presentment at the Bank.

XXVI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note which shall hereafter be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment and default in payment shall thereupon take place.

Bank to be kept at Saint John.

XXVII. And be it enacted, That the said Bank shall be kept and established at Saint John, or at such other place as the board of directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

No loan on pledge of stock.

XXVIII. And be it enacted, That no loan be made by the said Bank on the pledge of its own stock, and that the aggregate of all the debts due to the said Bank from the directors thereof, as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third *per centum* of the capital stock.

Debts of Directors to Bank.

Statement of affairs to be laid before the stockholders at the annual general meeting.

XXIX. And be it enacted, That the directors shall at the general meeting to be held on the first Tuesday in May in every year lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of the gold and silver on hand, and the amount of such debts as are in their opinion bad or doubtful, also the surplus or profits (if any) remaining after deduction of losses and provisions for dividends, which statements shall be signed by the directors and attested by the cashier, and a duplicate statement so signed and attested shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature: Provided always, that the rendering of such statement shall not extend to give any right to the stockholders not being directors to inspect the account of any individual or individuals with the said Corporation.

Duplicate for Lieutenant Governor and Legislature.

Joint committee of council and assembly to have access to the books and vaults.

XXX. And be it enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have full access to the accounts, books and vaults of the same.

Stockholders or directors may call general meetings.

XXXI. And be it enacted, That any number of stockholders, not less than twelve, who together shall be proprietors of five hundred shares, shall have power at any time by themselves or their proxies to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the directors or any five of them shall have the like power at any time upon observing the like formalities to call a general meeting as aforesaid.

On dissolution of Corporation Directors to close the concerns.

XXXII. And be it enacted, That on any dissolution of the said Corporation, immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid the holders of stock in said Corporation as well as those who were stockholders at the time of the notice of said dissolution (which said notice shall

Liability for bills issued and not paid.

shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect), shall be chargeable in their private and individual capacity for the payment and redemption thereof in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth section of this Act : Provided however, that this liability shall continue for two years only from after the notice of such dissolution.

XXXIII. And be it enacted, That the cashier of the said Bank shall semi-annually, that is to say, on the Monday preceding the first Tuesday in May and the Monday preceding the first Tuesday in November in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form, viz. :

Cashier to make semi annual returns of the state of the bank to the Provincial Secretary's office.

FORM OF RETURN.

State of ——— Bank on the ——— day of ——— 18—, 3 o'clock, P. M.

DUE FROM BANK.

Bills in circulation

Net profits on hand

Balance due to other Banks

Cash deposited including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits and balances due to other Banks excepted

Cash deposited bearing interest

Total amount due from the Bank

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house

Real estate

Bills of other Banks incorporated in this Province

Balances due from other Banks

Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks

Total amount of the resources of the Bank

Date and amount of the last dividend and when declared

Amount of reserved profits at the time of declaring the last dividend

Amount of debts due and not paid and considered doubtful

Which return shall be signed by the cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths to the truth of said return according to the best of his knowledge and belief; and the cashier of the said Bank shall also make return under oath whenever required by the Legislature of the names of the stockholders and the amount of stock owned by each; and a majority of the directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said cashier, that the books of said Bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable one of such respective returns as he may have received since the then last previous Session.

Return of stockholders to be made when required.

Secretary to lay the returns before the Legislature.

XXXIV.

Delinquent sheet to be furnished to the President on discount days.

No Director on the delinquent sheet to sit at the board.

Disqualification of Directors for delinquency.

Shares in the stock to be deemed personal estate.

Shares to be liable to seizure in execution.

Limitation.

XXXIV. And be it enacted, That the cashier or acting cashier for the time being shall on each and every discount day furnish a true list to the president or chairman of the said Bank of all delinquent promisers, endorsers and sureties made up to three o'clock in the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the president or chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the board of directors; and in case the name of any director shall appear on such delinquent sheet, either as promiser, endorser or surety, it is hereby declared illegal for such director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

XXXV. And be it enacted, That in the event of any director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat, and it shall be the duty of the president and other directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth section of this Act, as in the case of death or absence from the Province.

XXXVI. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

XXXVII. And be it enacted, That the shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property: Provided always, that the Sheriff or other officer executing such execution shall leave a copy of such execution, certified by the Sheriff or his deputy, with the cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution shall be deemed to be seized in execution when such copy is so left; and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold: Provided also, that the said cashier shall upon the exhibiting to him of such certified copy of the execution be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier.

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

CAP. LVII.

An Act to provide for the further increase of the capital stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank.

Passed 16th March 1836.

‘**W**HEREAS it is expedient further to increase the capital stock of the Bank of New Brunswick, and to make more effectual provisions for the regulation of the same, and to extend the term of its charter;’ I.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the stockholders of the said Bank shall be and they are hereby empowered and authorised from time to time hereafter at any general meeting to be for that purpose called and holden to increase the capital stock of the said Bank by such additional amounts not less at any one time than twelve thousand five hundred pounds, and not exceeding in all the sum of fifty thousand pounds, as they may deem expedient; which additional stock shall be divided into shares of fifty pounds each: Provided always, that the whole of such additional stock shall be called in within five years from the passing of this Act.

Power given to increase the capital stock by £50,000 in sums not less than £12,500 at one time.

II. And be it enacted, That the additional shares in the capital stock of the said Bank to be from time to time created by such increase shall be sold and disposed of at public auction to the highest bidder, at such times and places as the stockholders of the said Bank at such general meeting as aforesaid shall appoint, sixty days notice of such sales respectively being first given at least in four public newspapers printed at Saint John, Fredericton, Saint Andrews and Miramichi respectively.

Additional shares to be sold by auction.

III. And be it enacted, That ten per cent. of the additional shares which may be sold from time to time as aforesaid, and of any advance or premium at which they may be respectively sold, shall be paid down at the times of such sales respectively, and the remainder thereof shall be paid into the said Bank within four months after the sale thereof, and the whole of such advance or premium, if any, after first deducting thereout the charges of such sale, shall be divided in equal proportion to and among all the shares in the capital or stock of the said Bank, as well the additional as the former shares, and such dividend of the said advance or premium, if any, shall be declared and paid by the said directors within thirty days after the payment into the said Bank of the purchase money of the said additional sums as the same shall from time to time take place; and banking operations may take place upon each respective amount of such additional stock so called in when the directors or a majority of them, together with the cashier of the said Bank, shall have signed and verified by oath and filed in the office of the Secretary of the Province a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

Payment of additional stock, and division of the advance.

Banking operations may take place on additional stock when certificate of payment on oath is lodged in the Secretary's office.

IV. And be it enacted, That in case of any default of payment of any of the said shares and the advance or premium at which they may have been sold at the days and times where the same should have been made according to the provision of this Act, the said instalment of ten per cent. so paid in on such shares shall be forfeited and be divided among the stockholders in like manner and at the same time or times as the advance or premium at which the shares may be respectively sold, it shall and may be lawful for the directors of the said Bank for the time being forthwith to sell and dispose of the said shares in the payment of which default may be so made, at their discretion, to the best advantage, and payment thereof shall be immediately made, and any advance or premium thereon shall be divided in the manner before mentioned.

On default of payment of shares at the proper periods, instalment and advance paid to be forfeited and shares re-sold.

V. And be it enacted, That all and every the additional shares in the said capital or stock, created under and by virtue of the provisions of this Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the sixtieth year of the reign of King George the Third, intituled *An Act to incorporate sundry persons by the name of The President, Directors and Company of the Bank of New Brunswick*, save and except as hereinafter amended, and of this or of any other Act or Acts of Assembly made or to be made relating to the said Bank.

Holders of additional stock to be liable to the provisions of the Act of 60 G. 3, c. 13.

No action to be had on any Bank Bill before presentation at the Bank.

Power of stockholders to call general meetings.

Liability of stockholders for the corporation debts.

No loan to be made on pledge of stock.

Debts of directors to the Bank limited.

Shares made liable to seizure in execution.

Semi annual returns of state of Bank to be made to the Provincial Secretary's office.

VI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note already issued or which shall hereafter be issued by the said Corporation before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

VII. And be it enacted, That any number of stockholders not less than fifteen, who together shall be proprietors of two hundred shares, shall have power at any time by themselves or their proxies to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation, giving the notice for such general meeting required by the first recited Act of the sixtieth year of the reign of King George the Third, any thing in the said recited Act to the contrary notwithstanding.

VIII. And be it enacted, That the holders of the stock in the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation; and also for the payment of all debts at any time due from the said Corporation in proportion to the stock they respectively hold; Provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

IX. And be it enacted, That from and after the expiration of one year from the passing of this Act no loan shall be made by the said Bank on the pledge of its own stock.

X. And be it enacted, That the aggregate of all the debts due to the said Bank from the directors thereof as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third *per centum* of the capital stock.

XI. And be it enacted, That the shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property; Provided always, that the Sheriff or other officer executing such execution shall leave a copy of such execution certified by the Sheriff or his deputy with the cashier of the said Bank, and the shares in the capital stock of the said Bank so liable to such execution shall be deemed to be seized in execution when such copy is so left; and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be so seized and sold; Provided also, that the said cashier shall upon the exhibiting to him of such certified copy of the execution be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier.

XII. And be it enacted, That the cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July, in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns

columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form, viz :

FORM OF RETURN.

State of ——— Bank, on the ——— Monday of ——— 18—, 8 o'clock, P. M.

DUE FROM THE BANK.

Bills in circulation
 Net profits on hand
 Balance due to other Banks
 Cash deposited, including all sums whatever due from the Bank not bearing interest; its bills in circulation, profits and balances due to other Banks, excepted
 Cash deposited bearing interest
 Total amount due from the Bank

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house
 Real estate
 Bills of other Banks incorporated in this Province
 Balance due from other Banks
 Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description excepting the balances due from other Banks
 Total amount of the resources of the Bank
 Date and amount of the last dividend and when declared
 Amount of reserved profits at the time of declaring the last dividend
 Amount of debts due and not paid, and considered doubtful
 Which return shall be signed by the cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths to the truth of the said return according to the best of his knowledge and belief; and the cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders and the amount of stock owned by each; and a majority of the directors of the said Bank shall certify and make oath or affirmation before the same Magistrate as the said cashier that the books of the said Bank indicate the state of facts so returned by their cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before each branch of the Legislature of this Province, as soon after the opening of any Session thereof as practicable one of such respective returns as he may have received since the then last previous Session.

Return of stockholders to be made when required.

Returns to be laid before the Legislature.

XIII. And be it enacted, That the cashier or acting cashier for the time being shall on each and every discount day furnish a true list to the president or chairman of the said Bank of all delinquent promisers, endorsers and sureties made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the president or chairman on each and every discount day as aforesaid to read the name or names contained in such delinquent sheet to the board of directors, and in case the name of any director shall appear on such delinquent sheet either as promiser, endorser or surety, it is hereby declared illegal for such director to sit at the board or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

Delinquent sheet to be furnished to the President on every discount day.

No Director on the delinquent sheet to sit at the Board.

XIV. And be it enacted, That in the event of any director continuing a delinquent

Disqualification
of directors for
delinquency.

linquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such director from holding his seat, and it shall be the duty of the president and other directors forthwith to proceed in filling up the vacancy in like manner as in the case of death or absence from the Province.

No note for dis-
count to be ex-
cluded by a
single vote.

XV. And be it enacted, That no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

60 G. 3, c. 13, as
amended, con-
tinued till 1st
May 1860.

XVI. And be it further enacted, That the said hereinbefore recited Act of the sixtieth year of the reign of King George the Third shall be and remain in force in all respects except as hereinbefore altered or amended, and shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

This Act and
6 G. 4, c. 3,
continued.

XVII. And be it further enacted, That this Act and an Act made and passed in the sixth year of the reign of King George the Fourth, intituled *An Act to increase the capital stock of the Bank of New Brunswick* shall be and continue in force for and during the continuance of the said recited Act of the sixtieth year of the reign of King George the Third, and no longer.

Shares in capital
stock to be
deemed personal
estate.

XVIII. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, whether original or additional stock, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and be transmissible as such accordingly.

Commencement
of Act.

XIX. And be it enacted, That this Act shall not be in operation or in force until the first day of March next.

CAP. LVIII.

An Act to increase the capital stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same.

Passed 16th March 1836.

Preamble.

‘WHEREAS from the increase of business and trade in this Province, and from the present limited capital of the Central Bank of New Brunswick, it is found expedient to increase the said capital stock and to amend the act of incorporation;’

Capital stock
increased.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the capital or stock of the Central Bank of New Brunswick shall be increased by a sum not exceeding thirty five thousand pounds, making the said capital stock in the whole not exceeding the sum of fifty thousand pounds, which additional capital or stock shall be divided into one thousand four hundred shares of twenty five pounds each.

Additional
shares to be sold
at public auction
at times and
manner herein
mentioned.

II. And be it enacted, That the said additional shares in the capital or stock of the said Bank shall be sold and disposed of by public auction to the highest bidder in separate lots of four shares each, at the times and in manner following, that is to say : such sum as the directors for the time being shall appoint, not less than ten thousand pounds, making four hundred shares, on or before the fifteenth day of May next after the passing of this Act, and the remaining sum of twenty five thousand pounds, making one thousand shares, (if so much shall remain unsold,) at such time or times as the said directors for the time being shall appoint ; provided that no such sale shall take place of a less sum than five thousand pounds at one time nor after the period of five years from the passing of this Act.

III.

III. And be it enacted, That in case the directors of the said Bank for the time being shall not deem it advisable or expedient to sell stock to the full amount of thirty five thousand pounds as provided for by the second section of this Act, that then and in such case the amount actually sold at the expiration of the said term of five years from the time of the passing of this Act, in addition to the present capital of fifteen thousand pounds shall be deemed and taken to be the capital stock of the said Bank.

Amount of stock sold at the expiration of five years with the present capital to be the capital of the Bank.

IV. And be it enacted, That the said directors shall give at least fifty days notice of the time and place of any sale of stock under and by virtue of the provisions of this Act, and cause the same to be published as speedily as may be in four public newspapers printed at Fredericton, Saint John, Saint Andrews and Miramichi, in which notice shall be particularly specified the time when such stock with the advance or premium thereon will be required to be paid into the Bank.

Notice of the time and place of the sale of stock to be given.

V. And be it enacted, That the whole amount of such advance or premium (if any there be), first deducting thereout the charges of such sale, shall be divided in equal proportions to and among all the shares in the capital or stock of the said Bank as well the additional as the original shares, and such dividend of the said advance or premium shall be declared and paid by the said directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so called in when the directors or a majority of them, together with the cashier of the said Bank, shall have signed and verified by oath and filed in the office of the Secretary of the Province a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

Dividend of advance to be made among all the stockholders.

Banking operations may take place on additional stock when a certificate on oath is lodged in the Secretary's office.

VI. And be it enacted, That in case of default of payment of any of the said shares and the advance or premium at which they may have been sold on the day or days when the same shall be notified to be paid as aforesaid, it shall and may be lawful for the directors of the said Bank for the time being forthwith to sell and dispose of the said shares in the payment of which default shall be so made, at their discretion, to the best advantage, and any advance or premium thereon shall be divided in the manner hereinbefore mentioned.

On default of payment shares to be re-sold.

VII. And be it enacted, That whenever any question shall require to be decided by the directors under the provisions of this Act, the board shall be constituted and the votes taken in the manner prescribed in and by the seventh section of the Act incorporating the said Bank.

Board of Directors to decide questions under this Act to be constituted as in 4 W. 4, c. 44, s. 7.

VIII. And be it enacted, That the said additional shares hereby created and the holders thereof shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the fourth year of the reign of his present Majesty King William the Fourth, intitled *An Act to incorporate sundry persons by the name of The President, Directors and Company of the Central Bank of New Brunswick*, and of the bye laws of the said Corporation, and of this Act, and any other Act or Acts of Assembly to be made and passed relating to the said Bank.

Additional shares and holders to be subject to the provisions of 4 W. 4, c. 44, &c.

IX. And whereas by the twenty first section of the said herein before recited Act, it is enacted that the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; Be it therefore enacted, that nothing in the said section shall extend or be construed to extend to any money deposited in the said Bank.

Limitation as to debts not to include deposits.

Semi annual re-
turns of state of
Bank in lieu of
those required in
38d s. of 4 W.
3, c. 44.

X. ' And whereas in and by the thirty third section of the herein before re-
' cited Act, the cashier of the said bank is required semi-annually, (that is to
' say), on the first Monday in January and the first Monday in June in each and
' every year, to make a return of the state of the said Bank as it existed at two
' of the clock in the afternoon of the said days respectively, and forthwith trans-
' mit the same to the Secretary of the Province: and whereas that part of the
' said thirty third section above recited is inconsistent in part and in other re-
' spects difficult to be complied with; Be it therefore enacted, That from and
after the passing of this Act, the said cashier shall semi-annually, (that is to
say,) on the first Monday in December and the first Monday in June in each
and every year, make a return in triplicate of the said Bank as it existed at three
of the clock in the afternoon of the said days respectively, and shall forthwith
transmit the same in triplicate to the Secretary of the Province, and in case of
the sickness or unavoidable absence of the said cashier, then and in such case
it shall and may be lawful for the said cashier to make the said return so soon
after the time and times required in and by this section as he possibly can: Pro-
vided always, that nothing herein contained shall be construed to extend to alter
the nature, character or manner of making the said return, or otherwise to re-
peal the said thirty third section of the said recited Act, except as is herein spe-
cially provided.

Delinquent
sheet to be made
up to 3 o'clock
instead of 2
o'clock as re-
quired in the
34th section
of 4 W. 4, c. 44.

XI. ' And whereas also in and by the thirty fourth section of the said recit-
' ed Act, the cashier of the said Bank is required to furnish the president or
' chairman of the said Bank with a true list of all delinquent promisers, endors-
' ers and sureties made up to two o'clock on the day preceding the discount
' day, which list shall be called a delinquent sheet: and whereas the making
' up of the said list or delinquent sheet at two o'clock has been found inconve-
' nient; Be it therefore enacted, that from and after the passing of this Act,
the said cashier shall make up the said delinquent sheet to three of the clock in the
afternoon of the day preceding the discount day, and furnish the same to the
president or chairman of the said Bank agreeably to the terms and provisions
of the said thirty fourth section of the said Act.

No action to be
had on any note
until after pre-
sentment at the
Bank.

XII. And be it enacted, That no action shall be brought or maintained upon
any Bank bill or Bank notes already issued, or which shall hereafter be issued
by the said Corporation, before such bill or note shall have been presented at
the Bank for the payment, and default in payment shall thereupon take place.

Shares in the
capital stock to
be deemed per-
sonal estate.

XIII. And be it declared and enacted, That all and every the shares in the
capital stock of said Bank, whether original or additional stock, and all the
profits and advantages of such shares respectively, shall be deemed and consid-
ered to be of the nature of and shall be personal estate, and transmissible as
such accordingly.

Shares made
liable to seizures
in execution.

XIV. And be it enacted, That the shares in the capital stock of the said Bank
shall be liable to be seized and taken in execution and sold in like manner with
other personal property: Provided always, That the Sheriff or other officer exe-
cuting such execution shall leave a copy of such execution certified by the Sheriff
or his deputy with the cashier of the said Bank; and the shares in the capital stock
of the said Bank so liable to such execution shall be deemed to be seized in execu-
tion when such copy is so left, and the sale shall be made within thirty days after
such seizure; and on production of a bill of sale from the Sheriff, the cashier of the
said Bank shall transfer the number of shares sold under such execution to the pur-
chaser or purchasers thereof, and such transfer shall be valid and effectual not-
withstanding there may be any debt due to the said Bank from the person or
persons

persons whose shares may be seized and sold: Provided also, that the said cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the cashier.

XV. And be it enacted, That this Act shall continue and be in force and effect for and during the continuance of the Act to which this is an amendment. Limitation.

CAP. LIX.

An Act to incorporate *The Shediac and Saint John Rail Road Company.*

Passed 16th March 1836.

WHEREAS it has been deemed expedient to incorporate a Company for the purpose of establishing a rail road from some point at or near the harbour of Shediac to the Bay of Fundy;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Wiley, Thomas Prince, Henry Blackslee, J. L. Bedell, James Whitney, Ezekiel Barlow, George Scoullar, Ichabod Lewis, John Humphrey, Stephen H. Shaw, William Steadman, William Chapman, John Charters, William L. Smith, Daniel Hanington, E. B. Chandler, William Milne and William Hanington, their associates, successors and assigns shall be and they are hereby declared to be a body corporate by the name of *The Shediac and Saint John Rail Road Company*, and by that name shall have perpetual succession, and a common seal, and all the privileges and franchises incident to a Corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this Act, and of purchasing, taking and holding to them, their successors and assigns in fee, or for any less estate, such lands, tenements, hereditaments and estate, real and personal, and such ships, steam boats, vessels, goods and chattels as shall be necessary to them in the prosecution of their business as a rail road Company, and of suing and being sued, and doing all other matters and things which a body politic and corporate may lawfully do; Provided always, that the capital stock of the said Company shall not at any time exceed the sum of one hundred and fifty thousand pounds.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of twenty thousand pounds of current money of this Province, which shall be divided into eight hundred shares of twenty five pounds each; and that five per cent. of the said capital stock shall be paid in within three years from the passing of this Act, and the residue in such parts and instalments as may be required for the service of the Company.

III. And be it enacted, That whenever four hundred shares of the said capital stock shall have been subscribed, a general meeting of the stockholders shall take place, by notice in one or more of the newspapers published in the City of Saint John, thirty days previous to such meeting, in order to organize the said Company, and to choose seven directors and such other officers as may be necessary to conduct the business of the Company, who shall serve until the first annual

Persons herein named, their associates, successors and assigns incorporated.

To have perpetual succession, a common seal, and privileges of a corporation; may enlarge the capital,

hold real and personal estate, and do all other things which a body corporate may do.

Capital to be £20,000.

£5 per cent to be paid within three years, residue when required.

When 400 shares are subscribed, a general meeting to take place to organize the company, choose Directors &c.

annual meeting and until like officers shall be chosen; and the said Company may then or at any subsequent meeting make, ordain and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided the same be not contradictory to the laws of this Province or those in force within the same.

Annual meeting for choice of Directors to be on the 2d Tuesday in April.

Proviso for omissions to meet.

Directors to choose a President. Board of Directors for business.

Qualification of Directors.

Votes of stockholders regulated.

Vacant Directorships how filled up.

Joint stock to be alone responsible for the debts.

Shares in the stock to be assignable.

IV. And be it enacted, That the stockholders shall meet annually at the City of Saint John on the second Tuesday in April of each year, of which at least thirty days notice shall be given in one or more of the newspapers aforesaid, at which annual meeting there shall be chosen by a majority thereof seven directors, who shall continue in office one year or until others are chosen in their room; provided that the omission to meet and elect as aforesaid shall work no forfeiture, but the stockholders may be afterwards called together for that purpose by the directors.

V. And be it enacted, That the directors shall at the first meeting after their election choose one of their number president of the Company; and that not less than four directors shall constitute a board for the transaction of business; that in the absence of the president the directors may choose one of their number chairman for the time being; that the president or such chairman 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.

VI. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than ten shares of the capital stock and is of the full age of twenty one years; that the number of votes to which each stockholder shall be entitled on every occasion when the votes of the stockholders are to be given shall be in the proportion following, that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares, but no person or persons, co-partnership, body politic or corporate, being a member or members of the said Company shall be entitled to a greater number than twenty votes; and that absent members may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing; that in case any director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by them, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of a vacancy among the directors by death, resignation, or disqualification by sale of stock, the remaining directors may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another be chosen in his room.

VII. 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 same.

VIII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered or registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

XI.

IX. And be it enacted, That the said Company shall have power and authority by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy for that purpose all or any granted or ungranted land which shall be necessary and suitable for constructing a rail road from some point at or near the harbour of Shediac on the Gulf of Saint Lawrence to the waters of the Bay of Fundy at or near some point on the Petitcodiac or Memramkook River in the County of Westmorland, doing as little damage as possible thereto, and to construct, make and erect such rail road, satisfying the several owners and occupiers of such land for the damage done thereto; and in case of disagreement between the said Corporation and the said owners or occupiers or any of them, the amount of compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or occupier of the land in question, which two arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive as to the matters referred to them; and in case the said Company and the owners or occupiers of such land should decline appointing such arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a writ or warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie or to such disinterested person or persons as the said Court may appoint, commanding such Sheriff or other person or persons, as the case may be, to summon, impanel and swear a Jury of twelve disinterested persons qualified to act as petit jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such rail road, which report being confirmed by the said Court shall be final and conclusive unless sufficient cause to the contrary shall be made appear to the said Court within the term next after the filing of such report, and in case the proceedings on such writ or warrant shall be set aside by the said Court for any defect, irregularity or misconduct, the parties shall be at liberty to proceed *de novo*, and the amount of damages so ascertained and the costs and expenses of the proceedings shall be taxed and allowed by the said Supreme Court, and shall be borne by the said Corporation: Provided also, that if any person owning land or any other property which shall be affected by this Act be *feme covert*, under age, *non compos mentis* or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases: Provided also, that the ground to be taken for the said rail road when the same shall pass through wilderness or forest land: shall not be less than two hundred feet in breadth, and when the same shall pass through cultivated lands not to exceed one hundred feet in breadth, except such places as may be used as stopping places for taking in fuel or water, or for leaving or receiving goods, or as stations for fixed engines or other machinery, and for other purposes connected with the use of the said rail road in the line of the said rail road, at which places respectively the extent of land to be taken as aforesaid shall not exceed five hundred feet in length by two hundred and fifty feet in breadth.

X. And be it enacted, That the said Company, the superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wag-

Company may enter upon lands, making satisfaction for the damage.

In case of disagreement between the corporation and owners of the land, compensation to be determined by arbitrators or a jury empannelled under the authority of the Supreme Court.

Proviso for the disability of owners.

Proviso as to extent of land to be occupied.

Company may enter upon lands contiguous to the

rail road, and take materials, making compensation.

gons and other carriages, and beasts of burthen or draught, may enter upon the lands contiguous to the said rail road, whether granted or ungranted, giving or publishing notice to the occupiers thereof (if any), and from thence take and carry away any stone, ground, sand, earth or other material necessary to the construction of the said rail road, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon; the amount of such damages if the parties cannot agree to be ascertained in like manner in all respects as provided for by the ninth section of this Act in other cases.

Company may demand Tolls.

XI. And be it enacted, That a toll be and is hereby granted for the sole benefit of the said Corporation on all passengers and property of all descriptions which may be conveyed or transported upon such rail road, at such rates per mile as may be established from time to time by the directors of the said Corporation; the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads and all other matters and things in relation to the use of the said road, shall be in conformity to such rules, regulations and provisions as the directors shall from time to time prescribe and direct; and such rail road may be used by any person who may comply with such rules and regulations; Provided always, that if after the expiration of six years from the time of completing the said rail road, the rates, tolls or dues that may be established by the said Corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit upon their capital stock than twenty pounds annually for every hundred pounds of such capital stock; and in order that the true state of the affairs of the said Corporation shall be known, it shall be the duty of the president and directors thereof to produce and lay before the several branches of the Legislature of this Province, at the expiration of six years after the said rail road shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said rail road in manner aforesaid, and also of the amount of tolls and revenues of the said rail road, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said six years; the said several accounts and statements to be signed by the president and treasurer of the said Corporation, and by such president and treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said president and directors of the said Corporation, once in each and every year after the expiration of the said six years, to lay before the several branches of the Legislature a like statement and account, verified on oath by the said president and treasurer as aforesaid.

If the Tolls be excessive the Legislature may reduce them.

Company may erect wharves,

XII. And be it enacted, That the said Corporation are hereby authorised to make and erect such wharves, warehouses, depots, toll houses and other buildings, either at the termination of the said rail road or along the line thereof, as may be necessary for the purposes of the same, and shall also have power to levy and collect assessments upon the shares from time to time of such sums of money as may be required for the business of the Company, and whenever any assessment shall be made by the stockholders, it shall be the duty of the treasurer to give notice requiring payment thereof within thirty days; and if any stockholder shall neglect or refuse to pay to the treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the

and may make assessment upon the shares.

On default of payment shares to be sold.

the treasurer to advertize all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of sale; and all shares upon which the assessment is not then paid with interest from the time the same became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertizing and selling, the residue (if any) shall be paid over to the person or owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; Provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

XIII. And be it enacted, That if the said rail road in the course thereof shall cross any private way or public highway, the said Corporation shall so construct the same as not to obstruct the safe and convenient use of such way; and for that purpose the said Corporation shall have power to raise or lower such public or private way in such manner that the said rail road, if necessary, may pass on, over or under the same, and that the said Company shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of passing the rail road over or under any public highway or private way.

Rail road to be so constructed as not to obstruct the use of any private way or public highway.

XIV. And be it enacted, That no suit or action shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence, and that the same was done in pursuance and by authority of this Act.

Actions for any thing done under this Act to be commenced within six months.

XV. And be it enacted, That when such rail road shall be completed, the said Corporation shall and may, (if they deem it expedient,) procure, own and manage such steam boats or vessels as may be necessary to ply in the waters of the Bay of Fundy or of the Gulf of Saint Lawrence, or both, in connexion with the said rail road, and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same, in as full and ample a manner as they are hereby authorised to do with respect of the said rail road.

Company may own steam boats or vessels to ply in the Bay of Fundy, or in the Gulph of Saint Lawrence in connexion with the rail road.

XVI. And be it enacted, That if at any time hereafter it shall be deemed expedient by the Legislature of this Province to purchase the said rail road and steam boats (if any) connected therewith, the stockholders shall be entitled to receive from the Treasury of the Province the amount of the appraised value of such rail road, steam boats and other property therewith connected, such appraisement to be made in such manner as may be prescribed by an Act of the Legislature for that purpose, and on payment of such appraised value to the stockholders of the said Company, the corporate rights hereby granted shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of the said Company.

Province may purchase the rail road and steam boats, paying the stockholders the value to be appraised as may be prescribed in an Act of the Legislature.

XVII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, every such person shall be judged guilty of felony, and every 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.*

Wilfully destroying or damaging works adjudged Felony and to be punished as in 1 W. 4, c. 14.

Place of holding and mode of calling meetings.

XVIII. And be it enacted, That all meetings of the said Corporation shall be held at the City of Saint John, and shall be called by giving notice of the same fourteen days at least prior to such meeting, and that special meetings may be called by the secretary under the authority of the directors or of the shareholders representing not less than two hundred shares of stock, and that all notices required to be given by this Act shall be deemed sufficient if published in one or more of the newspapers printed in the City of Saint John.

Rail road to be completed within six years, otherwise Act to be void.

XIX. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said rail road within six years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then this act and every matter and thing therein contained shall cease and be utterly null and void.

CAP. LX.

An Act to incorporate *The Bay Verte Canal Company.*

Passed 16th March 1836.

WHEREAS it has been deemed expedient to incorporate a Company for the purposes of cutting and making a Canal from the head of the Bay of Fundy to Bay Verte;

Persons herein named, their associates, successors and assigns incorporated.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Botsford, A. E. Botsford, Charles F. Allison, George Aulton, Joseph Avard, Junior, Joseph Wells, George Chappel, Bill Chappel, Thomas Trenholm, Thomas Robson, Edward B. Chandler, John R. Partelow, William Crane, Joseph F. Allison, William End, Daniel Hanington, J. A. Street, Philip Palmer, J. M. Wilmot, Lewis Burns, Jedediah Slason, Peter Stewart, their associates, successors and assigns shall be and they are hereby declared to be a body corporate by the name of *The Bay Verte Canal Company*, and by that name shall have perpetual succession and a common seal, and all the privileges and franchises incident to a Corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper if such enlargement shall be found necessary to fulfil the intention and purposes of this Act, and of purchasing, taking and holding to them, their successors and assigns in fee or for any less estate such lands, tenements, hereditaments and estate real and personal, and goods and chattels, as shall be necessary to them in the prosecution of their business as a Canal Company, and of suing and being sued, and doing other matters and things which a body politic and corporation may lawfully do.

To have perpetual succession, a common seal, and all privileges of a corporation.

Capital to be £100,000.

Five per cent. to be paid in within three years, residue when required.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of one hundred thousand pounds of current money of this Province, which shall be divided into five thousand shares of twenty pounds each, and that five per cent. of the said capital stock shall be paid in within three years from the passing of this Act, and the residue in such parts and instalments as may be required for the service of the Company.

III. And be it enacted, That whenever one thousand shares of the said capital

pital stock shall have been subscribed, a general meeting of the stockholders shall take place, by notice in one or more of the newspapers published in the City of Saint John thirty days previous to such meeting, in order to organize the said Company and to choose seven directors and such other officers as may be necessary to conduct the business of the Company, who shall serve until the first annual meeting and until like officers shall be chosen, and said Company may then or at any subsequent meeting make, ordain, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided the same be not contradictory to the laws of this Province or those in force within the same.

When 1000 shares are subscribed a meeting to take place to organize the company, choose Directors, &c.

IV. And be it enacted, That the stockholders shall meet annually in the Parish of Sackville in the County of Westmorland, on the first Wednesday in June of each year, of which at least thirty days notice shall be given in one or more of the Newspapers aforesaid, at which annual meeting there shall be chosen by a majority thereof, seven directors, who shall continue in office one year or until others are chosen in their room, provided that the omission to meet and elect as aforesaid shall work no forfeiture, but the stockholders may be afterwards collected together for that purpose by the directors.

Annual meeting for choice of Directors to take place at Sackville on the first Wednesday in June.

V. And be it enacted, That the directors shall at the first meeting after their election choose one of their number president of the Company; and that not less than four directors shall constitute a board for the transaction of business, that in the absence of the president the directors may choose one of their number chairman for the time being, that the president or such chairman 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.

Directors to choose a President. Board of Directors for business.

VI. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than ten shares of the capital stock, and is of the full age of twenty one years; that the number of votes to which each stockholder shall be entitled on every occasion when the votes of the stockholders are to be given, shall be in the proportion following, that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares, which said number of twenty votes shall be the greatest that any stockholder shall be entitled to have, and that absent members may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing; that in case any director shall be removed by the stockholders for misconduct or mal-administration his place shall be filled up by them, fourteen days notice of the time and place of meeting for such purpose being first given, and in case of a vacancy among the directors by death, resignation or disqualification by sale of stock, the remaining directors may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another be chosen in his room.

Qualification of Directors.

Votes of stockholders regulated.

Vacant Directorships how to be filled up.

VII. 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 same.

Joint stock alone responsible for the debts.

VIII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual

Shares to be assignable.

unless

unless the same shall be entered or registered in a book to be kept by the directors for that purpose, that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Company may enter upon lands necessary to make their Canal, making satisfaction to the owners.

In case of disagreement, compensation to be settled by arbitrators or a jury empanelled under the authority of the Supreme Court.

IX. And be it enacted, That the said Company shall have power and authority by themselves or their superintendents, engineers, artists and workmen to enter in and upon and occupy for that purpose all the land which shall be necessary and suitable for constructing and making a canal from the Au Lac Harbour at the head of the Bay of Fundy to the waters of the Bay Verte, doing as little damage as possible thereto, and to dig and make such canal, satisfying the several owners and occupiers of such land for the damage done thereto; and in case of disagreement between the said Corporation and the said owners or occupiers or any of them, the amount of compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or occupier of the land in question, which two arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive as to the matters referred to them, and in case the said company and the owners or occupiers of said land should decline appointing such arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a writ or warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie, or to such disinterested person or persons as the said Court may appoint, commanding such Sheriff or other person or persons (as the case may be) to summon, empanel and swear a jury of twelve disinterested persons qualified to act as petit jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such canal, which report being confirmed by the said Court shall be final and conclusive, unless sufficient cause to the contrary shall be made appear to said Court within the term next after the filing of such report, and in case the proceedings on such writ or warrant shall be set aside by the said Court for any defect, irregularity or misconduct, the parties shall be at liberty to proceed *de novo*, and the amount of damages so ascertained, and the costs and expenses of the proceedings, shall be taxed and allowed by the said Supreme Court and shall be borne by the said Corporation; and provided also, that if any person owning land or any other property which shall be affected by this Act, be *feme covert*, under age or *non compos mentis*, or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases.

Proviso for the disability of owners.

Company may enter upon lands contiguous to the canal and take materials therefrom, making compensation.

X. And be it enacted, That the said Company, their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts, waggons and other carriages, and beasts of burden or draught may enter upon the lands contiguous to the said canal, whether granted or ungranted, giving or publishing notice to the occupiers thereof (if any), and from thence take and carry away any stone, gravel, sand, earth or other material necessary to the construction of the said canal, doing as little damage as possible, and repairing any breaches they may make in the enclosure thereof, and making amends for any damages that may

may be done thereon, the amount of such damages if the parties cannot agree to be ascertained in like manner in all respects as provided for by the ninth section of this Act in other cases.

XI. And be it enacted, That the said Company or such person or persons as they shall from time to time appoint as toll collectors or their deputies are hereby authorised to demand and receive toll of and from the persons having charge of any boat, ark or other vessel passing through the said canal, the rates of which toll shall be regulated and established by the said Company; and the toll collectors appointed as aforesaid shall be and they are hereby authorised not to permit the passage of any boat or vessel through the said canal until the tolls fixed by the company are first paid or discharged by the owner, shipper or supercargo, or may bring suit for the same against the owner, shipper, supercargo or captain of such boat or vessel before any competent tribunal, in the name of the said Company; Provided always, that if after the expiration of six years from the time of completing the said canal, the rates, dues or tolls that may be established by the said Corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit upon their capital stock than twenty pounds annually for every hundred pounds of said capital stock; and in order that the true state of the affairs of the said Corporation shall be known, it shall be the duty of the president and directors thereof to produce and lay before the several branches of the Legislature of this Province, at the expiration of six years after the said canal shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said canal in manner aforesaid, and also of the amount of tolls and revenues of the said canal, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said six years; the said several accounts and statements to be signed by the president and treasurer of the said Corporation, and by such president and treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said president and treasurer of the said Corporation once in each and every year after the expiration of the said six years to lay before the several branches of the Legislature a like statement and account verified on oath by the said president and treasurer as aforesaid.

XII. And be it enacted, That the said Corporation are hereby authorised to make and erect such wharves, warehouses, depots, toll houses and other buildings, either at the terminations of the said Canal or along the line thereof as may be necessary for the purposes of the same, and shall also have power to levy and collect assessments upon the shares from time to time of such sums of money as may be required for the business of the Company, and whenever any assessment shall be made by the stockholders it shall be the duty of the Treasurer to give notice requiring payment thereof within thirty days; and if any stockholder shall neglect or refuse to pay to the treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the treasurer to advertise all such delinquent shares for sale at public auction giving at least thirty days notice of the time and place of sale, and all shares upon which the assessment is not then paid with interest from the time the same became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be

Company may demand tolls.

If the tolls be excessive Legislature may reduce them.

Company may erect wharves, &c.

and make assessments upon the shares.

On default of payment shares to be sold.

No assessment to be made except by vote of stockholders.

Provisions for the use and passage of public roads which the canal may cross.

Owners of lands through which the canal may pass may erect bridges.

Actions for any thing done under this act to be commenced within six months.

Province may purchase the canal, paying the stockholders the value to be appraised as may be prescribed in an Act of the Legislature.

Wilfully destroying or damaging works adjudged Felony, and to be punished as in 1 W. 4, c. 14.

Place of holding and mode of calling meetings.

be made out and delivered to the purchasers: Provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

XIII. And be it enacted, That the said Company shall so make and construct said Canal as not to obstruct or impede the use and passage of any public road which may cross the same, and in all places where said Canal may cross or interfere with any such public road it shall be the duty of such Company to make or cause to be made a good and sufficient causeway or bridge over such Canal sufficient for all the purposes of such road, and the same to maintain and keep in repair, and if said Company shall neglect or refuse to make such causeway or bridge as soon as practicable, or when made keep the same in repair, they shall be liable to pay the penalty of forty shillings for every day the same shall be neglected or refused after having been notified in writing by the Commissioners of roads of the parish wherein such causeway or bridge or the repair thereof is required, to be sued for and recovered by the said Commissioners in an action of debt with costs in any Court of competent jurisdiction, and when recovered such penalties to be applied for the use of the public road in such parish, and such Company moreover shall be liable to an action or actions at the suit of any person who may be aggrieved thereby.

XIV. And be it enacted, That the owner or owners of any land through which said Canal passes shall not be prevented from constructing bridges over said Canal agreeably to the form and structure of the bridges which may be constructed by said Company.

XV. And be it enacted, That no suit or action shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue and give this Act and the special matter in evidence, and that the same was done in pursuance and by authority of this Act.

XVI. And be it enacted, That if at any time hereafter it shall be deemed expedient by the Legislature of this Province to purchase the said Canal, the stockholders shall be entitled to receive from the Treasurer of the Province the amount of the appraised value of said Canal and works therewith connected, such appraisements to be made in said manner as may be prescribed by an Act of the Legislature for that purpose, and on payment of such appraised value to the stockholders of the said Company, the corporate rights hereby granted shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of the said Company.

XVII. And be it enacted, That if any person or persons shall wilfully and maliciously and to the prejudice of the undertaking break, injure or destroy any of the works to be made by virtue of this Act, every such person shall be judged guilty of felony, and every person so offending and being thereof lawfully convicted shall be liable to the punishment prescribed for felony in an Act made and passed in first year of the reign of His present Majesty, intituled *An Act for the improving the administration of Justice in criminal cases*.

XVIII. And be it enacted, That all meetings of the said Corporation shall be held at the parish of Sackville aforesaid, and shall be called by giving notice of the same fourteen days at least prior to such meeting, and that special meetings may be called by the secretary under the authority of the directors or of the shareholders representing not less than two hundred and fifty shares of stock, and that all notices required

required to be given by this Act shall be deemed sufficient if published in one or more of the newspapers printed in the City of Saint John.

XIX. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act shall and they are hereby required to make and complete the said canal with all necessary embankments, locks, gates, dams, piers, booms, wharves and sluices within ten years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance of vessels, boats, timber and other articles then this Act and every matter and thing therein contained shall cease and be utterly null and void.

Canal to be completed within ten years. otherwise Act to be void.

CAP. LXI.

An Act to incorporate *The Lancaster Mill Company*.

Passed 16th March 1836.

WHEREAS a joint stock Company or association hath lately been formed within this Province, which hath already invested considerable sums of money therein, the members of which are desirous of introducing a large amount of foreign capital into the country for manufacturing purposes; and whereas it hath been deemed expedient to afford protection and encouragement to the said association by granting them an act of incorporation; therefore,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Moses H. Perley, Isaac Gage, Nathan Howe, Edward Howe, Calvin Spaulding, John Gardner and Robert Gardner, their associates, successors and assigns, shall be and they are hereby erected into a body politic and corporate by the name of *The Lancaster Mill Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Persons herein named, their associates, successors and assigns incorporated, with the powers and privileges incident to a corporation.

II. And be it enacted, That the capital stock of the said Corporation shall be one hundred thousand pounds of current money of New Brunswick, and shall be divided into one thousand shares of one hundred pounds each to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen per cent. of the said capital stock amounting to fifteen thousand pounds shall be actually paid in and invested in the business of the said Corporation within three years from the passing of this Act; and provided also, that the said Corporation shall when necessary have leave to extend the said capital stock to the sum of three hundred thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares: and provided also, that the said Corporation shall not be entitled to purchase any property real or personal or to incur any debts until the said fifteen per cent. of the capital stock as aforesaid shall be paid in.

Capital to be £100,000.

£15,000 to be invested within three years. Proviso for increase of capital.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by Moses H. Perley, Esquire, or in case of his death, neglect or refusal by any two of the said Company, by giving notice in one or more of the public newspapers printed in the said City at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five directors, and such other officers as may be necessary for the management of the affairs of the said Company, which directors and officers so

No property to be purchased or debts incurred until £15,000 be paid in.

First meeting for establishing Bye Laws and choosing Directors.

chosen shall serve until the first annual meeting or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation subject to the rules and regulations hereinafter made and provided.

Annual meeting for choosing Directors &c. to be held on second Tuesday in May, at Saint John.

Directors to choose a President. Board of Directors for business.

IV. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the second Tuesday in May in each and every year, for the purpose of choosing five directors and such other officers as may be necessary for the management of the affairs of the said Corporation; which directors so chosen shall remain in office for one year or until others are chosen in their place, and shall at the first meeting after their election choose one of their number president of the said Company; Provided always, that not less than three directors do form a quorum for the transaction of business, and in case of the absence of the president the directors shall have power to appoint one of their number chairman for the occasion.

Qualification of Directors.

V. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than five shares of the capital stock of the said Corporation and is of the full age of twenty one years.

Votes of stockholders regulated.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act, the votes of the stockholders are to be given shall be in proportion of one to each share of stock; and that absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

Shares to be assignable.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, and no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Should Directors not be chosen on second Tuesday in May they may be chosen on any other day.

Vacant Directorships how filled up.

VIII. And be it enacted, That if it should so happen that the said directors or other officers should not be chosen on the said second Tuesday in May in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John; and in case any director shall be removed by the stockholders for misconduct or mal-administration his place shall be filled up by the stockholders, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of any vacancy among the directors by death, resignation or disqualification by sale and transfer of stock, then and in either of such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another be chosen in his room.

Joint stock alone responsible for the debts.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

Company may assess the shares.

X. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company, and whenever any assessment shall be made by the stockholders of the Company it shall be the duty of the treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the treasurer the amount of such as-

On default of payment shares to be sold.

assessment

assessment upon his shares at the time prescribed, it shall be the duty of the treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid with interest from the time such assessment became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the stockholders and by a majority of all the shares.

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place in a newspaper printed in the City of Saint John seven days at least before the time of such meeting; and that special meetings may be called by the secretary under the authority of the directors or by the shareholders representing not less than two hundred and fifty shares of stock, upon giving the like notice.

Mode of calling meetings.

XII. Provided always and be it enacted, That unless fifteen thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace is hereby authorised to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void unless £15,000 be paid in within three years and certificate thereof lodged in the Secretary's office.

CAP. LXII.

An Act for the incorporation of *The Saint John Stage Coach Company*.

Passed 16th March 1836.

WHEREAS it is thought that the establishment of a Company for the purpose of running Stage Coaches from the City of Saint John to the different parts of this Province would be highly beneficial to the public;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That E. D. W. Ratchford, George A. Lockhart, Thomas P. Crane, William Wilson, John C. Vail, John Lockhart, Oliver Vail, George Pittfield, Ichabod Lewis, George B. Easterbrooks, Thomas S. Sayre, Joseph F. Allison, James S. Morse, William End and James S. White, and all and every such other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The Saint John Stage Coach Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Persons herein named their associates, successors and assigns incorporated with the privileges incident to a corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of ten thousand pounds, the whole amount of the said stock to be divided into four hundred shares of twenty five pounds each.

Capital to be £10,000.

III. Provided always and be it enacted, That unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority

Act to be void if one fifth of the capital be not invested within three years.

majority of them (which oath any Justice of the Peace is hereby authorised to administer), shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. LXIII.

An Act to incorporate *The Saint John Hotel Company*.

Passed 16th March 1836.

Persons herein named, their associates, successors and assigns incorporated with the privileges incident to a corporation.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William H. Street, Ezekiel Barlow, Thomas Hendricks, William Walker, H. Bowyer Smith, Nehemiah Merritt, Charles C. Stewart, Charles Ward, Henry Gilbert, James Whitney, John Robertson, Moses H. Perley, John G. Woodward, John Wishart and Thomas L. Nicholson, their associates, successors and assigns be and they are hereby declared to be a body politic and corporate by the name of *The Saint John Hotel Company*, and by that name shall have all the general powers and privileges made incident to a corporation by Act of Assembly in this Province.

Capital to be divided into 1000 shares, and members to have a certificate of their shares.

II. And be it enacted, That the property of the said Corporation shall be divided into one thousand shares, and every member of the said Corporation shall have and be entitled to have a certificate under the seal of the said Company and signed by the president and secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

Shares to be assignable.

III. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

When 300 shares are subscribed a meeting to be called.

IV. And be it enacted, That when three hundred shares of the capital stock of the said Corporation shall have been subscribed, a general meeting of the subscribers shall be held at the City of Saint John, and shall and may be called by any two of the persons named in this Act by giving notice thereof for thirty days in one or more of the public newspapers published in the City of Saint John, at which or any subsequent meeting to be for that purpose holden, bye laws shall be established, and five directors shall be elected (who shall be members and stockholders of and in the said Corporation to such an extent as may be required by the said bye laws); which directors so chosen shall at their first meeting after their election choose one of their number president of the said Company, and shall serve until the first annual meeting of the Company or until others are chosen in their stead, which directors shall have full power and authority to manage the concerns of the said Company, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Bye Laws to be established and Directors chosen.

Directors to choose a President.

Annual meeting for choice of Directors to be held on first Monday in May.

V. And be it enacted, That a general meeting of the stockholders and members of the said Corporation shall be annually holden on the first Monday in May in each and every year at the City of Saint John, at which annual meeting there shall

shall be chosen of the said members five directors, (duly qualified according to the rules and regulations of the said Company,) who shall continue in office for one year or until others are chosen in their place, and the directors when chosen shall at their first meeting choose out of their number a president.

VI. And be it enacted, That the directors for the time being shall and may appoint a secretary and treasurer, and such other officers, clerks and servants as they or the major part of them shall think necessary for executing the business of the Corporation, and shall allow them (out of the funds of the Corporation) such compensation for their respective services as to them shall appear reasonable and proper, and the directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

Directors to appoint officers, allow them compensation and exercise powers prescribed in the Bye Laws.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder and authorised in writing.

Owners of shares to be members and entitled to vote. Votes by Proxy.

VIII. And be it enacted, That the president and directors of the said Corporation may from time to time assess upon each share such sum or sums or money as shall be judged by the said Company necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the designing, erecting, building, making and setting up of such buildings, fences, gardens, yards and appurtenances as may be deemed necessary for carrying into full effect the objects of the said Company, to be paid to their treasurer at such time or times and by such instalments as shall be deemed requisite and proper: Provided always, that when any such assessment shall be made or ordered notice shall be given thereof by the secretary in one or more public newspapers published in the City of Saint John, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or instalment thereof duly assessed or ordered as aforesaid, it shall be the duty of the treasurer to advertize such delinquent share for sale at public auction, giving at least thirty days notice of the time and place of such sale in one or more public newspapers published in the City of Saint John, and all shares upon which the assessment or instalment thereof shall then remain unpaid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate in the manner prescribed in and by the second section of this Act, provided that the whole capital or stock of said Corporation shall not exceed the sum of twenty five thousand pounds.

Directors to assess shares to carry into effect the objects of the company.

On default of payment shares to be sold.

Capital not to exceed £25,000.

IX. Provided always and be it enacted, That unless twenty per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation and a certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace is hereby authorised to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void if twenty per cent. of the capital be not invested within three years.

CAP. LXIV.

An Act to incorporate *The Fredericton Hotel and Stage Coach Company.*

Passed 16th March 1836.

Persons herein named, their associates, successors and assigns incorporated;

to have perpetual succession and a common seal; may sue and be sued; may make Bye Laws;

may possess real and personal property for public accommodation;

may establish lines of stages,

and let to hire horses, &c.

Capital to be £15,000, and members to have a certificate of their shares.

Shares may be alienated by the proprietor thereof.

When 500 shares are subscribed a meeting to be called to choose Directors.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Taylor, George F. S. Berton, Benjamin Wolhaupter, John A. Beckwith, Ephraim H. Lombard, James Willox, Henry G. Clopper and Stephen Miller, their associates, successors and assigns, be and they are hereby declared to be a body politic and corporate by the name of *The Fredericton Hotel and Stage Coach Company*, and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, and in all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever; and also that the said persons, their associates, successors and assigns or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws and statutes of this Province and those in force within the same; and also that the said Company may have, get, receive, purchase, procure, erect, build, make and set up, take, possess and enjoy lands, tenements, hereditaments, houses, outhouses, barns, buildings, stables, yards, gardens and farms, in fee simple or otherwise, for the purposes of a house or houses for public accommodation, convenience and entertainment to be situated in the town of Fredericton; and also may have, get, procure and possess horses, sleighs, sleds, coaches, carriages and other vehicles for the carriage and conveyance of passengers, goods and merchandize, and may establish and get up lines of stages and stage coaches for such purpose, and may contract for the carriage of the public mails, and may establish livery stables, and let, hire horses, carriages and vehicles at their discretion, and in such manner as they shall see fit, and the same discontinue, and all and every the rents, issues and profits thereof and therefrom coming and arising.

II. And be it enacted, That the capital stock of the said Company shall consist of fifteen thousand pounds to be divided into one thousand shares and numbered in progressive order, beginning at number one, and every member of the said Corporation shall have and be entitled to have a certificate under the seal of the said Corporation and signed by the President and secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

III. And be it enacted, That any share or shares may be alienated by the proprietor thereof, by deed under his hand and seal acknowledged before one of His Majesty's Justices of the Peace for any County in this Province, and recorded by the secretary of the Corporation in a book to be by him kept for that purpose, and any purchaser named in such deed so recorded shall on producing the same to the secretary and delivering up to him the former certificate be entitled to receive a new certificate in form aforesaid.

IV. And be it enacted, That when five hundred shares of the stock of and in the said Corporation shall have been subscribed, a general meeting of the subscribers shall and may be held at Fredericton aforesaid, and shall and may be called by George F. S. Berton, Barrister at Law, or in case of his death or neglect or refusal by any two of the said stockholders, by publishing notice thereof for thirty days in the Royal Gazette, at which or at any subsequent meeting

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to be for that purpose holden, five directors (who shall be members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Corporation may be provided) shall be elected, which directors at their first meeting after such election shall choose one of their number to be president of the said Company, and shall serve until the first annual meeting for the choice of directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Directors to choose a President and commence operations.

V. And by it enacted, That a general meeting of the stockholders and members of the said Corporation shall be annually holden on the second Monday in January in each and every year at Fredericton, at which annual meeting there shall be chosen of the said members five directors (duly qualified according to the rules and regulation of the said Company), who shall continue in office for one year or until others are chosen in their room; Provided always, that three of the directors in office shall be re-elected at such annual meeting for the next succeeding year, and the directors when chosen at their first meeting shall choose out of their number a President.

Annual meeting for choice of Directors to be held on second Monday in January.

VI. And be it enacted, That the directors for the time being shall and may appoint a secretary and treasurer, and such other officers, clerks and servants as they or the major part of them shall think necessary for executing the business of the Corporation, and shall allow them (out of the funds of the Corporation) such compensation for their respective services as to them shall appear reasonable and proper, and the directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

Directors to appoint officers, allow them compensation, and exercise powers prescribed in the Bye Laws.

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

Overseers of shares to be members and entitled to vote.

Votes by proxy.

VIII. And be it enacted, That the president and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by the said Company necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the erecting, building, making and setting up of such buildings, fences, gardens, yards, farms and appurtenances as may be deemed necessary for carrying into full effect the objects of the said Company, to be paid to their treasurer at such time or times and by such instalments as may be deemed requisite and proper; Provided always, that when any such assessment shall be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares neglect or refuse to pay to the treasurer the amount of any such assessment or assessments, or instalment thereof, duly assessed or ordered as aforesaid, it shall be the duty of the treasurer to advertize such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, and all shares upon which the assessment or assessments or instalment thereof shall then remain unpaid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold

Directors may assess shares to carry into effect the objects of the company.

On default of payment shares to be sold.

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to the purchaser or purchasers thereof, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in and by the second section of this Act.

Act to be void if one fifth of the capital be not invested within three years.

IX. Provided always and be it enacted, That unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, (which oath any Justice of the Peace is hereby authorised to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Limitation.

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

CAP. LXV.

An Act to incorporate *The Restook Upper Mill Company.*

Passed 16th March 1836.

WHEREAS extensive water powers are presented by the falls and various rapids on the river Restook, and the erection of mills thereon for the manufacture of lumber will be convenient to the country and advantageous to the commercial interests of the Province;

Persons herein named, their associates, successors and assigns incorporated with the privileges incident to a corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Samuel Frye, Harris Hatch, Nehemiah Marks, James Taylor, George F. S. Berton, John A. Beckwith, Francis E. Beckwith, Thomas Wyer, James Campbell, Moses Vernon, James Vernon and Thomas Jones, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The Restook Upper Mill Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

First meeting to be held in Fredericton, and called by notice in the Royal Gazette.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by James Taylor, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof in the Royal Gazette or in some other newspaper published in Fredericton, at which or at any subsequent meeting to be for that purpose holden five directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen; which directors so chosen shall serve until the first annual meeting for the choice of directors and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Five Directors to be chosen.

Directors to manage the affairs until others are chosen.

Capital to be £50,000.

III. And be it enacted, That the capital stock of the said Company shall be fifty thousand pounds, and shall be divided into one thousand shares of twenty five pounds each, to be paid by the stockholders at such time or times and by such instalments from time to time as may be assessed and ordered by the said Company and the President and Directors thereof as hereinafter directed: Provided nevertheless, and it is hereby expressly required that fifteen per cent. of

Fifteen per cent. to be paid within three years.

the

the said capital stock shall be paid in current money of this Province within three years after the passing of this Act; and provided that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per cent. of the capital stock of the said Company as aforesaid, being the sum of seven thousand five hundred pounds, be paid in.

Proviso as to purchasing property or incurring debts.

IV. And be it enacted, That the said Corporation may and they are hereby authorised whenever the whole amount of the said capital or sum of fifty thousand pounds shall have been paid in and expended for the purposes contemplated by this Act, at any general meeting of the said Corporation, from time to time to increase the said capital stock to any amount or amounts, (not to exceed in the whole the sum of one hundred thousand pounds,) by an assessment or assessments upon the shares in the capital stock of the said Company, to be made and ordered and paid in as hereinafter directed.

Capital may be increased.

V. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the president and secretary thereof, certifying his property in such share as shall be expressed in the certificate.

Shares to be numbered in progressive order, and owner to be entitled to a certificate.

VI. And be it enacted, That there shall be a general meeting of the shareholders and members of the said Corporation to be annually holden at Frederickton aforesaid, at such time as shall for that purpose be appointed by the bye laws and regulations of the said Corporation; at which annual meeting there shall be chosen of the said members five directors, being members and shareholders in the said Corporation to such an extent as may be provided and required in and by the bye laws and ordinances of the said Company, who shall continue in office for one year or until others are chosen in their room; which directors when chosen shall at their first meeting after their election choose out of their number a president.

Annual meeting for choice of Directors to be held at Frederickton, at the times prescribed in the Bye Laws.

Directors to choose a President.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a shareholder and authorised in writing.

Owners of shares to be members and entitled to vote.

Votes by proxy.

VIII. And be it enacted, That the president and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital or for the increase thereof for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up and procuring such buildings, dams, mills, ships, boats, vessels, machinery and other things as may be deemed necessary and requisite for carrying on the business of the said Company: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the increased amount thereof if the same shall be increased as hereinbefore directed.

Directors may assess the shares to carry on the business of the company.

IX. And be it enacted, That when any such assessment or assessments shall at any time or times be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or assessments, or instalment thereof duly assessed or ordered as aforesaid, it shall

Notice of assessments to be given, and on default of payment shares to be sold.

be the duty of the treasurer to advertize such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, or some other newspaper published in Fredericton; and all shares upon which the said assessment or instalment thereof is not then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by fifth section of this Act.

Act to be void if fifteen per cent. be not invested within three years.

X. Provided always and be it enacted, That unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace is hereby authorised to administer, shall be filed in the office of the Secretary of the Province, before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. LXVI.

An Act to incorporate *The Woodstock and Fredericton Stage Coach Company.*

Passed 16th March 1836.

‘**W**HEREAS it is thought that the running of Stage Coaches on the great roads in this Province will be highly beneficial and great accommodation to the public, and that it would be essential to the success of the undertaking that an Act of Assembly incorporating a Company for that purpose should be granted;’

Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Henry Jones, John Teggert, George E. Ketchum, Hiram Gould and Allen Munson, and all and every such other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The Woodstock and Fredericton Stage Coach Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Coaches between Fredericton and Woodstock to run to and from the Court House in Carleton, and stop five minutes on the north side of the Meduxnikick creek.

II. And be it enacted, That any line of Coaches established by the said Company, or any Coach or Coaches run by the said Company between Fredericton and Woodstock, shall run to and from the Court House in the said County of Carleton, stopping not less than five minutes each and every time the said Coaches run between Fredericton and Woodstock aforesaid, at some convenient place or places on the north side of the Meduxnikick creek near the bridge in the said parish of Woodstock, for the purpose of landing or receiving passengers, luggage, or delivering or receiving for carriage letters, papers and all other things.

Capital to be £1000.

III. And be it enacted, That the capital stock of the said Corporation shall be one thousand pounds, the whole amount of the said stock to be divided into one hundred shares of ten pounds each.

Act to be void if one half of the capital be not

IV. Provided always and be it enacted, That unless one half of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate

tificate of such payment signed and verified on oath by the directors of the said Corporation or a majority of them, which oath any Justice of the Peace is hereby authorised to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

invested within three years.

CAP. LXVII.

An Act to incorporate *The Restook Lower Mill Company.*

Passed 16th March 1836.

WHEREAS the falls at the river Restook and other parts of the said river afford extensive water power for driving mills and machinery, and the erection of mills there for the manufacture of lumber and other purposes will be advantageous to the commercial interests of this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George F. S. Berton, Joseph Gaynor, George J. Dibblee, James Willox, James Taylor, Ephraim H. Lombard and William End, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The Restook Lower Mill Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a corporation.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by George F. S. Berton, Esquire, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette at Fredericton, or in some other newspaper published in Fredericton, at which meeting or at any subsequent meeting to be for that purpose holden, five directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which directors so chosen shall serve until the first annual meeting for the choice of directors, and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

First meeting to be held in Fredericton and to be called by notice in the Royal Gazette.

Five Directors to be chosen.

Directors to manage the affairs until others are chosen.

III. And be it enacted, That the capital stock of the said Company shall be forty eight thousand pounds and shall be divided into nine hundred and sixty shares of twenty five pounds each, to be paid by the stockholders at such time or times and by such instalments from time to time as may be assessed and ordered by the said Company and the president and directors thereof as hereinafter directed: Provided nevertheless and it is hereby expressly required that fifteen per cent. of the said capital stock shall be paid in current money of this Province within three years after the passing of this Act; and provided that the said Corporation shall not be entitled to purchase any property real or personal, or to incur any debts until the said fifteen per cent. of the capital stock as aforesaid shall be paid in.

Capital to be £48,000.

Fifteen per cent to be paid within three years.

Proviso as to purchasing property or incurring debts.

IV. And be it enacted, That the said Corporation may and they are hereby authorised whenever the whole amount of the said capital or sum of forty eight thousand pounds shall have been paid in and expended for the purposes contemplated

Capital may be increased.

plated by this Act, at any general meeting of the said Corporation, from time to time to increase the said capital stock to any amount or amounts (not to exceed in the whole the sum of one hundred thousand pounds) by an assessment or assessments upon the shares in the property of the said Company, to be made, ordered, and paid in as hereinafter directed.

Shares to be numbered in progressive order, and owner to be entitled to a certificate.

V. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation and signed by the president and secretary thereof, certifying his property in such share as shall be expressed in the certificate.

Annual meeting for choice of Directors to be held at Fredericton at the time prescribed in the Bye Laws.

VI. And be it enacted, That there shall be a general meeting of the shareholders and members of the said Corporation to be annually holden at Fredericton aforesaid at such time as shall for that purpose be appointed by the bye laws and regulations of the said Corporation, at which annual meeting there shall be chosen of the said members five directors, being members and shareholders in the said Corporation to such an extent as may be provided and required in and by the bye laws and ordinances of the said Company, who shall continue in office for one year or until others are chosen in their room; which directors when chosen shall at their first meeting after their election choose out of their number a president.

Directors to choose a President.

Owners of shares to be members and entitled to vote. Votes by proxy.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a stockholder and authorised in writing.

Directors may assess the shares to carry on the business of the company.

VIII. And be it enacted, That the president and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital or for the increase thereof for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up and procuring such buildings, dams, mills, boats, machinery and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act or the increased amount thereof if the same shall be increased as hereinbefore directed.

Notice of assessments to be given, and on default of payment shares to be sold.

IX. And be it enacted, That when any such assessment or assessments shall at any time or times be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed, and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or assessments, or instalment thereof, duly assessed or ordered as aforesaid, it shall be the duty of the treasurer to advertize such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid or some other newspaper published in Fredericton, and all shares upon which the said assessment or instalment thereof shall not be then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the fifth section of this Act.

Act to be void if fifteen per cent. of the

X. Provided always and be it enacted, That unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation and a certificate

certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace is hereby authorised to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

capital be not paid within three years.

CAP. LXVIII.

An Act to incorporate *The Tobique Mill Company*.

Passed 16th March 1886.

WHEREAS the extensive erection of mills at the river Tobique for the manufacture of lumber will be of public utility; and whereas the amount of capital necessary to be invested in such a speculation renders it essential that the Company engaged therein should be incorporated;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George F. S. Berton, James Taylor, John F. Taylor, William H. Street, William P. Ranney, John A. Beckwith, Ephraim H. Lombard and Thomas W. Howe, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The Tobique Mill Company*, and by that name shall have all the general powers and privileges made incident to a corporation by Act of Assembly in this Province.

Persons herein named their associates and assigns incorporated, with the privileges incident to a corporation.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by George F. S. Berton, Esquire, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette, at which or at any subsequent meeting to be that purpose holden, five directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which directors so chosen shall serve until the first annual meeting for the choice of directors and 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 laws and regulations which may from time to time be made by the said Company.

First meeting to be held in Fredericton, and to be called by notice in the Royal Gazette.

Five Directors to be chosen.

III. And be it enacted, That there shall be a general meeting of the stockholders and members of the said Corporation to be annually holden at such time and place as by the laws and regulations of the said Company may be appointed, at which annual meeting there shall be chosen five directors, being members and stockholders of and in the said Company to such an extent as by the laws and regulations of the said Company may be required, who shall continue in office for one year or until others are chosen in their room; and the directors when chosen shall at their first meeting after their election choose one of the number to be the president of the said Company.

Annual meeting for choice of Directors to be held at time prescribed in the bye laws.

Directors to choose a President.

IV. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a stockholder and authorised in writing.

Owners of shares to be members and entitled to vote.

Votes by Proxy.

V. And be it enacted, That the property of the said Corporation shall be divided

Stock to be divided into 3000 shares.

Members to have certificates of their shares.

Capital to be £75,000.

£15,000 to be paid in within three years, residue when required.

No property to be purchased or debts contracted till £15,000 be paid in.

Capital may be increased when the capital of £75,000 shall have been paid in and expended.

Directors may assess the shares to raise a capital to pay the debts &c.

On default of payment shares to be sold.

vided into three thousand shares and numbered in progressive order, beginning at number one; and that every member of the said Company shall have a certificate under the seal of the said Corporation and signed by the president and secretary thereof, certifying his property in such share as shall be expressed in the said certificate.

VI. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of seventy five thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; fifteen thousand pounds being one fifth part thereof to be paid within three years after the passing of this Act, and the remainder of said stock or sixty 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 three thousand shares; and provided that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said sum of fifteen thousand pounds be paid in.

VII. Provided always and be it further enacted, That so soon as the said capital stock of seventy five thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding two hundred and fifty thousand pounds, to be assessed upon the several stockholders of the said Company in proportion to their respective shares.

VIII. And be it enacted, That the president and directors of the said Company shall and may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the erecting, building, making, setting up, procuring and maintaining such buildings, dams, erections, machinery, ships, boats, vessels and all other things whatsoever as may be deemed necessary for carrying on the business of the said Company, which said sum or sums of money so to be assessed shall be paid to the treasurer of the said Company at such time or times and by such instalments as shall be deemed requisite and proper, and may be directed thereby: Provided always, that when any such assessment shall be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette or some other newspaper published in Fredericton, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or assessments, or instalment thereof, at the time fixed for the payment of the same, it shall be the duty of the treasurer to advertize such delinquent share or shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette or some other newspaper published as aforesaid, and if the amount of such assessment or instalment be not then or sooner paid, such share or shares shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the fifth section of this Act.

IX. And be it enacted, That the joint property and stock of the said Company

pany shall alone be responsible for the engagements and debts of the said Company.

X. And be it enacted, That an annual statement of the affairs and amount of property of the said Company shall be made previous to the general meeting of the said Company in every year, shewing the amount assessed and paid in by the proprietors of shares, and the amount and value (as near as may be) of the funds and property of the said Company, and the amount of debts due from such Company, which statement shall be certified as correct by the president and secretary and treasurer of the said Company under oath, each swearing to the best of his knowledge and belief respectively, and such statement shall be forthwith published in the Royal Gazette or some other newspaper as aforesaid.

XI. Provided always and be it enacted, That unless the sum of fifteen thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them (which oath any Justice of the Peace is hereby authorised to administer), shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Joint stock alone responsible for the debts.
Annual statement of the affairs to be made up and published.

Act to be void if £15,000 be not invested within three years.

CAP. LXIX.

An Act to incorporate *The Saint Stephen's Whale Fishing Company*.

Passed 16th March 1836.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Porter, John Porter, George M. Porter, John Marks, Nehemiah Marks, Robert Lindsay, Thomas Wyer, Ninian Lindsay, John Millikin, Robert M. Todd, John M'Allister, William Todd, Junior, William Andrews, Alexander Grant, James Rait, James Douglas, George S. Hill, their associates, successors and assigns, shall be and are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The Saint Stephen's Whale Fishing Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Persons herein named their associates, successors and assigns incorporated with the privileges incident to a corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current money of the Province to the amount of fifty thousand pounds, which shall be divided into five thousand shares of ten pounds each, and that twenty per cent. of the said capital stock shall be paid in within twelve calendar months after the passing of this Act at such time and places as the president and directors of the said Company may appoint, and the residue in such parts and instalments as may be required by the said president and directors for the service of the Company at such times and places as they may appoint, at least one month's notice being by them previously given for all the payments in one of the newspapers published in the County of Charlotte and also in one of the newspapers published in the City of Saint John: Provided always, that no larger amount than ten per cent. of the said capital stock shall be called in or required to be paid at any one time subsequent to the first instalment.

Capital to be £50,000.

Twenty per cent. to be paid in within 12 months, residue in instalments when required.

III. And be it enacted, That whenever two thousand and five hundred shares of the said capital 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

When 2500 shares are subscribed a meeting to be held

for making laws
and choosing
directors.

in one or more newspapers published as aforesaid 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 seven 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.

Annual meeting
for choosing
Directors to be
held on the first
Monday in Sep-
tember.

IV. 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 Monday in September in each and every year at the Parish of Saint Stephen in the said County of Charlotte, at which annual meeting there shall be chosen by a majority thereof seven directors, who shall continue in office one year or until others are chosen in their room, in the choice of which directors the stockholders shall vote according to the rules hereinafter mentioned, and the directors when chosen shall at the first meeting after their election choose out of their number a president: Provided always, That four of the directors in office shall be re-elected at each annual meeting for the next succeeding twelve months, of whom the president shall always be one.

Board of Direc-
tors for busi-
ness.

V. And be it enacted, That not less than five directors shall constitute a board for the transaction of business, of which the president shall always be one excepting in cases of sickness or necessary absence, in which case the directors present may choose one of their board as chairman for the time being, that the president or such chairman shall vote at the board as a director, and in case there be an equal number of votes for or against any question before them, the president or chairman shall have a casting vote.

Qualification of
Directors.

VI. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than twenty five shares of the capital or stock of the said Corporation, and is of the full age of twenty one years.

Votes of stock-
holders regula-
ted.

VII. And be it enacted, That the voting of the stockholders shall in all cases be regulated as follows: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty shares, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares, which said number of twenty votes shall be the greatest any stockholder shall be entitled to have, and that all stockholders may vote by proxy, such proxy being a stockholder and producing sufficient authority in writing from his constituent.

When Directors
are not chosen
at the annual
meeting another
meeting may be
called for the
purpose.

VIII. And be it enacted, That if it should so happen that the said directors should not be chosen on the said first Monday of September 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 two of the newspapers published as aforesaid, which meeting shall take place in the said parish of Saint Stephen; and in case any director shall be removed by the stockholders for misconduct or mal-administration his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given as here-

Vacant Direc-
torships how to
be filled up.

in before 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 any of them so as to reduce his interest in the Corporation to less than twenty five shares required for the qualification of a director, then and in either of such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another be chosen in his room.

IX. And be it enacted, That so soon as twenty per cent. of the capital stock shall have been actually paid in on account of subscriptions to the said stock, then the president and directors of the said Company may commence operations under this Act and proceed with the business and affairs of the Company.

Twenty per cent. being paid in, operations may be commenced.

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

Liability of joint stock and stockholders for the corporation debts.

XI. And be it enacted, That the books, papers, correspondence and all other matters or things belonging to the Corporation shall at all times be subject to the inspection of the directors or any of them, but no stockholder not a director shall inspect the account of any individual or corporate body with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered or registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share be assignable or transferable or other than a complete share or shares; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Shares to be assignable.

XIII. And be it enacted, That the directors shall at the general meeting to be holden 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 and rules made therefor, so as the same do contain a true account of the affairs of the said Company, which statement shall be signed by the directors and attested by the secretary, and such statement in triplicate, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the

Statement of affairs to be laid before the stockholders at the annual meeting.

Triplicates for the Governor and Legislature.

Legislature of the Province : Provided always, that the rendering of such statement shall not extend to give any right to the stockholders to inspect the account of any individual or corporate body with the said Company.

Provisions for calling extraordinary meetings of the stockholders.

XIV. And be it enacted, That any number of stockholders not less than forty who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days notice in two of the newspapers published as aforesaid, and specifying in such notice the time and place of such meeting with the objects thereof, and the directors or any four of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Limitation.

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

CAP. LXX.

An Act to incorporate the *Chamcook Mill and Factory Company*.

Passed 16th March 1836.

‘ **W**HEREAS it is considered that an extensive manufacture of cotton wool into cloth, and a more extensive manufacture of lumber and other articles than is now established at Chamcook in the County of Charlotte, is desirable, and that it will be essential to the success of the undertaking that an Act of Assembly incorporating a Company for these purposes should be granted, and will tend materially to benefit the trade of this Province;’

Persons herein named, their associates, successors and assigns incorporated, with the powers and privileges incident to a corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Wilson, James Rait, James Parkinson, Thomas Sime, Edward Wilson, E. De W. Ratchford, Samuel Abbot, Joseph Walton, John M'Allister, Joseph Wilson and William Babcock, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company and declared to be a body politic and corporate by the name of *The Chamcook Mill and Factory Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Capital to be £10,000.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of ten thousand pounds, the whole amount of the said stock to be divided into four hundred shares of twenty five pounds each.

Act to be void if one fifth of the capital be not invested within three years.

III. Provided always and be it enacted, That unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the directors of the said Corporation or a majority of them (which oath any Justice of the Peace is hereby authorised to administer) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of such three years.

CAP. LXXI.

An Act to incorporate *The Fredericton Mill and Manufacturing Company.*

Passed 16th March 1836.

WHEREAS the investment of capital in the erection of mills for the purpose of manufacturing lumber will greatly increase the commercial prosperity of the Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Taylor, Henry Richards, Joseph Gaynor, George F. S. Berton, George Hayward, Thomas O. Miles, and their associates, their successors and assigns shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The Fredericton Mill and Manufacturing Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

Persons herein named, their associates, successors and assigns incorporated with the privileges incident to a corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of fifty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; fifteen per cent. of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property real or personal or to incur any debts, and the remainder of the said stock to be paid at such time and times and in such parts or portions as the directors for the time being shall from time to time think necessary, the whole amount of such capital stock to be divided into shares of twenty five pounds each, making in the whole two thousand shares.

Capital to be £50,000.

Five per cent. to be paid in before property be purchased or debts incurred.

III. Provided always and be it further enacted, That so soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding seventy five thousand pounds.

Capital may be increased.

IV. Provided always and be it further enacted, That unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the directors of the said Corporation or a majority of them (which oath any Justice of the Peace is hereby authorised to administer) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void if fifteen per cent. be not invested within three years.

CAP. LXXII.

An Act to incorporate *The Portland Mills and Manufacturing Company.*

Passed 16th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Rait, Henry Richards, John Garrison Woodward, Thomas Barlow, William Leavitt, William Walker, Elisha D. W. Ratchford, David Hatfield, Edward J. Budd, James William Boyd and James Peters, Junior,

Persons herein named, their associates, successors and assigns incorporated with the privi-

leges of a corporation.

nior, and all and every such other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company and declared a body politic and corporate by the name of *The Portland Mills and Manufacturing Company*, and by that name shall have all the general powers and privileges made incident to Corporations by Act of Assembly in this Province.

Capital to be £75,000.

Fifteen per cent. to be paid in before purchase of property or incurring of debts.

Capital may be increased.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of seventy five thousand pounds, to be paid in such money as shall be at the time of the several payments hereinafter expressed a legal tender in this Province; fifteen per cent. of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property real or personal, or to incur any debts, and the remainder of said stock to be paid at such time and times and in such parts or portions as the directors for the time being shall think necessary; the whole amount of such capital or stock to be divided into shares of fifty pounds each, making in the whole fifteen hundred shares: Provided always and be it further enacted, That so soon as the said capital stock of seventy five thousand pounds shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding five hundred thousand pounds, to be assessed upon the several stockholders of the said Company in proportion to their respective shares.

Act to be void unless fifteen per cent. of the Capital be paid in within three years.

III. Provided always and be it enacted, That unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the directors or a majority of them (which oath any Justice of the Peace is hereby authorised to administer) shall be filed in the office of the Secretary of the Province before the expiration of three years after passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP LXXIII.

An Act to incorporate *The New Brunswick Mill Company*.

Passed 16th March 1836.

‘**W**HEREAS the extensive erection of mills at the branches, tributary rivers and streams of the river Miramichi, for the manufacture of lumber for exportation will be of public utility; and whereas the amount of capital necessary to be invested in such a speculation, renders it essential that the company engaged therein should be incorporated;’

Persons herein named, their associates, successors and assigns incorporated;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Samuel Cunard, Joseph Cunard, Edward Cunard, Henry Cunard, George Wildes, William Bowman, Alexander M’Gregor, Charles Martineau, Thomas Boies, Nathaniel Blake, Joseph Blake, John L. Blake, John Turner, James Penninton, Ira Wadleigh, Duncan Bruce, John Anderson, George Garrow, William C. M’Dougall, J. Stuart M’Goun, Robert Hodgson, Francis Peabody, Peter Duff, John Russ, Robert Rogers, Charles F. Bennett, Stephen W. Deblois, Thomas Holdsworth Brooking, Asher Robins, Joel Whitney, William Thomas, Duncan

Duncan M'Gregor, James G. Rennie, Jesse Wentworth, James M'Bride, Thomas Williams, Robert Pack, Charles D. Archibald, Robert R. Wakeham, Eli Hoskins and Mynie Emerson, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The New Brunswick Mill Company*, and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever; and also that they shall be persons able and capable in the law to have, get and receive, purchase, procure, erect, build, set up, take, possess and enjoy houses, lands, tenements, hereditaments, mills, mill dams, booms, water privileges, rents and profits, in fee simple or otherwise, and also goods and chattels and all other things real, personal and mixed, and also to give, grant, let, assign or convey the same or any part or parts 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: Provided always, that nothing herein contained shall extend or be construed to extend to authorise the erection of any dams, mill dams or water courses, canals, sluices or works of any water kind or description which shall or may in any way take away or interfere with any public or private right; and also that the said Company, their associates, successors or assigns, or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England or of this Province.

to have perpetual succession and a common seal;

may possess real and personal property;

[Public and private rights reserved.]

may make Bye Laws.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Boies Town in the County of Northumberland, and shall and may be called by Alexander M'Gregor, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette at Fredericton and in some Newspaper in the County of Northumberland, at which or at any subsequent meeting to be for that purpose holden, nine directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen; which directors so chosen shall serve until the first annual meeting for the choice of directors, and 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 laws and regulations which may from time to time be made by the said Corporation.

First meeting to be held at Boies Town.

Nine Directors to be chosen.

Directors to manage the affairs until others are chosen.

III. And be it enacted, That the capital stock of the said Corporation shall be one hundred thousand pounds, and shall be divided into five thousand shares of twenty pounds each, twenty five per cent. of which amount to be paid as the first instalment of the stockholders in current money of this Province, and so soon as it shall appear to the directors and treasurer of the said Company that twenty five thousand pounds of the whole stock shall have been paid in by all or part of the said stockholders, then the said Company shall be allowed to commence their operations under this Act as a corporate body; and all the shares in the said Company shall be numbered in progressive order, beginning at number one, and that after the first meeting of the said Corporation each member holding shares in the said Company's stock shall be entitled to a certificate under the seal of the said Corporation and signed by the secretary and treasurer thereof, certifying his property in such share or shares as shall be expressed in such certificate.

Capital to be £100,000.

Company to commence operation when £25,000 are paid in.

Shares to be numbered and owners entitled to a certificate.

IV.

Capital may be increased.

IV. Provided always and be it further enacted, That so soon as the said capital stock of one hundred thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding two hundred and fifty thousand pounds, which additional capital stock shall be divided into shares of twenty pounds each.

Annual meeting for choice of Directors to be held on first Wednesday in February.

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 Wednesday in February (such meeting to continue for such number of successive days as its business may require) in each and every year at Boies Town, at which annual meeting there shall be chosen of the said members nine directors, who shall continue in office for one year or until others are chosen in their stead (provided always, that five of the directors in office shall be re-elected at such annual meeting for the next succeeding year); and the directors when chosen shall at their first meeting after their election choose out of their number a president.

Directors to choose a President.

Owners of shares to be members and entitled to vote.

VI. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a member thereof and be entitled to vote at any meeting of the same, and members may give as many votes as they own shares; and that absent members may vote by proxy, such proxy being a stockholder and authorised in writing.

Votes by proxy.

Directors may assess the shares.

VII. And be it enacted, That the president and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erection, building, making and setting up of such buildings, dams, and other erections and machinery as may be deemed necessary for carrying on the business of the Corporation, to be paid to their treasurer at such time or times and by such instalments as shall be deemed requisite, provided that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act or to be increased as hereinbefore directed, and also that when any such assessment shall be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or assessments or instalments thereof duly assessed or ordered as aforesaid, it shall be the duty of the treasurer to advertise such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, and all shares upon which the said assessment or instalment thereof is not then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the third section of this Act: Provided always, that no stockholder shall in any case be assessed in a greater sum than twenty pounds in the whole for each share.

On default of payment shares to be sold.

Joint stock alone responsible for the corporation debts.

VIII. 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 private property of any individual member or members of the said Corporation or against their person or persons further than is herein specially provided and that may be necessary to the faithful application of the funds of this Corporation. IX.

Anno Quinto GULIELMI IV. Regis.

CAP. XLIX.

An Act to provide for the Custom House Establishment in the Province of New Brunswick.

Passed 17th March 1895.

WHEREAS it is one of the inherent and unquestionable rights of the Preamble.
 ' General Assembly of this Province to apply and dispose of the whole
 ' amount of all duties, taxes and supplies collected within the same ;

' And whereas duties are now imposed and collected at the several Custom
 ' Houses in this Province by virtue of certain Acts of the Imperial Parliament of
 ' the United Kingdom made for the general regulation of trade ;

' And whereas since the abolition of Custom House fees it is expedient that the
 ' custom house establishment in this Province should in part be provided for out
 ' of the duties thus imposed and annually collected in this Province ;'

I. We, His Majesty's faithful and loyal subjects the Assembly of New Brunswick
 in General Assembly, convened, towards providing for the Custom House Estab-
 lishment in this Province, have freely and voluntarily resolved to give and grant to
 the King's Most Excellent Majesty, His Heirs and Successors, the amount here-
 inafter mentioned, out of the duties annually collected in this Province by the
 means and powers of any Act or Acts of the Imperial Parliament now in force or
 hereafter to be made for the general regulation of trade, and do hereafter pray
 Your Excellency that it 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 in General Assembly convened, and by the authority of
 the same, that the principal officers of the Customs in this Province may and are
 hereby authorised to retain the annual sum of four thousand two hundred and
 fifty pounds sterling in quarterly proportions of one thousand and sixty two
 pounds ten shillings out of the monies arising from the duties which may be col-
 lected in this Province during such year, by the means and powers of any Act
 or Acts of the Imperial Parliament now in force or hereafter to be made for the
 general regulation of trade, to be applied towards providing for the expense of the
 Custom House Establishment in this Province.

£1062 10 0
 quarterly may
 be retained out
 of duties col-
 lected under
 Acts of Parlia-
 ment, to de-
 fray the ex-
 penses of the
 Custom House
 Establishment.

II. And be it enacted, That the principal officers of the Customs in this Pro-
 vince shall, within one month after the fifth day of January in every year, render
 and exhibit and have filed in the Secretary's office in this Province a true account
 of all duties by them respectively collected within the period of the year then en-
 ding, with a particular account of all merchandize upon which such duties were
 imposed and collected, in order that such accounts may be laid before the House
 of Assembly at the then sitting or next meeting of the Legislature.

Account of duties
 collected to be
 rendered annu-
 ally to the Se-
 cretary's office,
 to be laid before
 the House of
 Assembly.

Surplus money to be paid over to the Province Treasurer quarterly.

III. And be it enacted, That the said principal officers of the Customs within one month after each and every quarter day in every year, shall pay over to the Treasurer of the Province the surplus of all monies by them respectively collected during such quarter for the duties so imposed and collected as aforesaid, after deducting the said quarterly proportion of one thousand and sixty two pounds ten shillings for the purposes aforesaid.

Monies collected by the officers of the Customs not to be applied to other purposes than provided for by Acts of Assembly.

IV. And be it enacted, That no part of the monies so collected by the said principal officers of the Customs as aforesaid shall on any pretence whatsoever be applied for any other purpose then as by this Act is provided, and for such other purposes as may be provided for by any Act or Acts of the General Assembly of this Province.

No further sum than is herein allowed to be charged on the Revenue for the Custom House Establishment.

V. Provided always and be it enacted, That no further sum than is hereinbefore specially provided for shall be chargeable on the revenues of this Province for the support of the Custom House Establishment within the same, and the same is given and granted in lieu of all Custom House fees, exactions or charges whatsoever.

Suspending clause.

VI. And be it enacted, That this Act shall not be in force until His Majesty's approbation be thereunto first had and declared.

[*This Act was specially confirmed, ratified and finally enacted by an Order of the King in Council dated 30th September 1835, and published and declared in the Province on 11th November 1835.*]

Anno Quinto GULIELMI IV. Regis.

CAP. XI.

An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick.

Passed 24th June 1835.

‘ MOST GRACIOUS SOVEREIGN,

‘ **W**HEREAS it is deemed expedient to grant to Your Majesty, Your Heirs. Preamble.
‘ and Successors, a certain annual sum of money in commutation and in
‘ full discharge of all Quit Rents now due or to become due to Your Majesty,
‘ Your Heirs and Successors in this Province by virtue of any Grants or Letters
‘ Patent from the Crown heretofore made of Lands within this Province;

‘ We, Your Majesty's dutiful and loyal subjects, the Assembly of New Brun-
‘ swick, in General Assembly convened, as and for a commutation of all Quit Rents
‘ reserved to the Crown in and by Grants of Land within this Province, have
‘ freely and voluntarily resolved to give and to grant unto Your Majesty, Your
‘ Heirs and Successors, for the purpose of enabling Your Majesty to make and
‘ improve Roads and Bridges within this Province, an annual sum of money to
‘ be expended in such manner for the above purpose as Your Majesty, Your Heirs
‘ and Successors may deem most conducive to the welfare of Your Majesty's said
‘ Province, and do therefore pray Your Majesty that it may be enacted;’

I. And be it enacted by the Lieutenant Governor, Council and Assembly, £1200 currency per annum, granted to His Majesty as a commutation for Quit Rents.
and by the authority of the same, That there be and there is hereby grant-
ed to the King's Most Excellent Majesty, His Heirs and Successors, the annual
sum of twelve hundred pounds currency, in commutation and in full discharge
of all Quit Rents and arrears of Quit Rents now due or to become due, reserved
in and by any Grants or Letters Patent from the Crown heretofore made of any
lands within this Province; the said annual sum to be drawn from the Treasury
of this Province by warrant or warrants of His Excellency the Lieutenant Gover-
nor or Commander in Chief for the time being, by and with the advice and con-
sent of His Majesty's Executive Council.

II. Provided always and be it enacted, That the said annual sum hereby granted Sum granted to be applied to- wards making and repairing roads and bridges.
shall be applied by His Majesty, His Heirs and Successors, towards making and
improving Roads and Bridges in this Province and to and for no other use or pur-
pose whatsoever.

III. And be it enacted, That a detailed account of the expenditure of all such Accounts of ex- penditures to be laid before the Assembly.
sum or sums of money as shall be drawn from the Provincial Treasury by virtue
of this Act shall be annually laid before the House of Assembly of this Pro-
vince.

IV. And be it enacted, That should any sum or sums of money payable to His
said

Money remain-
ing for three
years unex-
pended to revert
to the Province
Revenue.

said Majesty, His Heirs and Successors, by virtue of this Act remain unexpended for the space of three years next after the same shall become due, otherwise than for the want of monies in the Province Treasury, the same shall revert to and become part of the revenue of the Province, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Act suspended
until His Maje-
sty's approbation
be declared.

V. And be it enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of the King in Council dated the 26th August 1835, and published and declared in the Province on 28th October 1835.]
