

ACTS

OF

THE GENERAL ASSEMBLY

OF

HER MAJESTY'S PROVINCE

OF

NEW BRUNSWICK,

PASSED IN THE YEAR

1844.



FREDERICTON:

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

MDCCCXLIV.

TITLES OF THE ACTS.

ANNO SEPTIMO VICTORIÆ REGINÆ.

CHAPTER.	PAGE.
I. An Act imposing Duties for raising a Revenue,	1
II. An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment to defray the contingent expenses of the County,	5
III. An Act to authorize the Justices of the Peace for the County of Charlotte to make further provision for the payment of the Treasurer of that County,	<i>ib.</i>
IV. An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt,	6
V. An Act for altering the times of holding one of the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton,	<i>ib.</i>
VI. An Act to authorize the Rector, Church Wardens and Vestry of Saint Ann's Church, in the Parish of Sackville, to sell certain lots of Glebe Land, and to dispose of the money arising from the sale thereof in the purchase of other Lands,	<i>ib.</i>
VII. An Act to continue an Act relative to Desertion from Her Majesty's Forces, and to punish unlawful dealings with Soldiers and Deserters,	7
VIII. An Act to authorize the Justices of the Peace in and for the City and County of Saint John to make compensation to the Assessors of Taxes for the City and Parish of Saint John, and the Parishes of Simonds, Lancaster and Saint Martin's, for the year one thousand eight hundred and forty three; also to the Assessors of Taxes for the Parish of Portland for the year one thousand eight hundred and forty two,	<i>ib.</i>
IX. An Act to amend an Act, intituled <i>An Act to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants,</i>	8
X. An Act to lay a Tax on Dogs in the Towns of Dalhousie and Campbelton, in the County of Restigouche,	9
XI. An Act to amend an Act, intituled <i>An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County Westmorland,</i>	10
XII. An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County Debts,	11
XIII. An Act to remove the Old Gaol of the City and County of Saint John,	12
XIV. An Act to continue and amend the Act incorporating the Charlotte County Bank,	<i>ib.</i>
XV. An Act to empower the Justices of the Peace for the County of Gloucester, in their General Sessions, to regulate the Fisheries in the said County,	15
XVI. An Act to reduce the Duties imposed upon Ships or Vessels arriving at the Port of Saint John to provide for the support of sick and disabled Seamen not being Paupers belonging to the Province,	<i>ib.</i>
XVII. An Act to authorize the erection of a Marine Hospital at Dalhousie, in the County of Restigouche, and to make further provision for sick and disabled Seamen not being Paupers belonging to this Province, so far as the same may relate to the Port of Dalhousie,	<i>ib.</i>
XVIII. An Act relating to the collection of Duty on Timber and other Lumber,	16
XIX. An Act to amend an Act, intituled <i>An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provision in lieu thereof,</i>	19

TITLES OF THE ACTS.

CHAPTER.		PAGE.
XX.	An Act to authorize the use of a part of the building erected for a Market House on the Western side of the Harbour in the City of Saint John, for other purposes than a Market,	20
XXI.	An Act to authorize the Trustees of Saint John Church, in Richmond, to sell Lands, and to apply the proceeds thereof for certain purposes,	21
XXII.	An Act in addition to an Act, intituled <i>An Act to prevent Nuisances within the City of Saint John,</i>	22
XXIII.	An Act in addition to an Act, intituled <i>An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John,</i>	23
XXIV.	An Act to alter the Division Line between the Parishes of Kingston and Norton, in King's County,	24
XXV.	An Act in addition to an Act, intituled <i>An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province,</i>	25
XXVI.	An Act to revive certain Acts relating to the prevention of the importation and spreading of Infectious Distempers within the Counties of Charlotte and Northumberland, and to extend the provision of the same to the Counties of Gloucester and Restigouche,	<i>ib.</i>
XXVII.	An Act to amend <i>An Act imposing Duties for raising a Revenue,</i>	26
XXVIII.	An Act to prevent the spread of a Disorder now existing in certain parts of the Counties of Gloucester and Northumberland,	<i>ib.</i>
XXIX.	An Act to establish the value of certain British Coins in this Province and to amend the Acts relating to the establishment of a Legal Tender,	28
XXX.	An Act further to continue an Act to provide for the prompt payment of all demands upon the Provincial Treasury,	<i>ib.</i>
XXXI.	An Act further to amend the Laws relating to Bankruptcy in this Province,	29
XXXII.	An Act to afford relief to persons unfortunate in business in certain cases,	33
XXXIII.	An Act to encourage the Fisheries of this Province,	39
XXXIV.	An Act to incorporate the Fredericton Boom Company,	45
XXXV.	An Act to restrain the provisions of the Fifth Section of an Act, intituled <i>An Act for the support of the Civil Government in this Province,</i> and to establish sundry regulations for the future sale and disposal of Timber in certain cases,	48
XXXVI.	An Act to facilitate the collection and recovery of small Debts due to the Crown arising from the sale of Crown Lands and Timber,	49
XXXVII.	An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John,	50
XXXVIII.	An Act to provide for a Drawback upon Flour exported in certain cases,	51
XXXIX.	An Act to amend an Act, intituled <i>An Act to make more effectual Regulations relating to Pilots within this Province,</i>	52
XL.	An Act to enable the Justices of the Peace of the City and County of Saint John to pay off a portion of the Debts now due by the County of Saint John,	<i>ib.</i>
XLI.	An Act further to amend the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates,	54
XLII.	An Act to repeal an Act, intituled <i>An Act to provide for the greater safety of Passengers on board Steam Boats,</i> and to make further provision in lieu thereof,	56
XLIII.	An Act further to facilitate the means of supplying the City of Saint John with Water,	58
XLIV.	An Act to appropriate a part of the Public Revenue for the payment of the Ordinary Services of the Province,	60
XLV.	An Act to appropriate a part of the Public Revenue for the services therein mentioned,	62
XLVI.	An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province,	75

ANNO SEXTO VICTORIÆ REGINÆ.

XLIII.	An Act to facilitate the negotiation of a Loan to pay off the Public Debt,	81
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Anno Regni VICTORIÆ Britanniarum Reginae Septimo.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the Thirty first Day of January, *Anno Domini* One thousand eight hundred and forty three, in the Sixth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several Prorogations to the First Day of February One thousand eight hundred and forty four ; being the Second Session of the Thirteenth General Assembly convened in the said Province.

THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

Amended by 7th Vict.
By explaining the
word "per cent"

CAP. I.

An Act imposing Duties for raising a Revenue.

Passed 25th March 1844.

WE, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick in General Assembly convened, for raising the necessary supplies to defray the expences of Her Majesty's Government within this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty, the several Rates and Duties in the Schedule hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, That on and after the first day of April which will be in the present year of our Lord one thousand eight hundred and forty four, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the several Rates and Duties described and set forth in the Table of Duties hereinafter contained, denominated *Table of Colonial Duties and Exemptions from Duty*, opposite to and against the respective Articles in the said Table or Schedule mentioned, described and enumerated, and according to the value, number or quantity of such Articles therein specified, whether imported or brought into this Province either by Sea, Inland Navigation or by Land, from any part of the British Empire, or from any Foreign port or place, or which may be saved from any wreck, or stranded Ship or Vessel.

Duties granted for the use of the Province and the support of the Government.

II. And be it enacted, That the several Duties herein before imposed, and in the said Table or Schedule mentioned, shall be paid by the importer or importers of such Articles respectively, and shall be held and taken to be in addition to and over and above any Duties which are or may be imposed and collected by any Act or Acts of the Imperial Parliament, now or hereafter to be in force, and also over and above any Duties which are or may be otherwise imposed and collected by any other Act or Acts of the General Assembly of this Province, passed or to be passed, or now or hereafter to be in force, and shall be collected and secured by means and under the regulations and penalties, and shall be drawn back on exportation or warehoused, in the way and manner provided by any Act or Acts of the General Assembly for collecting the Revenue of this Province.

To be in addition to any Duties imposed by Acts of Parliament.

III.

Warehoused goods on which Duties have not been secured to be liable to Duties imposed by this Act.

III. And be it enacted, That all Goods which shall 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 Provincial Duties hereby imposed on the like Goods and Merchandize, and shall be paid at the time of taking such Goods and Merchandize out of the Warehouse.

Duties to be repaid or Warehouse Bond cancelled as to goods exported for the Deep Sea Fisheries.

IV. And be it enacted, That when any Articles that shall have been warehoused, or on which Duties shall have been paid under this or any other 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 uses aforesaid.

Duties to be paid according to weights and measures in use.

V. And be it enacted, That all the Duties by this Act imposed shall be collected, paid and received according to the weights and measures now in use in this Province; and that in all cases where the said Colonial Duties are in this Act imposed according to any specific quantity, or any specific value or number, the same shall be deemed to apply in the same proportions to any greater or less quantity, value or number.

No drawback allowed on Foreign Cattle or Dead Meats.

VI. And be it enacted, That no drawback shall be allowed or Duties abated upon any Ox, or other Horn Cattle or Dead Meats, whether the same shall be imported for the use of Her Majesty's Army, Navy or Ordnance, or otherwise, any thing to the contrary in any Act of the General Assembly notwithstanding.

Bounty granted for seizures.

VII. And be it enacted, That one half part of the Duties that may be paid upon any articles seized by the Officers of Her Majesty's Customs, shall be paid by the Treasurer to the person or persons making such seizure as a bounty for such seizure.

Act may be amended during present Session.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of the Legislature.

Limitation.

IX. 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.

TABLE OF COLONIAL DUTIES AND EXEMPTIONS FROM DUTY.

ARTICLES SUBJECT TO DUTY.

Articles liable to and exempted from Duty.

Apples, per bushel,.....	£0	0	6
Brandy, per gallon,.....	0	2	0
All other Spirits and Cordials, per gallon,.....	0	1	4
Clocks, or Clock Cases, of all kinds, each,.....	1	5	0
Coffee, per pound,.....	0	0	0½
Cows, each,.....	0	10	0
Cattle under three years old, each,.....	0	10	0
Cattle three years old and upwards, (except Cows,) each,.....	1	0	0
Candles of all kinds, per pound,.....	0	0	1
Clothing made up and imported for sale, viz :—			
Cloaks, Dress, Frock, Surtout and Great Coats, (except Pea and Monkey Jackets, and Pilot Coats made of Pilot Cloth or Flushing,) each,.....	0	7	6

Pantaloons

A. D. 1844.

7^o VICTORIÆ.

C. I.

3

Articles liable to
and exempted from
Duty.—*Continued.*

Pantaloons and Trowsers made of Cloth, of which Wool shall be a component part, (except those made of Pilot Cloth or Flushing,) per pair,.....	0	2	0
Silk, Satin or Velvet Vests, each,.....	0	5	0
Fruit, dried, per hundred weight,.....	0	5	0
Horses, Mares and Geldings, each,.....	2	0	0
Leather.			
Harness, per pound,.....	0	0	2
Sole, per pound,.....	0	0	1½
Upper, per pound,.....	0	0	3
Calf, and Morocco Skins, tanned or dressed, per dozen,.....	0	10	0
Sheep Skins, tanned or dressed, per dozen,.....	0	4	0
Malt Liquors of every description, whether in bottle or otherwise, per gallon,.....	0	0	3
Meats, Fresh, of all kinds, per hundred weight,.....	0	3	6
Sugar, refined, in Loaves, per pound,.....	0	0	1
Sugar, refined, crushed, per hundred weight,.....	0	5	0
Sugar of all kinds, except refined and crushed, per hundred weight,.....	0	2	6
Tea, per pound,.....	0	0	1
Wines, per gallon,.....	0	2	3
Axes and all Agricultural Implements, (except Scythes, Sickles, and Reaping Hooks),.....	10 per cent.		
Bricks and Tiles,.....	10 per cent.		
Boots, Shoes, and other Leather Manufactures,.....	10 per cent.		
Chairs, and prepared parts of or for Chairs,.....	20 per cent.		
Clock Wheels, Machinery and Materials for Clocks,.....	25 per cent.		
Household Furniture, (except the Property of Passengers and Emigrants, and not intended for sale),.....	15 per cent.		
Hats,.....	7½ per cent.		
Iron Castings, (except such articles as are usually designated Hollow Ware, and such as are otherwise charged with Duty, as Agricultural Implements),.....	10 per cent.		
Looking Glasses, and Looking Glass Plates, silvered,.....	15 per cent.		
Looking Glass Plates, unsilvered, and without Frames,.....	5 per cent.		
Nails, cut,.....	10 per cent.		
Piano Fortes,.....	10 per cent.		
Wooden Ware of all kinds, including Matches,.....	20 per cent.		
Whale, and other Fish Oil, (except such as be the return cargoes of Vessels fitted out for Fishing Voyages from Ports in this Province),.....	10 per cent.		
All other Goods, Wares and Merchandize not otherwise charged with Duty, and not herein declared to be free of Duty, for each £100 value,.....	£4	0	0

EXEMPTIONS FROM DUTY.

Anchors.

Ashes.

Baggage and Apparel not intended for sale.

Barilla.

Bibles and Testaments.

Burr Stones.

Coin,

Articles liable to
and exempted from
Duty.—*Continued.*

Coin, Bullion and Diamonds.
 Cordage and Oakum.
 Chain Cables and other Iron Chains for Ships' use.
 Carriages of Travellers not intended for sale.
 Coals.
 Cocoa.
 Copper, in sheets, bars, or bolts, for ship building.
 Composition Nails and Spikes, for ship building.
 Corn and Grain of all kinds, (except Wheat.)
 Cotton Wool and Warp.
 Canvass.—See *Sail Cloth*.
 Coal Tar.
 Dog Stones.
 Dye Wood.—See *Wood*.
 Duck.—See *Sail Cloth*.
 Eggs.
 Fish of all kinds.
 Fruit and Vegetables, fresh, (except Apples.)
 Felt.
 Fishing Craft Utensils, Instruments and Bait.
 Furniture, Working Tools and Implements, the property of Emigrants not
intended for sale.
 Gypsum, ground and unground.
 Hemp, Flax and Tow.
 Hides, green and salted.
 Iron, in bolts, bars, plates, sheet and pig iron.
 Lentils.
 Lines and Twines for the Fisheries.
 Lumber.—See *Wood*.
 Manures of all kinds.
 Mahogany Logs Boards and Veneers.—See *Wood*.
 Mill Saws.
 Mineral Salt.
 Meat, salted and cured.
 Molasses.
 Nets, Fishing Nets and Seines.
 Oil, Blubber, Fins and Skins, the produce of Fish and Creatures living in the
Sea, the returns of Vessels fitted out in this Province for fishing voyages.
 Onions.—See *Fruit and Vegetables*.
 Ores of all kinds.
 Pitch.
 Plants, Shrubs and Trees.
 Poultry of all kinds.
 Palm and Rape Oil, and Soap Grease.
 Quicksilver.
 Rags, viz :—Old Rags, and Old Rope and Junk.
 Rice, ground and unground.
 Rosin.
 Sails, Rigging saved from Vessels wrecked.
 Sail Cloth of all kinds.
 Salt.

A. D. 1844.

7^o VICTORIÆ.

C. 1, 2, 3.

5

- Seeds of all kinds.
- Skins, Furs, Pelts or Tails undressed.
- Steam Engines, Boilers and Machinery for Mills.
- Stone, unmanufactured.
- Spikes and Sheathing Nails.
- Ships, Ship Tackle and Apparel.
- Sheathing Paper.
- Tallow.
- Tar.
- Tin in sheets and blocks.
- Tobacco, unmanufactured.
- Turpentine.
- Wood and Lumber of all kinds, (except Cedar, Spruce, Pine and Hemlock Shingles.
- Wool.
- Zinc.

Articles liable to and exempted from Duty.— *Continued.*

CAP. II.

An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment to defray the contingent expenses of the County.

Passed 25th March 1844.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Kent be and they are hereby authorized and empowered, at any General Sessions of the Peace, or at any Special Sessions to be for that purpose holden, to levy an assessment upon the Inhabitants of the said County, not exceeding one hundred and twenty pounds, to defray the necessary contingent expenses of the County; such sum to be assessed and collected under and by virtue of any Acts in force for the assessing and collecting of County or Parish Rates.

Reported 1844
Justices authorized to assess not exceeding £120, to defray the contingent expenses of the County.

CAP. III.

An Act to authorize the Justices of the Peace for the County of Charlotte to make further provision for the payment of the Treasurer of that County.

Passed 25th March 1844.

WHEREAS by the Laws 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 Charlotte has been found a very inadequate compensation for the services and responsibility of that Officer;

Preamble.

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 Sessions to be holden in and for the said County, are hereby fully authorized and empowered to make such additional compensation to the said Treasurer of that County, as they in their discretion may deem right and proper, not exceeding the sum of twenty five pounds per annum, to be paid out of the contingent fund of the said County.

Justices in General Sessions authorized to grant additional compensation to the Treasurer.

CAP. IV.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt.

Passed 25th March 1844.

Justices authorized to assess not exceeding £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, be and they are hereby authorized and empowered to make a rate and assessment of any sum not exceeding one thousand pounds, as in their discretion they may think necessary for the purpose of paying off the Debt 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. V.

An Act for altering the times of holding one of the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton.

Passed 25th March 1843.

Preamble.

WHEREAS the times appointed for holding one of the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton has been found inconvenient; for remedy whereof,

January Term to be hereafter held on the first Tuesday in January.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Terms of the said General Sessions of the Peace and Inferior Courts of Common Pleas, appointed to be holden on the fourth Tuesdays in January, in each and every year, shall hereafter be holden on the first Tuesdays in January, in each and every year, any law to the contrary thereof notwithstanding; Provided always, that no process shall abate, or other business of what nature or kind soever, be discontinued by reason of the alterations of said Terms, but shall and may be proceeded upon, heard and determined at the times herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

No Process to abate by reason of alteration.

CAP. VI.

An Act to authorize the Rector, Church Wardens and Vestry of Saint Ann's Church, in the Parish of Sackville, to sell certain lots of Glebe Land, and to dispose of the money arising from the sale thereof in the purchase of other Lands.

Passed 25th March 1844.

Preamble.

WHEREAS the Rector, Church Wardens and Vestry of Saint Ann's Church, in the Parish of Sackville, are seized and possessed of certain Lands, situate in the Parish of Sackville, viz:—a certain one hundred acre lot of Wood Land, number nine, in letter A. division, situate at Second Westcock Hill, in the Parish aforesaid, bounded on the North West by the Parish Line, on the North East by Lands in the possession of Robert Clark, on the South East by a base line between two tier of lots, and on the South West by Lands belonging to C. Dixon Bulmer; also a certain other one hundred acre lot of Land, being number nine, in letter A. division, situate at Westcock, so much of the said lot as lies to the South East of the Bye Road leading to the British Settlement, and between the said Road and Chignecto Bay: And whereas it would tend much to the advantage of the said Church of the Parish of Sackville, if the said lots of land above described were sold and disposed of, and the proceeds thereof applied

Description of Lands.

‘ applied towards the payment of the Debt due for reclaiming a certain Glebe lot of Marsh, and in the purchase of Lands more productive ;’

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Rector, Church Wardens and Vestry of Saint Ann’s Church, in the Parish of Sackville, be and they are hereby authorized and empowered to make sale and dispose of the said lots of land and premises with the appurtenances, or any part or parts thereof, for such price or prices as they may be able to obtain therefor, and thereupon to make and execute good, legal and sufficient conveyances of the same in fee, any former law to the contrary notwithstanding.

Rector, &c. of St. Ann’s Church, in Sackville, authorized to sell described lots of land and execute Deeds thereof.

II. And be it enacted, That the money arising from the sale and disposal of the said lots of land and premises with the appurtenances, shall be paid and applied by the said Rector, Church Wardens and Vestry, first to the payment of the debt incurred in dyking a certain Glebe Lot of Salt Marsh, situate on the Cole’s Island Marsh, so called, and the balance of the amount of such sale shall be expended in the purchase of other more productive Lands to them and their Successors, for the use, benefit and behoof of the said Rector of Saint Ann’s Church, in the Parish of Sackville, and his Successors, as a Glebe.

Application of proceeds.

CAP. VII.

An Act to continue an Act relative to Desertion from Her Majesty’s Forces, and to punish unlawful dealings with Soldiers and Deserters.

Passed 25th March 1844.

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 late Majesty King William the Fourth, intituled *An Act to prevent Desertion from His Majesty’s Forces, and to punish unlawful dealings with Soldiers or Deserters*, so far as the said Act is now in force, be and the same is hereby continued and declared to be in full force until the first day of May, which will be in the year of our Lord one thousand eight hundred and fifty.

4 W. 4, c. 18, continued.

CAP. VIII.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to make compensation to the Assessors of Taxes for the City and Parish of Saint John, and the Parishes of Simonds, Lancaster and Saint Martin’s, for the year one thousand eight hundred and forty three ; also to the Assessors of Taxes for the Parish of Portland for the year one thousand eight hundred and forty two.

Passed 25th March 1844.

WHEREAS by the fourth section of an Act made and passed in the first year of the Reign of our Sovereign Lady the Queen, intituled *An Act to provide for the better assessment of County and Parish Rates*, it is, among other things, provided, that the Assessors of Rates for the several Towns and Parishes, shall, within sixty days after receiving the Warrant of Assessment, deliver to the Collector of Rates within their respective Towns and Parishes, a List containing the names of all the parties rated within their several Districts, with the several amounts to be collected from every such person ; and by the fifth section of an Act made and passed in the seventh year of the Reign of His late Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, it is provided that no Assessor shall be allowed a percentage unless the provisions of the said Act shall have been fully complied with :

Preamble.

‘ with : And whereas the labours to be performed by the Assessors of Taxes in
 ‘ the City and Parish of Saint John, and in the Parishes of Simonds, Lancaster
 ‘ and Saint Martin’s, for the past year, as also by the Assessors of Taxes in the
 ‘ Parish of Portland in the year one thousand eight hundred and forty two, were
 ‘ so great as to prevent a strict compliance with the requisites of the said Acts,
 ‘ and the Assessors have thereby become deprived of any legal right to remunera-
 ‘ tion for the arduous duties performed by them ; for remedy whereof,’

Justices in Sessions
 authorized to com-
 pensate the Asses-
 sors of Taxes in the
 City and Parish of
 Saint John, and
 Parishes of Si-
 monds, Lancaster,
 and Saint Martin’s,
 for 1843, and of
 Portland for 1842.

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 and for the
 City and County of Saint John, in General Sessions assembled, to make an order
 for the payment of due compensation to the Assessors of Taxes in the said City
 and Parish of Saint John, and in the Parishes of Simonds, Lancaster and Saint
 Martin’s, for the past year ; and to the Assessors of Taxes for the Parish of Port-
 land for the year one thousand eight hundred and forty two, out of the monies
 raised and collected for that purpose, in the same manner as if the said Assessors
 had in every respect strictly complied with the provisions of the said Acts.

CAP. IX.

2 W. 4, c. 36.

An Act to amend an Act, intituled *An Act to regulate Vessels arriving from the United
 Kingdom with Passengers and Emigrants.*

Passed 25th March 1844.

Preamble.
 2 W. 4. c. 36.

‘ **W**HEREAS by an Act made and passed in the second year of the Reign
 ‘ of the late King, William the Fourth, intituled *An Act to regulate*
 ‘ *Vessels arriving from the United Kingdom with Passengers and Emigrants*, it is
 ‘ enacted, that the master or person having charge of any vessel or ship, which
 ‘ may arrive at any Port or place in this Province, from any port or place in the
 ‘ United Kingdom, with Passengers and Emigrants, shall, at the time of reporting
 ‘ such ship or vessel, pay to the Treasurer of the Province, or any Deputy Trea-
 ‘ surer at the port or place where such ship or vessel may arrive, the sum of five
 ‘ shillings for each and every such Passenger and Emigrant, when the master or
 ‘ person having charge as aforesaid, shall make it appear by a certificate from
 ‘ the Officers of the Customs at the Port of clearance, in the United Kingdom,
 ‘ that such ship or vessel had the sanction of His Majesty’s Government to take
 ‘ out Passengers and Emigrants to the North American Colonies ; and when no
 ‘ such certificate is produced to the said Treasurer or Deputy Treasurer (as the
 ‘ case may be), then and in such case the master or person having charge of such
 ‘ ship or vessel as aforesaid, shall pay to the said Treasurer or Deputy Treasurer
 ‘ the sum of ten shillings for each and every Passenger and Emigrant on board
 ‘ such ship or vessel : And whereas great difficulty has heretofore been expe-
 ‘ rienced by the Owners of ships, and Emigrant Agents, in procuring from the
 ‘ various Officers of Customs in the United Kingdom, such certificates as would
 ‘ enable them to escape the payment of the said increased or double head money,
 ‘ no Imperial Act being in existence to compel them to give such certificate : And
 ‘ whereas, by a late Imperial Act, passed the twelfth day of August, one thousand
 ‘ eight hundred and forty two, in the fifth and sixth year of the Reign of Her present
 ‘ Majesty Queen Victoria, intituled *An Act for regulating the carriage of Pas-
 ‘ sengers in merchant vessels* certain new rules and regulations are thereby
 ‘ enforced upon all ships or vessels carrying Passengers and Emigrants, and
 ‘ which must be complied with, under pain of certain penalties therein and thereby
 ‘ enforced :

' enforced : And whereas the provisions of the Act last referred to should be
' considered a safe and sufficient guard against too many Passengers being carried
' in the same ship or vessel, and against the unseaworthiness or improper fitting
' out of such ships or vessels for carrying Passengers and Emigrants ;

Be it therefore enacted, by the Lieutenant Governor, Legislative Council and
Assembly, That so much of the Act passed in the second year of the reign of His
late Majesty King William the Fourth, intituled *An Act to regulate vessels*
arriving from the United Kingdom with Passengers and Emigrants, as enforces
the payment of the double head money or duty of ten shillings for each and every
Passenger and Emigrant on board of such ship or vessel, be and the same is
hereby repealed.

2 W. 4, c. 36,
so far as it enforces
the payment of
double head money,
repealed.

CAP. X.

*Repealed the
10 - Vict. cap.*

An Act to lay a Tax on Dogs in the Towns of Dalhousie and Campbelton, in the County of
Restigouche.

Passed 25th March 1844.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and As-
sembly, That from and after the first day of June next, there be laid and
imposed the following tax or duty yearly, and every year, on all Dogs which shall
or may be owned or kept by persons residing within the limits of the Towns of
Dalhousie and Campbelton, according to the description and boundaries of the
said Towns, as described on the Plan of the same, and as commonly known and
distinguished as such, that is to say:—For one Dog, provided the person keep
but one, the sum of five shillings ; for two Dogs owned or kept by one person, or
in or about the same House, the sum of fifteen shillings ; for three or more Dogs
owned or kept by one person, or in or about the same House, the sum of thirty
shillings ; such tax or duty to be paid by the person owning or keeping such Dog
or Dogs.

Tax imposed for
Dogs kept within
the Towns of Dal-
housie and Camp-
belton.

Rate.

II. And be it enacted, That the Justices of the Peace for the said County of
Restigouche, at their General Sessions, or at any Special Sessions of the Peace
to be for that purpose holden, are hereby authorized and required to appoint fit
and proper persons to be Collectors of Dog Tax in the said Towns of Dalhousie
and Campbelton, who shall be sworn to the faithful discharge of their duty, and
who shall be liable to all the pains and penalties for neglect of duty or refusal to
serve, as any Town or Parish Officers are now liable to by the Laws now in force.

Collectors to be ap-
pointed by the
Justices.

III. And be it enacted, That it shall be the duty of all persons residing within
the limits of the said Towns of Dalhousie and Campbelton, respectively, and who
shall own or keep any Dog or Dogs, to affix a Collar on the neck of each and
every such Dog, with the name of the owner or keeper plainly and legibly marked
thereon ; and all Dogs found going at large within the limits aforesaid, and owned
or kept by persons residing within the same, after the said first day of June next,
without such Collar and name as aforesaid, shall be liable to be killed or destroyed
by the said Collector of Dog Tax, or within the limits of the Town of Dalhousie
by any Constable of the Parish of Dalhousie who may reside within the limits of
the said Town of Dalhousie, or by any Constable of the Parish of Addington who
may reside within the limits of the Town of Campbelton ; Provided always,
that in case the owner or keeper of such Dog or Dogs so found going at large as
aforesaid, without such Collar and name, contrary to the true intent and meaning
of this Act, shall be known, he or she shall be liable to pay a fine of ten shillings
in addition to the tax, to be recovered and applied as directed by the fourth
section of this Act.

Owners to affix
collars with their
names on their
Dogs.

Penalties.

IV.

Tax to be collected on and after 1st June, and on default to be sued for.

IV. And be it enacted, That the said Collectors of the said Dog Tax, shall and they are hereby required, on the first day of June in each and every year, and as often thereafter as may be necessary, to proceed to the collection of the tax imposed by this Act; and in case the said tax be not paid to each or either of the said Collectors within six days after the same shall have been demanded, that then the said Collectors shall, and they are hereby required, in their own name to sue for and recover the same with costs, by action of debt, before any one of Her Majesty's Justices of the Peace of the County of Restigouche; and the said tax when collected, shall be paid into the hands of the Overseers of the Poor of the respective Parishes, where the same may be collected, and to be applied by them toward the support of the Poor of the said Parishes, respectively, where the same may have been collected; such Collectors retaining for their trouble at and after the rate of ten per centum on all sums actually paid in by them respectively.

Application of Tax.

Compensation to Collectors.

Collectors to account to Session

V. And be it enacted, That the said Collectors of the said tax shall render Accounts to the Justices at every General Sessions of the Peace to be holden in and for the said County, of their collections under and by virtue of this Act, which Accounts shall be audited by the said Justices; and the said Collectors shall be liable to all the pains and penalties for neglect and refusal to account for or pay over the monies so to be collected by them, as any Collector of Rates are made liable to by the Laws now in force.

Limitation.

VI. 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 forty seven.

Provisions extended to Adair County 9 re. c. 23
CAP. XI.

5 W. 4, c. 21.

An Act to amend an Act, intituled *An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County Westmorland.*

Passed 25th March 1844.

Preamble.
5 W. 4, c. 21.

‘WHEREAS certain provisions of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County Westmorland*, have been found to operate to the inconvenience and adversely to the interests of the proprietors of the said Marshes, Low Lands and Meadows;’

5 W. 4, c. 21, s. 2 & 3, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second and third sections of the above recited Act be and the same are hereby repealed.

Justices to regulate the occupation and grazing.

II. And be it enacted, That Her Majesty's Justices of the Peace in and for the said County of Westmorland, at their General Sessions, on application made in the manner and form directed in and by the first section of the said recited Act, shall be and they are hereby authorized and empowered to make such rules and regulations for the occupation and grazing of such Marshes, Low Lands and Meadows within the said County, as to them in their discretion may appear most expedient and necessary, 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, Low Lands and Meadows, contrary to any such regulations so made, it shall and may be lawful for any Field driver or Field drivers to be appointed by the said Justices at any General Sessions for the special purpose, and who alone shall exercise the power and authority of Field driving on the said tracts of Marshes, Low Lands and Meadows, to drive the

Cattle at large contrary to regulations, to be impounded by a Field Driver.

the same to any Pound in the Parish where such offence shall be committed; and it shall be the duty of the Keeper of the said Pound to receive and detain such Neat Cattle, Horses, Hogs or Sheep, until the owner or owners thereof shall pay for the use of the Field driver or Field drivers so impounding such 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 diem for feeding each head of Neat Cattle, Horse or Hog, and three pence per diem for feeding each Sheep, together with the usual charges for impounding the same.

Pound Keeper to retain cattle till after payment.

III. Provided always, and be it enacted, That whenever any owner, proprietor or person occupying any part of the said tracts of Marshes, Low Lands or Meadows, shall find any Neat Cattle, Horses, Sheep or Hogs going at large, or grazing on such part or parts of the said tracts of Marshes, Low Lands or Meadows as may be in his or their possession, contrary to the rules and regulations aforesaid, they, the said owner, proprietor or person occupying the same, shall be and they are hereby authorized and empowered to drive the said Neat Cattle, Horses, Sheep or Hogs so trespassing, to any Pound in the Parish where such offence shall be committed, but shall not be entitled to recover any fine from the owner or owners thereof, any thing in this Act contained to the contrary thereof notwithstanding.

Cattle may be impounded by proprietors or occupants of Marshes, but no fines to be recovered.

IV. And be it enacted, That in all cases where Neat Cattle, Horses, Sheep or Hogs shall be found trespassing, and are impounded under and according to any of the provisions of this Act, the owner or owners of any such Neat Cattle, Horses, Sheep or Hogs so trespassing, shall pay to the party injured the amount of any damages sustained by such trespasses, to be ascertained by three credible and disinterested Freeholders, where such lands lie, to be approved by and sworn before any Justice of the Peace of the said County, truly and impartially to value the same, together with all costs attendant upon such valuation so made.

Damages for trespasses to be ascertained by three Freeholders, and paid to party injured.

V. And be it enacted, That in case the owner or owners of such Neat Cattle, Horses, Sheep or Hogs so impounded as aforesaid, shall neglect or refuse to pay the aforesaid penalties, charges and damages accruing under any of the provisions of this Act or the Act to which this Act is an amendment, then the said Pound Keeper, having first given ten days previous notice of the sale, is hereby authorized and required 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 said Pound Keeper to the owner or owners thereof, whenever he or they shall appear to claim the same.

Recovery of penalties.

VI. 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.

1850

CAP. XII.

An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County Debts.

Passed 25th March 1844.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Justices of the Peace for the said County of Carleton, at any General Sessions of the Peace to be hereafter holden, or any Special Sessions to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding two hundred pounds, as they in their discretion may think necessary, for the paying off the Debts due from the said County; the same to be assessed, levied, collected and paid, agreeably to, and under and by virtue of any Act or Acts which are now or hereafter may be in force in this Province, for assessing, levying and collecting of rates for public charges.

Justices may assess the County, not exceeding £200. to pay off the County Debts.

CAP

CAP. XIII.

An Act to remove the Old Gaol of the City and County of Saint John.

Passed 25th March 1844.

Preamble.

WHEREAS the Old Gaol of the City and County of Saint John is in a 'ruinous state, and being built of Wood, and standing within a few feet of the Court House and the New Gaol, greatly exposes those buildings to the risk of Fire; and doubts are entertained whether the same can be pulled down by the local authorities;'

The old Gaol may be taken down by order of a General or Special Sessions.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the City and County of Saint John, at any General or Special Sessions hereafter to be holden for the said City and County, to order the Old Gaol of the said City and County of Saint John to be taken down and removed, and dispose of the same, or of the materials thereof, as they in their discretion shall think fit.

CAP XIV.

An Act to continue and amend the Act incorporating the Charlotte County Bank.

Passed 25th March 1844.

6 G. 4, c. 12, s. 19, repealed.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the nineteenth section of an Act made and passed in the sixth year of the Reign of King George the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors and Company of the Charlotte County Bank*, be and the same is hereby repealed.

Liability of Stockholders in their private capacity.

II. 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.

Aggregate of liabilities of the Directors limited.

III. 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.

Cashier to make semi-annual Returns of the State of the Bank to the Provincial Secretary's Office.

IV. And be it enacted, That the Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in May and the first Monday in October, 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, three o'clock, P. M.

DUE FROM THE BANK.

Bills in circulation,
Net Profits on hand,

Balance

Balance due other Banks,
 Cash deposited, including all sums whatever due from the Bank,
 not bearing interest; its Bills in circulation, profits and
 balances due to other Banks excepted,
 Cash deposited bearing Interest,
 Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, Silver and other Coined Metals in its Banking House,
 Real Estate,
 Bills of other Banks incorporated in this Province,
 Balances due from other Banks,
 Amount of all Debts due, including Notes, Bills of Exchange,
 and all Stock and funded Debts of every description, ex-
 cepting 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 the 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 a return, under oath, whenever required by the Legislature, of the names of the Stockholders, and the amount of such 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 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 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 Stock-
holders to be made
when required.

V. And be it enacted, That the 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
Discount Days.

No Director on the
Delinquent Sheet
to sit at the Board.

VI. 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 the Act incorporating the said Bank.

Disqualification of
Directors for delin-
quency.

VII.

No action to be had on any Bank Note until after presentment and refusal to pay.

VII. 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.

VIII. 'Whereas it is thought advisable that the number of Directors to be annually chosen for the management of the concerns of the said Corporation be reduced to seven; that three of said number form a Board for the transaction of business; and that it shall be no longer required that more than three of such Directors in office during the year preceding the day of such annual election, shall be re-elected for the ensuing year; and that one of the said Directors so to be re-elected shall as heretofore be the President of the said Corporation, who was in office during such preceding year;' Be it therefore enacted, That so much of the said recited Act as relates to the number of Directors to be annually chosen for the management of the concerns of the said Corporation, the number required to constitute a Board for the transaction of business, and the number of Directors in office during the year preceding the day of election to be re-elected, be and the same are hereby repealed.

6 G. 4, c. 12, in part repealed.

Seven Directors to be chosen at each Annual Meeting.

IX. And be it enacted, That at the General Meeting of the Stockholders and Members of the said Corporation to be annually holden as by law required, there shall be chosen by a majority of the Stockholders and Members of the said Corporation present, seven Directors for the management of the concerns of the said Corporation, 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 in and by the said Act of incorporation mentioned; and the Directors when chosen shall at the first meeting after their election, choose out of their number a President; Provided always, that three 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 choose a President.

Three Directors to be re-elected.

Board for the transaction of business.

X. And be it enacted, That of the seven Directors so chosen, not less than three shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of the 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 or against any question before them, the President shall have a casting vote.

Directors to be chosen may execute the powers granted by Act of Incorporation.

XI. And be it enacted, That every Board of the Directors to be hereafter annually elected and chosen, shall and may exercise and enjoy all and singular the powers and authorities heretofore granted to or exercised and enjoyed by the Board of Directors of the said Corporation, under and by virtue of the said Act of incorporation.

No loan to be made on pledge of the Bank's Stock.

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

Limitation.

XIII. And be it enacted, That the said recited Act, as also this Act in amendment thereof, shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

A. D. 1844.

7^o VICTORIÆ.

C. 15, 16, 17.

15

CAP. XV.

An Act to empower the Justices of the Peace for the County of Gloucester, in their General Sessions, to regulate the Fisheries in the said County.

Passed 25th March 1844.

WHEREAS the local situation of the Fisheries in the County of Gloucester render further and other regulations than those contained in the several Acts of Assembly for regulating the Fisheries in the different Rivers, Bays, Coves and Creeks of the Province necessary for carrying said Acts into effect;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the County of Gloucester, in their General Sessions, to make such further regulations relating to the Fisheries in said County, as they may find necessary; Provided always, that such Regulations are not contrary to and do not interfere with the general regulations and restrictions contained in any Act of Assembly or private right.

Preamble.

Justices in Sessions empowered to make further regulations for the Fisheries.

Repealed by 13 Vic Cap 30

CAP. XVI.

An Act to reduce the Duties imposed upon Ships or Vessels arriving at the Port of Saint John to provide for the support of sick and disabled Seamen not being Paupers belonging to the Province.

Passed 25th March 1844.

WHEREAS it is found that one penny per ton duty upon Ships or Vessels arriving at the Port of Saint John, will be ample for the purpose of providing for the support of sick and disabled Seamen not being Paupers, belonging to the Province, and that it is expedient to repeal the additional duty imposed in and by an Act made and passed in the second year of Her Majesty's Reign, intituled *An Act in amendment of an Act, intituled 'An Act in addition to and in amendment of the several Acts now in force to provide for the support of sick and disabled Seamen not being Paupers belonging to the Province;'*

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second section of an Act made and passed in the second year of Her Majesty's Reign, intituled *An Act in amendment of an Act, intituled 'An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen not being Paupers belonging to this Province,'* be and the same is hereby repealed.

Preamble.

2 V. c. 32, imposes an additional Duty of one penny per ton.

2 V. c. 32, s. 2, repealed.

Repealed by 13 Vic Cap 48

CAP. XVII.

An Act to authorize the erection of a Marine Hospital at Dalhousie, in the County of Restigouche, and to make further provision for sick and disabled Seamen not being Paupers belonging to this Province, so far as the same may relate to the Port of Dalhousie.

Passed 25th March 1844.

WHEREAS from the increase of Trade at the Port of Dalhousie, and the number of vessels annually arriving at the said Port, it has become necessary that an Hospital for the reception of sick and disabled Seamen should be built in or near the Town of Dalhousie;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the surplus money, if any, raised on the Port of Dalhousie under and by virtue of any Act or Acts of the General Assembly of the Province, made and passed for the relief and support of sick and disabled Seamen not being Paupers belonging to this Province, or which may hereafter be made or in force for

Preamble.

Surplus of money raised at Dalhousie for sick and disabled Seamen may be applied to the erection of an Hospital there.

Repealed by 13 Vic Cap 48

for that purpose, shall be applied to the payment of any debt now-incurred for the support of sick and disabled Seamen there, or to the erection of a suitable building as an Hospital for such Seamen, if considered necessary; Provided always, that the Commissioners shall not proceed to the erection of any building without license or authority first had and obtained for that purpose, from the Lieutenant Governor or Commander in Chief of the Province for the time being, by and with the advice and consent of Her Majesty's Executive Council.

Authority from the Lieutenant Governor in Council to be first had.

On the approved agreement for the purchase of a piece of land, the same may be conveyed to the Justices in trust.

II. And whereas it may be expedient to purchase a lot or lots of land, at or near the Town of Dalhousie, in the County of Restigouche, for the purpose of erecting such Hospital; Be it therefore enacted, That if the Commissioners of Seamen's Funds for the County of Restigouche should agree for the purchase of a lot or lots of land, for the above purpose, and such purchase should be approved of and sanctioned by the Lieutenant Governor or Commander in Chief of the Province for the time being, by and with the advice of the Executive Council as aforesaid, the same shall and may be conveyed to the Justices of the Peace for the County of Restigouche, to hold to them and their Successors for ever, in trust for the use and purpose of such Marine Hospital as aforesaid.

Port of Dalhousie defined.

III. And be it enacted, That the harbours, waters, creeks and places included within the bounds of the County of Restigouche, shall be taken and considered as constituting the Port of Dalhousie, so far as regards the purposes of this Act, and no further.

CAP. XVIII.

An Act relating to the collection of Duty on Timber and other Lumber.

Passed 25th March 1844.

WHEREAS, in consequence of the alteration of protective duties upon Colonial Timber, and other circumstances affecting its value, it is thought reasonable and just to reduce the rates of tonnage duty on Timber and Lumber cut upon Crown Lands, and to adopt a less difficult and expensive mode for its collection: And Whereas also it is considered necessary for the purpose of sustaining the Public Revenues, that a small duty should be imposed upon all Timber and Lumber shipped from this Province;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the day appointed for this Act to come into operation, there be imposed, and there is hereby imposed upon all Timber, Masts, Pine Spars, Saw Logs, Sawed Lumber, or Scantling, shipped from this Province, the following rates of duty, that is to say:—

For every forty cubic feet of Pine Timber, the sum of one shilling;
 For every forty cubic feet of Spruce, Juniper or Hard Wood Timber, Masts or Spars, the sum of ninepence;

For every thousand superficial feet of Saw Logs, Sawed Lumber or Scantling, the sum of one shilling;

Provided always and be it further enacted, That the duty imposed by this section shall not be payable upon the exportation of any Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling which shall have been cut upon Crown Lands under a license from the Lieutenant Governor or Administrator of the Government for the time being, before this Act shall come into operation; nor upon any Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling cut upon granted Lands within this Province, and actually carried to the Port of shipment before this Act shall come into operation, and the duties hereby imposed shall be remitted as hereinafter provided.

II.

*Returned to 1st May 550 7/6 1/4 3
Lee & Co e-109*

Duty imposed on all Timber, Masts, Pine Spars, Sawed Lumber or Scantling shipped from the Province.

Returned to 10/6 1/5 3/4 5/4

Exceptions.

*Returned to Hamilton 1/10 2
1/10 2
1/14 1/10*

II. And be it enacted, That at the time appointed for this Act to come into operation, it shall be the duty of all persons owning any Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling fit for exportation, and who may claim the same to be exported free of duty, to cause a particular account of the same to be taken and certified under the hand of the Seizing Officer of the district in which such Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling may be; which account shall be filed in the office of the Surveyor General of this Province, and a duplicate thereof shall be filed in the office of the Treasurer or Deputy Treasurer at the Port or district where such Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling, may be shipped; and upon the exportation of Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling, by the person who may have had such Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling on hand, although the Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling so exported may not be the identical Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling mentioned in the accounts aforesaid, all duties imposed by this Act upon Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling, to the extent of the quantity so taken an account of, shall, on shipment of the quantity so taken an account of, be remitted by the said Treasurer or Deputy Treasurer, and an endorsement thereof made by him upon such duplicate account to be taken and filed in the office of the said Treasurer or Deputy Treasurer; which account shall be transmitted with the other accounts of exportation of Timber, Masts, Spars, Saw Logs, Sawed Lumber and Scantling, to the Secretary of the Province.

Account of Timber, &c., exempted from Duty when this Act comes into operation, to be taken, and remission made *pro tanto*.

III. And be it enacted, That it shall in all cases be the duty of the shippers or of the exporters from this Province, of Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling, and they are hereby respectively required to render to the Treasurer or Deputy Treasurer of the Port or place of shipment within this Province, a just and true statement, on oath, before such Treasurer or Deputy Treasurer, who is hereby authorized and required to administer such oath, of all the Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling that shall be shipped on board of any ship or vessel for exportation, and at the same time to pay the duty thereon, which is imposed by the first section of this Act, (except such as is entitled to a remission of duty,) into the hands of such Treasurer or Deputy Treasurer.

An attested statement of Timber, &c., shipped for exportation to be rendered, and Duty to be paid to the Treasurer.

IV. And be it enacted, That any person or persons who shall make a false report or manifest of the quantity of Timber, Masts, Spars, Saw Logs, Sawed Lumber or Scantling entered for exportation, shall, upon conviction thereof, forfeit and pay a sum not exceeding fifty pounds, to be recovered and levied in the name of Her Majesty and for Her Majesty's use.

Penalty for making a false report or manifest.

V. And be it enacted, That it shall not be lawful for any consignee, shipper or owner of any Timber, Lumber or other Wood, liable to the payment of any duty or duties under the provisions of this Act, that shall or may, after the passing of this Act, be laden on board of any ship or vessel, or the master or commander thereof respectively, in this Province, to clear such ship or vessel so laden or having on board such Timber, Lumber or other Wood, at the Custom House of any Port within this Province, until such consignee, shipper or owner shall have first paid such duties, and have procured and obtained from the Treasurer or Deputy Treasurer of the Port or place where such Timber, Lumber or other Wood shall be shipped or laden, a certificate that the duties payable on the Timber, Lumber or other Wood, liable as aforesaid, and so laden on board of such ship or vessel, have been paid agreeably to the provisions of this Act.

No vessel laden with Timber &c. liable to Duty to be cleared at the Custom House until after payment of Duties.

Penalty for clearing vessel, or sailing without first paying Duties.

VI. And be it enacted, That if any such consignee, shipper or owner shall presume to clear any ship or vessel at any Custom House within this Province, having on board any Timber, Lumber or other Wood, liable to the payment of any duties under the provisions of this Act, or to sail or depart with such ship or vessel from any Port or place within this Province, without first paying such duties into the hands of the Treasurer or Deputy Treasurer of the Port or place of shipment, agreeably to the provisions of this Act, such consignee, shipper or owner, shall be subject and liable to a penalty for each and every offence of not less than three pounds, nor more than one hundred pounds, at the discretion of the Court before whom such offender or offenders shall be prosecuted; which penalty, with costs of suit, shall be recovered in an action of debt in any Court or Tribunal in this Province competent to try the same, upon the oath of one or more credible witness or witnesses, at the suit of the Province Treasurer or Deputy Treasurer of the Port or place of shipment; three fourth parts of which penalty shall, when received, be paid into the hands of the Province Treasurer as part of the Revenues of the Province, and the residue to the informer or person prosecuting for the same.

Recovery.

Application.

Before any Timber, &c., shipped, Bond for Duties to be entered into.

VII. And in order to secure the payment of the duties imposed by this Act on Timber, Lumber and other Wood that shall or may hereafter be exported from this Province, Be it enacted, That before any consignee, shipper or owner of any Timber, Lumber or other Wood shall ship or load, or cause to be shipped or laden, on board of any ship or vessel, any Timber, Lumber or other Wood liable to duty under this Act, such consignee, shipper or owner, shall give a Bond to the Queen's Most Excellent Majesty, conditioned for the payment to the Treasurer or Deputy Treasurer of the Port or place of shipment, with good and sufficient security, to the satisfaction of such Treasurer or Deputy Treasurer, in the penal sum of one hundred pounds, conditioned for the payment of all the Duties payable on any Timber, Lumber or other Wood that shall be so shipped or laden on board any such ship or vessel, prior to such ship or vessel being cleared at the Custom House of the Port or place of shipment, or to such ship or vessel sailing from the place or places of lading.

Penalty for shipping Timber, &c., before entering into Bonds.

VIII. And be it enacted, That if any Timber, Lumber or other Wood liable to the duties under the provisions of this Act, shall be shipped or laden on board of any ship or vessel at any Port or place in this Province, prior to the giving of such bond or security required by the seventh section of this Act, the consignee, shipper or owner of such Timber, Lumber or other Wood so shipped contrary to the provisions of this Act, shall be subject and liable to a penalty not exceeding five pounds, nor less than two pounds, for each and every offence, in the discretion of the Justice or tribunal before whom prosecuted; which penalty, together with the costs of suit, shall or may be recovered upon the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace for the County or City and County in which such Timber, Lumber or other Wood shall be so shipped or laden, at the suit of the Treasurer or Deputy Treasurer of the Port or place of shipment, by action of debt, in like manner, and under the like proceedings with the like costs as small debts are recoverable, before one Justice of the Peace, by virtue of an Act of the General Assembly of this Province, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, three fourth parts of which penalty, when received, shall be paid into the hands of the Province Treasurer or Deputy Treasurer, as part of the Revenues of the Province, and the residue to the informer or person prosecuting for the same.

Recovery.

Application.

IX. And be it enacted, That this Act shall not come into operation until the first day of May next, and 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 forty six.

Commencement and limitation of Act.

CAP. XIX.

Amended by 8th Bre. cap. 56

An Act to amend an Act, intituled *An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provision in lieu thereof.*

6 V. c. 10, s. 3. *from the law*

Passed 25th March 1844.

for the law

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the third section of an Act made and passed in the sixth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provision in lieu thereof,* be and the same is hereby repealed.

6 V. c. 10, s. 3, repealed.

Warrant of 15.0

II. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, on application to him from time to time to be made by any of the several Clerks of the Peace of the Counties in this Province respectively, by and with the advice and consent of Her Majesty's Executive Council, to issue his Warrant on the Treasurer of this Province, or any of his Deputies, directing him to pay over to such Clerk of the Peace, or to his order, out of any monies of any nature or kind soever then in the hands of the said Treasurer or Deputy Treasurer, such sum of money, not to exceed the sum of fifteen pounds in any one year, as to his said Excellency and Her Majesty's said Executive Council may seem meet, to be applied by such Clerk of the Peace, and accounted for by him in the manner hereinafter provided.

Governor in Council may issue a Warrant on the Treasury in favor of the Clerks of the Peace, for monies to be accounted for.

III. And be it enacted, That to entitle any person or persons to the reward of thirty shillings for killing a Wolf, or fifteen shillings for killing a Bear, as mentioned in the first section of the Act to which this Act is an amendment, he or they shall bring the nose or noses of the Wolf or Wolves, Bear or Bears, for the killing of which the Bounty is claimed, to any one of Her Majesty's Justices of the Peace residing nearest to the place where the same may have been killed, and shall take and subscribe (or affix his ordinary mark) to the following oath, printed or written, that is to say:—

To entitle to the Bounty, the nose of Wolf or Bear to be produced to a Justice of the Peace, and prescribed affidavit made.

"I (or we) do swear, that I (or we) did on the _____ day of _____, kill (or assist to kill) a Bear (or Bears,) or a Wolf (or Wolves,) at [here describe the place as near as may be] in the Province of New Brunswick, and that the nose (or noses,) now produced by me (or us) is (or are) the nose (or noses) of the Bear (or Bears,) Wolf (or Wolves,) so killed, for which the Bounty granted by Law is claimed, and that no other person has received the Bounty for the same."

Which oath such Justice is authorized and required to administer without any fee; and shall burn or otherwise destroy the nose or noses so produced before him; and shall also certify under his hand in the jurat of the said affidavit, that he verily believes the statement therein contained to be true, and that he has burned or destroyed the said nose or noses, and shall deliver the said affidavit and certificate to the deponent or deponents.

Justice to certify his belief of facts, &c. on the jurat.

IV. And be it enacted, That it shall and may be lawful for the several Clerks of the Peace in their respective Counties, and they are hereby required on presentation of any such affidavit or affidavits with certificate or certificates as aforesaid,

Clerks of the Peace on production of affidavit, to pay the Bounty.

to

to any of them respectively, forthwith and without any fee, reward, deduction or abatement whatsoever, to pay over to the deponent or deponents, or his or their order, out of the monies in the hands of the said Clerks of the Peace, by virtue of the Warrant in the second section of this Act mentioned, the sum of thirty shillings for each and every Wolf, and the sum of fifteen shillings for each and every Bear so proved to have been killed, as aforesaid, for which the said deponent or deponents, or person receiving the same, shall thereupon give the Clerk of the Peace paying the same a receipt or acquittance.

Clerks of the Peace to account annually on oath.

V. And be it enacted, That it shall and may be lawful for the several and respective Clerks of the Peace who may make application for and receive a Warrant or Warrants on the Treasury, under the provisions of this Act, and they are hereby required on or before the first day of December, in each and every year, to make up and transmit to the Office of the Secretary of the Province, a statement in writing, signed by such Clerk of the Peace, and sworn to before any Justice of the Peace of this Province, who is hereby authorized to administer the same, crediting the Province with the amount of monies by him received by virtue of such Warrant, and specifying by name the several parties to whom he may have paid Bounties during the preceding year, and the amount paid to each, accompanied with the vouchers and receipts for the same; which schedule, vouchers and receipts shall be laid before the House of Assembly at its next sitting.

Clerks to retain five per cent. as a compensation, and to be deemed public accountants.

VI. And be it enacted, That the said Clerks of the Peace so intrusted with the distribution of the Wolf and Bear Bounties in their respective Counties as aforesaid, shall be allowed to retain out of the gross amount of the Warrants to them severally made payable, at and after the rate of five per centum and no more, and that immediately on receipt of the monies in the Warrant or Warrants in favor of them, respectively specified, the said Clerks of the Peace shall be and be deemed and taken to be Debtors to the Province in the amount of the same respectively, subject nevertheless to the provisions of this Act.

Limitation.

VII. And be it enacted, That this Act shall continue and be in force so long as the Act to which this is an amendment, and no longer.

CAP. XX.

An Act to authorize the use of a part of the building erected for a Market House on the Western side of the Harbour in the City of Saint John, for other purposes than a Market.

Passed 25th March 1844.

Preamble.

‘**W**HEREAS from the increase of population and the greater resort of Shipping, than heretofore, to the Western side of the Harbour, breaches of the Peace and other offences have also increased, and it is considered necessary to have a Lock-up House on that side of the Harbour, in consequence of the inability of Officers at all times to get to the present Gaol of the City and County; and part of the Market House which has been erected in Guy’s Ward, may, for some time to come, be conveniently used for that purpose, thereby saving the necessity of erecting a separate building therefor, which the Common Council, by the Charter would be authorized to do, if the Funds of the City were at present in a situation to defray the expense;’

Basement of Market House in Guy’s Ward may be used as a Lock-up House, and the second flat for Offices.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and they are authorized and empowered to set apart, use and appropriate the Cellar or Basement Story of the said Market House,

House, which has been erected by them on the Market place in Guy's Ward, as and for a Lock-up House; and the second flat of the same building as and for a Public Office or Offices, or such other Public use as they may deem expedient and necessary, and from time to time to make such Bye Laws and Ordinances, for the regulation and management of the same, and under such penalties as they, the said Mayor, Aldermen and Commonalty, in Common Council convened, may think necessary.

Regulations with Penalties may be made.

CAP. XXI.

An Act to authorize the Trustees of Saint John Church, in Richmond, to sell Lands, and to apply the proceeds thereof for certain purposes.

Passed 25th March 1844.

WHEREAS by Letters Patent under the Great Seal of the Province, bearing date the nineteenth day of October, in the year of our Lord one thousand eight hundred and forty, the following pieces and parcels of Land were granted unto the Trustees of Saint John Church, Richmond, in connexion with the Established Church of Scotland, and their Successors, for the use of the said Church, viz:—Two Tracts of Land situate in the Parish of Woodstock, in the County of Carleton, in the Province of New Brunswick, and bounded as follows, to wit: the first tract beginning on the eastern side of a reserved Road, and in the south west angle of the west part of lot number twenty three, granted to Charles M'Dougal, in the fifth tier of Andrew Blair's survey of Lots in Richmond Settlement, west of the River Saint John, made in the year one thousand eight hundred and twenty seven, thence running by the magnet East, fifty five chains, of four poles each, thence South, twenty chains, thence West, fifty six chains, to the western side of another reserved Road, thence West, fifty five chains, thence North, sixty chains, and thence East, fifty six chains, to the place of beginning, containing four hundred acres, more or less, as the west part of lot number twenty four, in the fifth tier, and the east parts of lots seventeen, eighteen and nineteen, on the west side of the said reserved Road first above mentioned, and at the south east angle of the east part of lot number thirteen, granted to Alexander M'Dougal, in the sixth tier of the Richmond Settlement, thence West, running fifty five chains, thence South, twenty chains, thence East, fifty five chains, and thence North, twenty chains, to the place of beginning, containing one hundred acres, more or less, distinguished as the east part of lot number fourteen, in the sixth tier of the aforesaid survey; the two tracts together containing five hundred acres, more or less: And Whereas it is expedient and necessary, and will be for the benefit of the said Church, to authorize the Trustees thereof to sell and dispose of the said Lands for the best price that can be obtained therefor, and to apply the proceeds of such sale either in the purchase of other lands or the erection of a Parsonage House for the use and benefit of such Church;

Preamble.

Description of tracts of Land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Trustees of Saint John Church, Richmond, in connexion with the Established Church of Scotland, be and they are hereby authorized and empowered to sell and dispose, and by a good and sufficient Deed to convey and assure to the purchaser or purchasers thereof, his or their Heirs and Assigns, the said hereinbefore described tracts of Land to the said purchaser or purchasers, his or their Heirs and Assigns for ever, saving, nevertheless, the rights of the Queen's Majesty, Her Heirs and Successors.

Trustees of the Church authorized to sell described Lands and execute a deed.

II.

Proceeds to be invested in a Parsonage House.

II. And be it further enacted, That the money arising from the sale and disposal of the said Land shall be applied towards the erection of a Parsonage House, or in the purchase of other Lands for the use and benefit of the said Church; provided that such Parsonage House be erected on Lands vested in said Corporation.

4. e. 13
4. e. 53

CAP. XXII.

An Act in addition to an Act, intituled *An Act to prevent Nuisances within the City of Saint John.*

Passed 25th March 1844.

Preamble.

WHEREAS buildings have been erected in the City of Saint John, covering the whole ground belonging to the owner thereof, without privies or any means to accommodate the tenants thereof, whereby the Streets in front of or near the same have been encumbered with noxious and offensive matter, and the air rendered impure and injurious to health and annoying to passengers: And Whereas vacant Lots within the said City have frequently been left on the sides of the Public Streets without fences or any protection against accidents, to the peril of the lives and limbs of the Inhabitants;

Letting dwelling houses without sufficient privies.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any dwelling houses already erected or hereafter to be erected within the City of Saint John, shall be let or leased to any one or more tenants, without a sufficient privy or privies for the size of the building and the number of tenants the same is capable of containing, either in the yard attached to the said building, or in some suitable part or parts of the said buildings, with good and sufficient drains leading therefrom and falling into the Harbour of Saint John, or other means of keeping the same clean, every person or persons owning or letting such dwelling house not so provided with a privy or privies as aforesaid, shall forfeit and pay the sum of two pounds for each and every tenant of the said building, and the further sum of one pound per week for each and every week the said tenants, or any of them, shall be allowed to remain in such building after the time of their first occupation, or after notice of the nuisance to such owner or owners, or person letting or leasing the same, to be given by the person or persons hereinafter mentioned, to be recovered on conviction before any two of Her Majesty's Justices of the Peace for the City and County of Saint John, on the oath of one or more credible witness or witnesses, and levied by Warrant of Distress and Sale of the goods and chattels of the offender or offenders, and for want thereof, his, her or their body or bodies to be taken to the Common Gaol, and there kept for fourteen days, unless sooner discharged by payment of such penalty; and when recovered, to be paid, after deducting the costs of prosecution, into the hands of the Chamberlain of the said City, to be appropriated by the Common Council of the said City in removing nuisances from the Streets of the said City and keeping the same in order.

Penalty.

Recovery.

Application.

Inspection of suspected Dwelling Houses by Grand Jury, &c., authorized.

II. And be it enacted, That it shall and may be lawful for any Grand Jury of the said City and County of Saint John, or any two Members of the Common Council of the said City, or person or persons appointed or directed by the said Common Council, to enter into and upon any building so erected or to be erected in the said City, suspected of not being furnished with such privy or privies, and let as aforesaid, for the purpose of inspecting the same and every part thereof; whose duty it shall be, on finding any infringement of this Act, forthwith to notify the owner or owners thereof, or persons letting the same, and to cause proceedings to be had under this Act against the offender or offenders.

III. And be it enacted, That every owner or owners of such premises, landlord or person letting the same, without having a privy or privies attached to the said building, with other means of keeping the same clean as aforesaid, shall be deemed guilty of a misdemeanor. Letting without privies attached to the building, deemed a misdemeanor.

IV. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, from time to time to make such Bye Laws and Ordinances for the suppression of the Nuisances aforesaid, in connection with the good order and cleanliness of the Streets of the said City, and for the purpose of compelling the owners or persons interested in any vacant Land situate on the sides of any of the Public Streets, Lanes, Wharves, Highways or Bridges of the said City, to erect fences thereon to prevent injury to the Inhabitants in passing or repassing, as they may think necessary, and may impose, levy and receive such reasonable fines for any breach of any of the provisions of such Laws and Ordinances, or enforce the payment of such reasonable expenses for erecting and keeping up such fences, in case of neglect or refusal by such person or persons to erect and keep up the same, as the said Mayor, Aldermen and Commonalty may think fit. Bye Laws, with fines, may be made for the suppression of the nuisances in connexion with the cleanliness of the Streets, and for the fencing of vacant Lots.

V. And be it enacted, That this Act shall not come into operation until the first day of June next. Commencement of Act.

CAP. XXIII.

An Act in addition to an Act, intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.*

Passed 25th March 1844.

‘ **W**HEREAS by an Act of the General Assembly of this Province made Preamble.
 ‘ and passed in the first year of the Reign of Her present Majesty,
 ‘ intituled *An Act to provide for the erection of an Alms House and Work House,* 1 V. c. 17.
 ‘ *and to establish a Public Infirmary in and for the City and County of Saint John,*
 ‘ the Commissioners appointed as therein mentioned, are required annually to lay
 ‘ before the Justices at the first General Sessions of the Peace to be holden for the
 ‘ City and County of Saint John, an account of the expenses incurred by them for
 ‘ the support and maintenance of the Poor of the said Alms House and Work
 ‘ House for the past year, together with an estimate of what sum or sums of money
 ‘ would be needful for the maintenance and employment of the Poor of the said
 ‘ House for the current year; but no power is given to the said Commissioners, or
 ‘ to the said Justices, in case the same should be necessary for the preservation of
 ‘ the building or the beneficial setting to work and employment of the inmates, and
 ‘ the safe keeping of them whilst so employed, to make repairs, or erect sheds or
 ‘ work shops, or sufficient fences to prevent escape, or interference by strangers :
 ‘ And Whereas experience has shewn that such power to a limited extent is
 ‘ necessary, and should be vested in the said Commissioners, under the sanction
 ‘ of the Justices of the Peace in Session assembled ;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall be the duty of, and the Commissioners of the said Alms House and Work House for the time being are hereby required from time to time, as circumstances may render it necessary, to report to the Justices of the Peace in and for the City and County of Saint John, in General Sessions assembled, the state of all the buildings and enclosures, forming the said establishment, with an estimate of the probable expense of the actual repairs, or additional work shops, or enclosures Commissioners to report to Justices in Sessions state of buildings with estimate of any consequent expenses.

Approval made, to be entered on the Minutes, and Commissioners may then proceed.

Commissioners to render Accounts of expenditures.

To be audited and assessed for as in 1 V. c. 17.

Return of Poor to be made.

Accounts to be published.

Limitation.

enclosures which they may consider requisite for the preservation of the establishment, or beneficial employment of the inmates, as contemplated by Law; and if in the opinion of the said Justices, or a majority of them, in Sessions assembled, all or any part thereof shall be considered necessary, the approval thereof shall be entered on the Minutes of the said Sessions; and the said Commissioners shall thereupon be and they are hereby authorized to make such necessary repairs or erect such additional work shops or enclosures, as the case may be, provided that the expense shall not in any one year exceed the sum of one hundred pounds.

II. And be it enacted, That the said Commissioners shall render an account of all monies so expended, with the accounts of expenses incurred by them for the support and maintenance of the Poor, as is provided by the fourth section of the hereinbefore recited Act, and after being audited and allowed by the said Justices, shall, together with the money necessary for the maintenance and employment of the Poor for the current year, be assessed, levied and raised and paid over in like manner as is provided in and by the said Act.

III. And be it enacted, That the said Commissioners, when rendering their annual Account, as required by the said Act, shall be and are hereby required to specify the number of Poor from each Parish, and the length of time each person has been there; which Account after being submitted to the Justices, they the said Justices are hereby required to publish in one of the Newspapers in the City, for the information of the inhabitants of the said City and County: provided that the names of the inmates of the institution shall not be published.

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

CAP. XXIV.

An Act to alter the Division Line between the Parishes of Kingston and Norton, in King's County.

Passed 25th March 1844.

Preamble.

WHEREAS much inconvenience is found to result from the present 'dividing Line between the Parishes of Norton and Kingston, in King's County; for remedy whereof,'

Division Line between Kingston and Norton defined.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the division Line between said Parishes shall commence at the southeasterly bounds of Lot number thirteen, on the Kenebeccasis River, in the Kingston Grant, so called, thence following the division Line between Lots number twelve and thirteen, to the rear of said Grant, thence following the rear Line of said Grant until it intersects the present division Line between said Parishes of Kingston and Norton.

Assessments ordered but not levied to be made, agreeably to this Act.

II. And be it enacted, That any assessment which may have been ordered by the Court of General Sessions of the Peace for the said County, and which may not yet be levied or collected, shall be assessed, levied and collected from and upon the inhabitants of the said Parishes of Kingston and Norton respectively, within the bounds of said Parishes, as established by this Act.

CAP. XXV.

Repealed by 9th Vic. cap 18.

An Act in addition to an Act, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province.* 29 G. 3, c. 1.

Passed 25th March 1844.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any Clergyman duly inducted into the Rectory of any Church in any Parish within this Province, shall be deemed and taken to be the Rector of any such other Church or Churches in the same, or in any other Parish or Parishes when he shall have received Letters of Institution from the Bishop of the Diocese, giving him the spiritual charge of the same, and shall have and be entitled to all the powers and authorities within the Parishes in which the several Churches are situated, which are given to Rectors by an Act, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes in this Province*, so long as he shall be continued in such spiritual charge; provided always, that nothing contained in this Act shall authorize or empower the Clergyman receiving such Letters of Institution, to fell, cut down or take away or otherwise dispose of the Timber or Wood which may be growing or be on any lot or lots of Land which constitute the Glebe of the Church of which he may thereby have the spiritual charge, without express license shall be given him so to do in writing, by the Bishop of the Diocese.

A Clergyman duly inducted into the Rectory of any Church to be deemed the Rector of any other Church also of which he shall receive Letters of Institution.

29 G. 3, c. 1.

Not to authorize the felling of growing Timber on the Glebe, without license from the Bishop.

CAP. XXVI.

Contd to next pt 18 506
Vic. c. 37

An Act to revive certain Acts relating to the prevention of the importation and spreading of Infectious Distempers within the Counties of Charlotte and Northumberland, and to extend the provision of the same to the Counties of Gloucester and Restigouche.

Passed 25th March 1844.

I. **B**E 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 late Majesty King William the Fourth, intituled *An Act to make more effectual provision for preventing the importation and spreading of Infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland*, and also an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend an Act passed in the first year of the Reign of His present Majesty King William the Fourth, intituled 'An Act to make more effectual provision for preventing the importation and spreading of Infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland,'* be and the same are hereby revived and declared to be in full force during the continuance of this Act.

1 W. 4, c. 40, and

2 W. 4, c. 17, revived.

II. And be it enacted, That the provisions of the Acts herein recited, and by this Act revived, shall extend and be construed to extend to the Counties of Gloucester and Restigouche.

Acts 1 W. 4, c. 40, and 2 W. 4, c. 17, extended to Gloucester and Restigouche.

Limitation.

III. 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 forty six.

CAP. XXVII.

An Act to amend *An Act imposing Duties for raising a Revenue.*

Passed 13th April 1844.

7 V. c. 1.

Preamble.

WHEREAS it is deemed expedient to remove any doubts which may arise as to the meaning of the words "per cent" imposing a Rate or Duty of so much per cent upon certain articles named in the Act of the present Session, imposing Duties for raising a Revenue, as articles subject to Duty; for remedy whereof,

Words Per Cent in Act 7 V. c. 1, defined.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That a Duty of so much per cent in an Act made and passed in the present Session of the Legislature, intituled *An Act imposing Duties for raising a Revenue*, shall be held to apply to and is hereby declared to be a Rate and Duty of so much per cent upon the value of such articles, any thing in the said Act to the contrary notwithstanding.

CAP. XXVIII.

An Act to prevent the spread of a Disorder now existing in certain parts of the Counties of Gloucester and Northumberland.

Passed 13th April 1844.

Preamble.

WHEREAS a loathsome Disease, (supposed to be a species of Leprosy,) has been for several years slowly extending itself among the French population on that part of the Coast of the County of Gloucester immediately adjoining the County of Northumberland, at Tracadie, and also in parts of the said County of Northumberland, and it is absolutely necessary that measures should be adopted to prevent the further spread of the said Disease, and as far as possible to relieve the unfortunate individuals infected with the same;

*Act 1848 by
1st Dec. cap. 36*

*5 May 1850
11 Dec cap 35*

See 10th Dec 1844

Boards of Health may be constituted in the Counties of Gloucester and Northumberland.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons to constitute a Board or Boards of Health, to have authority in the said Counties, or in either of them, or in such Parish or Parishes, District or Districts of them, or either of them, as he may deem necessary, to be called the Board of Health of such County or Counties, Parish or Parishes, District or Districts for which such Boards of Health shall be respectively appointed, and to displace all or any such persons, and appoint others in the place or stead of such displaced person or persons, and also to increase the number of the Members of such Board or Boards of Health.

A Lazaretto to be established to be subject to the exclusive management of the Board of the District.

II. And be it enacted, That any Board of Health so to be appointed shall have full power and authority, with the consent and approbation of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and Her Majesty's Executive Council, to erect or procure a suitable building or buildings, as and for and to be styled and called a Lazaretto, to be erected or procured at such place or places in the said Counties of Gloucester or Northumberland, as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may direct and appoint, and such Lazaretto shall be under the full and absolute control, management and direction of the Board of Health within whose District the same may be erected or procured, subject nevertheless to the Rules and Regulations hereinafter mentioned.

III. And be it enacted, That each and every Board of Health to be appointed by virtue of this Act, and each and every Member of any such Board, in their respective Districts, shall have full power and authority, collectively and individually, at all convenient times, in the day time, to visit, inspect and examine any person or persons suspected to be labouring under or infected with the disease hereinbefore mentioned, and for that purpose to enter into any house, building or enclosure in which it may be suspected that any such person or persons may be found, and to break open the same if necessary so to do, in order to obtain entrance, and by order in writing, under the hand of any Member of such Board of Health, to cause to be removed to the Lazaretto, all and every person or persons who upon such examination and inspection shall be found to be labouring under or infected with the said disease, there to be kept and detained, subject to the Rules and Regulations made and ordained, or to be made and ordained, for the government of such Lazaretto.

Power given to examine suspected persons, and remove to the Lazaretto such as are diseased.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, from time to time, to make, ordain and establish such Rules and Regulations for the due care, management, support, medical, surgical and other superintendence of any Lazaretto to be erected or procured by virtue of this Act, as to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may appear expedient and necessary, and to rescind, cancel and annul any such Rules, and in his discretion, with the advice aforesaid, others in their place to make and ordain.

Governor in Council may make and amend Rules for the care and Medical superintendence of the Lazaretto.

V. And be it enacted, That it shall and may be lawful for any Board of Health to be appointed by virtue of this Act, and for each and every Member of the same, to call upon any Magistrate, Constable or other Peace Officer, or any other person, to render aid and assistance in carrying into effect the provisions of this Act, or of any Rule or Regulation to be made under the authority of the same, or in exercising the powers and authorities hereby given, and all such persons are hereby required to be aiding and assisting such Boards of Health, and the several Members thereof respectively, when so called upon as aforesaid.

Magistrates and others to be aiding in carrying the Act into effect.

VI. And be it enacted, That if any person or persons shall directly or indirectly obstruct or resist any of the Boards of Health so to be appointed, or any Member of the same, or any person or persons acting in aid of or under the authority, direction or requisition of such Board or Member thereof, in removing any person or persons infected or reasonably suspected to be infected with the said Disease, or shall conceal or secrete any diseased person, or shall assist any such diseased or suspected person in escaping, or secrete or conceal any such person or persons as shall or may escape from any Lazaretto erected or procured by virtue of this Act, every person or persons so offending shall forfeit and pay a penalty not less than five pounds nor more than twenty pounds, to be recovered on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace of the County in which such offence may be committed, at the suit of any Member of the Board of Health within whose District such offence may be committed, to be levied by warrant under the hand and seal of such Justice, by distress and sale of the goods and chattels of such offender; and for want of sufficient goods and chattels, such offender shall be committed to the Common Gaol of such County, there to remain without bail or mainprise for a period not more than forty nor less than twenty days; which penalty, when recovered, shall be applied as follows, namely, one half to the person prosecuting for the same, and the balance towards defraying the expenses of Lazaretto.

Resisting authority of Boards in removing persons to the Lazaretto, aiding to escape, &c.

Penalty.

Recovery.

VII.

The General Issue may be pleaded in prosecutions for doings under this Act.

VII. And be it enacted, That all and every person or persons who shall or may be sued or prosecuted for any thing by him or them done or committed under the powers given, or liabilities created by virtue of this Act, he or they shall be allowed to plead the General Issue in such suit and give any special matter in evidence.

Governor may remove to the Lazaretto persons diseased and without the limits of the Boards of Health.

VIII. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, in his discretion, by warrant under his hand, to direct and require the removal to such Lazaretto, of any person or persons who upon examination and inspection shall be found to be labouring under or infected with such Disease, and who may be found in any part of the Province to which the powers hereby given to the Board of Health to be constituted under this Act may not extend, there to be detained as provided by the third section of this Act.

Limitation.

IX. 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 forty six.

CAP. XXIX.

An Act to establish the value of certain British Coins in this Province and to amend the Acts relating to the establishment of a Legal Tender.

Passed 13th April 1844.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second sections of an Act made and passed in the fifty eighth year of the Reign of His Majesty King George the Third, intituled *An Act in addition to an Act, intituled 'An Act for establishing a Tender in all payments to be made in this Province;'* also so much of an Act made and passed in the thirty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for establishing a Tender in all payments to be made in this Province,* as shall be contrary to any of the provisions of this Act, be and the same are hereby repealed.

53 G. 3, c. 23, s. 1 and 2, and

25 G. 3, c. 16

25 G. 3, c. 6, in part repealed.

Value of English Sovereign and Crown, defined.

II. Be it enacted, That from and after the passing of this Act, the several Coins hereinafter enumerated, and the several respective aliquot parts of the several respective Coins hereinafter enumerated, shall pass current and be received and be a Legal Tender in all payments to be made in this Province, at the following rates and valuation: The English Sovereign at one pound four shillings currency; the English Crown at six shillings currency.

CAP. XXX.

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

Passed 13th April 1844.

Preamble.

2 V. c. 44.

‘WHEREAS in and by virtue of the provisions of an Act made and passed in the second year of the Reign of Her present Majesty, intituled *'An Act to provide for the prompt payment of all demands upon the Provincial Treasury,* a certain agreement was made and entered into by and between the Treasurer of the Province and the Bank of New Brunswick, for the purposes of the said Act, which has been continued to the present time; And whereas the aforesaid Act will expire on the first day of April which will be in the year of our Lord one thousand eight hundred and forty five, and it is considered necessary to continue the provisions thereof under certain conditions;

Be

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of Her Majesty's Reign, intituled *An Act to provide for the prompt payment of all demands upon the Provincial Treasury*, be and the same is hereby continued for the further term of five years from the first day of April one thousand eight hundred and forty five, and that the Treasurer of the Province be and he is hereby authorized and empowered to continue the agreement at present existing with the said Bank of New Brunswick during the continuance of this Act; Provided always, that no greater rate of Interest than five and one half per cent. be hereafter paid on the said agreement.

2 V. c. 44, continued.

Provincial Treasurer authorized to continue agreement with the Bank of New Brunswick.

Repealed by

CAP. XXXI.

Further amended by

*8th Vic
cap 88*

An Act further to amend the Laws relating to Bankruptcy in this Province.

12th Vic cap 115

Passed 13th April 1844.

6 WHEREAS it is considered expedient further to amend the Law relating to Bankruptcy;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act relating to Bankruptcy in this Province*; and also the second, fourth and fifth sections of an Act made and passed in the sixth year of the same Reign, intituled *An Act in addition to and in amendment of the Law of Bankruptcy*; and also all other provisions in either of the said recited Acts which may relate to the voluntary Declarations of any person being deemed an Act of Bankruptcy, or that persons owing debts less than five hundred pounds in amount may become Bankrupts, be and the same are hereby repealed: Provided always, that when any Fiat in Bankruptcy may have been struck or granted before the passing of this Act, whether founded on the voluntary Declaration of an alleged Bankrupt or otherwise, proceedings may still be had and continued therein, and by, against or for such alleged Bankrupt, his person, estate or effects, in all respects the same and with the like force and effect to all intents and purposes as if no part of the said recited Acts had been repealed as aforesaid.

Acts 5 V. c. 43,

and 6 V. c. 4, in part repealed.

Proviso for Fiats issued before Act comes into operation.

II. And be it enacted, That when and so soon as the proper Commissioner shall have received any Fiat and Documents as is provided in the said Acts, he shall forthwith endorse thereon the day and hour on which he received the same, and by warrant under his hand and seal shall appoint one fit and proper person to be a Provisional Assignee of the estate and effects of the said alleged Bankrupt, and shall cause a copy of such Fiat to be served on such alleged Bankrupt, if he shall be found within the jurisdiction of such Commissioner, and if not so found, then to be left at the last place of abode or business of the said alleged Bankrupt, or delivered to his wife or some adult member of his family, or agent, together with a notice, setting forth the appointment of the said Provisional Assignee; and in case the said alleged Bankrupt shall, within the period of seven days after such service of the copy of the said Fiat and notice, file with the said Commissioner a Declaration in writing of his dissent to the said Fiat, and desire to contest such alleged Bankruptcy, that then the said Commissioner shall forthwith transmit such Declaration to the Chancellor or Master of the Rolls, who shall proceed to the determination of the question so in contest, as hereinafter directed; and in case the said alleged Bankrupt shall not within the said period of seven days after such service of the copy of the said Fiat and the said notice, file with the said Commissioner such Declaration, or when the said Chancellor or Master of the

Provisional Assignee to be appointed on receipt of Fiat.

Copy of Fiat to be served on alleged Bankrupt who may enter a dissent.

After decision, notice of appointment, &c. to be published.

Rolls

Rolls shall have determined and confirmed the said Fiat in Bankruptcy, that the said Commissioner shall, as soon as may be thereafter, cause public notice of the said appointment to be published by two several insertions in one or more of the Newspapers of the County, City and County, or District in which such Commissioner hath jurisdiction; and if there shall be no Newspaper printed in the said County, City and County, or District, then in the Royal Gazette of this Province; and shall thereby require all persons indebted to the said Bankrupts by a certain day to be therein expressed, to pay all such sum or sums of money, debts or duties as they may owe to the said Bankrupt, and deliver up all other property and effects of the said Bankrupt in their possession, power or custody, to him, the said Assignee; and by the same notice shall require all the Creditors of the said Bankrupt, within three months from the day of the date of such notice, to deliver in and prove to the satisfaction of the said Commissioner, their respective claims and demands, whether the same be actually due or to become due against the said Bankrupt; and shall by such notice appoint two public meetings of the Creditors of such Bankrupt to be held, for the said Bankrupt to surrender and conform, the last of which meetings shall be on a day not less than thirty days, and not exceeding sixty days from the date of such advertisement, and shall be the day limited for such surrender: Provided always, that such Bankrupt shall and may, if so minded, before the expiration of the time allowed for filing such Declaration of dissent, surrender to such Fiat, and such person shall be free from arrest or imprisonment by any Creditor in coming to surrender, and after such surrender, during the time limited and appointed for the last of such meetings so to be advertised as aforesaid, and such further time as shall be allowed him for finishing his examination, and for such time after finishing his examination until his Certificate be allowed and confirmed, or during any suspension of such allowance or any conditional allowance, as such Commissioner shall, from time to time, by indorsement upon the surrender of such Bankrupt, think fit to appoint, provided he was not in custody at the time of such surrender; and if such Bankrupt shall be arrested for debt, or on any escape warrant, in coming to surrender, or shall, after his surrender, be so arrested within the time aforesaid, he shall on producing his summons, signed as required by this Act, to the Officer who shall arrest him, and giving such Officer a copy thereof, be immediately discharged.

Bankrupt may surrender before expiration of time for filing dissent.

Notice to be published in London Gazette when any Creditors reside in Great Britain or Ireland.

III. And be it enacted, That whenever it shall be made to appear to the satisfaction of any Commissioner, or such Commissioner shall have reason to believe that any of the Creditors of the said Bankrupt reside in any part of the United Kingdom of Great Britain and Ireland, then notice shall be forthwith transmitted for publication in the London Gazette, calling upon such Creditors to appoint an Agent or Agents in this Province, and to deliver and prove to the satisfaction of the said Commissioner, their respective claims and demands as aforesaid against the said Bankrupt, within three months from the day of the date of the said notice so published in the London Gazette.

Bankrupt in custody to be brought before the Commissioner, at the expense of his Estate.

IV. And be it enacted, That whenever any Bankrupt is in prison, or in custody under any process, attachment, execution, commitment or sentence, the Commissioner acting in the prosecution of the Fiat against him, may, by warrant under his hand and seal, directed to the person in whose custody such Bankrupt is confined, cause such Bankrupt to be brought before him at any meeting, either public or private; and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the expense thereof shall be paid by and allowed to him out of the estate of such Bankrupt; and such person shall be indemnified by the warrant of the Commissioner, for bringing up such Bankrupt; provided the Assignee may

Assignee may appoint person to

appoint

appoint any persons to attend such Bankrupt from time to time, and to produce to him his books, papers and writings, in order to prepare an abstract of his Accounts, and a statement to shew the particulars of his estate and effects, previous to his final examination and discovery thereof.

attend Bankrupt in prison.

V. And be it enacted, That any Bankrupt who shall after such certificate shall have been confirmed, be arrested, or have any action brought against him for any debt, claim or demand, proveable under the Fiat against such Bankrupt, shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became Bankrupt, and may give this Act, and the special matter, in evidence; and such Bankrupt's Certificate, and the confirmation thereof, shall be sufficient evidence of the Bankruptcy, Fiat and other proceedings precedent to the obtaining such certificate; and if any such Bankrupt shall be taken in execution, or detained in prison for such debt, claim or demand, where judgment has been obtained before the confirmation of his certificate, it shall be lawful for any Judge of the Court wherein judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in custody, by virtue of such execution, to discharge such Bankrupt without exacting any fee, and such officer shall be hereby indemnified for so doing.

Bankrupt having obtained his Certificate, freed from arrest.

Certificate to be evidence of the Bankruptcy and proceedings.

Bankrupt in execution may be ordered to be discharged.

VI. And be it enacted, That all claims made by any person against the estate of any Bankrupt, with an affidavit or affidavits verifying the same, shall be lodged with the Assignee of the Bankrupt's estate, at least forty eight hours before the time appointed for the holding of the public meeting at which such claim is to be adjudicated upon; and it shall be lawful for the Commissioner acting in the prosecution of any Fiat, to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under such Fiat, or to require such further proof, and to examine such other persons in relation thereto, as he shall think fit.

Debts how to be proved.

Creditor may be examined upon oath.

VII. And be it enacted, That any person who at the time of the receipt of the Fiat by the proper Commissioner, shall be surety or liable for any debt of the Bankrupt, or bail for the Bankrupt, either to the Sheriff or to the action, if he shall have paid the debt, or any part thereof in discharge of the whole debt, although he may have paid the same after the receipt of the Fiat by the said Commissioner, if the creditor shall have proved his debt under the Fiat, shall be entitled to stand in the place of such creditor as to the dividends and all other rights under the said Fiat, which the Creditor possessed or would be entitled to, in respect of such proof; or if the creditor shall not have proved under the Fiat, such surety, or person liable, or bail, shall be entitled to prove his demand in respect of such payment as a debt under the Fiat, not disturbing former dividends, and may receive dividends with the other creditors.

Sureties and persons liable for the debts of Bankrupt may prove after having paid such debts.

VIII. And be it enacted, That it shall be lawful for the Commissioner, at the time appointed for the last examination of the Bankrupt, or any enlargement or adjournment, to adjourn such examination *sine die*; and in such case he shall be free from arrest and imprisonment for such time, not exceeding three months, as such Commissioner shall from time to time, by indorsement upon the summons of such Bankrupt, appoint, with like penalty upon any officer detaining such Bankrupt, after having been shewn such summons.

Examination of Bankrupts may be adjourned.

IX. And be it enacted, That all affidavits to be made or used in matters of Bankruptcy, or under or by virtue of any Act relating to Bankrupts, or of this Act, and whether before or after any Fiat in Bankruptcy, shall and may be sworn in this Province before the Chancellor, or Master of the Rolls, or any Judge of the Supreme Court or of the Inferior Court of Common Pleas, or Commissioner of

Before whom Affidavits to be sworn.

of the Estates and Effects of Bankrupts, or Master in Ordinary or Extraordinary in the Court of Chancery, or any Commissioner for taking affidavits to be read in the said Supreme Court, or in the United Kingdom of Great Britain and Ireland, or in any other of the British Dominions, before any Judge of any Superior Court, or Mayor or Chief Magistrate of any City, Town, or Borough, attested by a Notary, or in any Foreign Country before a British Minister, Consul or Vice Consul.

Court may take evidence *visa voce* or upon Affidavit.

X. And be it enacted, That it shall be lawful for the several Commissioners authorized to act in the prosecution of any Fiat in Bankruptcy, in all matters within their respective jurisdictions, to take the whole or any part of the evidence, either *visâ voce* on oath, or upon affidavits, to be sworn as aforesaid.

Continuance of notices in Newspapers limited.

XI. And be it enacted, That it shall not be necessary to insert any notice in Bankruptcy in any of the Newspapers wherein the same may be required to be inserted by any of the provisions of this Act or of any of the Acts relating to Bankruptcy, oftener than in two successive Newspapers aforesaid, and that the matter of such notice may be made known, and also all adjournments of meetings, by a short memorandum thereof in the same Newspaper in which the first notice was published.

Chancellor or Master of the Rolls on appeals to decide finally and grant or withhold Certificate of discharge.

XII. And be it enacted, That whenever any appeal shall be made to the Chancellor or Master of the Rolls against any decision of any Commissioner, either by the Bankrupt or any Creditor or Creditors of such Bankrupt, the said Chancellor or Master of the Rolls is hereby authorized and required finally to decide on the matter of such appeal, and the said decision of such Commissioner to confirm, or reverse and set aside, and in the latter case to make such decree by granting a Certificate of discharge, absolute or conditional, or altering the one granted, or otherwise, as shall be agreeable to the justice of the case, and as shall be conformable to the Laws then in force relating to Bankruptcy in this Province.

Actions may be continued where Certificate of discharge is withheld.

XIII. And be it enacted, That any Creditor may continue any action or proceed on any judgment which may have been deemed to be waived or suspended by reason of his having proved the same debt for which such action may have been brought, in any case where a Certificate of discharge shall be finally refused the Bankrupt, any thing in the Acts relating to Bankruptcy to the contrary notwithstanding.

Bonds heretofore made by persons applying to be made Bankrupts may be prosecuted.

XIV. And be it enacted, That every Bond, heretofore made and executed by any person or persons, (with his or their sureties,) having applied to be made a Bankrupt under the provisions of the Bankrupt Laws of this Province, may be sued for and recovered with costs of suit in any Court of Record in this Province, in the name of the Officer to whom the same is given, or his successor in office, by order of any Commissioner before whom the prosecution of the Fiat is had, upon the application of any party interested therein, or at the instance of the Commissioner, whenever the costs of such proceedings, including therein the Solicitor's costs, shall be taxed and allowed by the said Commissioner, and when recovered shall be paid and applied by the Register to and among the different parties mentioned in such taxed bill, according to their several interests; provided that no greater sum shall be recovered in the said suit on the said Bond than the aggregate of such taxed bill, nor than the penalty of the Bond; and provided also, that wherever the said expenses can be got from the estate of the Bankrupt in the hands of the Assignee, such Bond shall not be put in suit.

Former oaths of office of Commissioner repealed, and a new form substituted.

XV. And be it enacted, That so much of the Act relating to Bankruptcy in this Province, as relates to the Oath of Office to be made and taken by any Commissioner of Bankruptcy for any County or Counties or City and County in this

3. 9-17

any all assigned to
 re-assign
 re-assign § 11

+ May 20/45 The above said affidavits must be read on the appeal & if necessary the hearing would be held there to answer them

this Province, shall be and hereby is repealed, and in lieu thereof every such Commissioner shall take and subscribe the following Oath in the manner and before the Officer in the said Act prescribed, that is to say:—

‘I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me as a Commissioner of Bankruptcy for the City and County of Saint John, (or County of *as the case may be,*) and such other County and Counties as may hereafter be united thereto, by virtue of an Act relating to Bankruptcy in this Province, and of any Act or Acts made or to be made in addition to or alteration or amendment of the same.—SO HELP ME GOD.’

Time of notice for surrender and contesting alleged Bankruptcy to be seven days.

XVI. And be it enacted, That the time mentioned in the sixth section of the Act in addition to and in amendment of the Law of Bankruptcy, for the notice to be served on the Bankrupt, and for the surrender of the said Bankrupt, and for contesting the alleged Bankruptcy, shall be seven days instead of thirty as therein specified.

Notice of application for Certificate of conformity shall be thirty days.

XVII. And be it enacted, That the notice required to be given on the application of the Bankrupt for a Certificate of conformity shall be thirty days instead of the time specified in the twenty fifth section of the said Act in addition to and in amendment of the Law of Bankruptcy.

repealed by 1

CAP. XXXII.

Repealed by 9th

*bre. cap. 58
rights to whom a
presents for the
Preamble. Creditors
See 8 bre.*

An Act to afford relief to Persons unfortunate in business in certain cases.

Passed 13th April 1844.

‘WHEREAS it is deemed expedient to make some further provision for the relief of Insolvent Debtors, and for enabling them to make arrangements with their Creditors, by which they may obtain a discharge from their debts;’

Any insolvent debtor may prefer a Petition to the Master of the Rolls for a meeting of his Creditors.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall and may be lawful for any Debtor or joint Debtors finding himself or themselves unable to meet his or their engagements, to make application by Petition to His Honor the Master of the Rolls for the time being, for an order for a public meeting of the Creditors of such petitioning Debtor or Debtors, setting forth in such Petition a full statement of his or their affairs upon oath, shewing the amount of his or their liabilities in detail, with the names, additions and places of abode of the Creditors, and also a detailed schedule of his or their real and personal property (if any) and assets, distinguishing the good from the bad debts; and on such Petition, which shall be in duplicate, and one copy to be filed with the Master of the Rolls, and the other with the Clerk of the Peace for the County in which such Debtor or Debtors reside, it shall and may be lawful for the said Master of the Rolls, and he is hereby required by order to be entered by the Registrar of the Court of Chancery in a Book to be by such Registrar kept for that purpose, to direct the Clerk of the Peace of the County, or City and County, in which such Debtor or Debtors shall reside, to call a public meeting of the Creditors of such Debtor or joint Debtors, within the Shire Town of the County, at such time and place as the Master of the Rolls shall in such order direct and appoint.

Clerk of the Peace of the County wherein the debtor may reside to be directed to call the meeting.

II. And be it enacted, That on such order being granted and served by such petitioning Debtor or Debtors, on the Clerk of the Peace of the County, it shall and may be lawful for such Clerk of the Peace, and he is hereby required at the costs and charges of such petitioning Debtor or joint Debtors, forthwith to call a public

Clerk of the Peace on service of order to call a meeting to enable the debtor to offer a composition, &c.

public meeting of the Creditors of such petitioning Debtor or Debtors, for the purpose of enabling such Debtor or Debtors to offer a composition to or make terms with his or their Creditors, and to render an exposition of his or their affairs, by publishing a copy of such order in the Royal Gazette of the Province, and the time and place of such meeting, and continuing the same therein for a period not exceeding sixty days nor less than twenty days, and also in one of the local newspapers in the County, or City and County, where such Debtor or Debtors reside, if any such paper be published, and also by posting up hand bills in six or more of the most public places of the County, or City and County, in which such Debtor or Debtors shall reside; at which meeting it shall be the duty of such Clerk of the Peace to attend and preside, and to take a minute or record of the proceedings thereof, the publication of the notices required by this Act, of the time and place of such meeting, being first made to appear by affidavit sworn before some Commissioner for taking affidavits in the Supreme Court, or Master or Master Extraordinary in Chancery, and which affidavit shall also form part of the minutes or records of such meeting; and if at such meeting, due notice thereof being then and there proved, agreeably to the provisions of this Act, three fifths of the Creditors in number and amount, whose respective just claims upon such Debtor or Debtors shall be for debts of not less than ten pounds each, by themselves or Agents then present, shall accept the offer of such Debtor or Debtors, of a composition, or shall agree that such Debtor or Debtors shall assign to Trustees appointed by a majority of the Creditors then present, for the benefit of his or their Creditors, all his or their Estate and Effects, or agree to any other terms for discharging such Debtor or Debtors from his or their then existing debts and liabilities, by signing a composition Deed, or other writing, shewing distinctly and clearly the terms of compromise and conditions upon which the same are accepted; and such Clerk of the Peace so presiding at such meeting, is hereby authorized, empowered and required, with the consent, and at the request of the majority of the creditors then present, to adjourn such meeting from day to day, or for any number of days, not exceeding six from the first day of such meeting, until the business of such meeting is got through with, by some arrangement being agreed upon in writing between such debtor or debtors and his creditors, signed by such three fifths of his creditors in number and amount then present, whose respective debts shall not be less than ten pounds each, as aforesaid, or until such meeting shall, by the voice of the majority of the creditors then present, be dissolved from the want of being able to agree upon any arrangement; in which case the said order so to be made by the Master of the Rolls for such meeting shall be declared and taken to be discharged, and all proceedings thereon at an end, the same as if no such order had been made; but in case any agreement or arrangement in writing shall be made between such debtor or debtors and his or their creditors, at such meeting, before the same is dissolved, and signed by such three fifths of his or their creditors as aforesaid, then such agreement or arrangement shall be deemed and held to and for the benefit of all the other *bonâ fide* creditors of such debtor or debtors, as well those who may sign the same, as others who may come in and claim the benefit thereof within the time hereinafter provided for; and such agreement, when so signed as aforesaid, shall be left in the hands of the Clerk of the Peace so presiding at such meeting, whose duty it shall be forthwith to transmit the same, with all the minutes and a record of the proceedings at such meeting, to the Master of the Rolls, certified and sworn to by such Clerk of the Peace, as the true and correct agreement and minutes of the proceedings, he first making a true copy thereof, which shall be kept

If at the meeting duly constituted the offer of composition be accepted or agreement be entered into for the discharge of the debtor, the same together with the minutes to be transmitted to the Master of the Rolls.

[Meeting may be adjourned.]

If no agreement be made, order for meeting to be discharged.]

kept on the files in the Office of such Clerk of the Peace; and upon such agreement, with the minutes and record of the proceedings, being so duly transmitted to the Master of the Rolls by such Clerk of the Peace as above directed, under oath as aforesaid, it shall and may be lawful for the Master of the Rolls to make an order, that unless good cause be shewn to him to the contrary on or before a certain day (not less than twenty days), to be in such order named, he, the said Master of the Rolls, will make an order releasing and discharging the said debtor or debtors from all his or their existing debts and other liabilities upon and agreeably to the terms and conditions that shall have been so agreed upon at such meeting as aforesaid, save and except the composition or other terms and agreement forming the basis of such discharge and agreed to at such meeting in manner aforesaid, which order the said petitioning debtor or debtors shall cause to be published and continued in the Royal Gazette of the Province for two successive weeks previous to the day appointed in such order for shewing cause.

Master of the Rolls to make an order to shew cause why the debtor should not be discharged under the agreement.

III. And be it enacted, That at the expiration of the said twenty days, or other period fixed by the Master of the Rolls, at which cause is to be shewn against such order, it shall and may be lawful for the said Master of the Rolls, and he is hereby required, unless good and sufficient cause shall be shewn to the contrary at the time limited for that purpose by any of the Creditors of such Debtor or Debtors, such as fraud, undue preference by secret compromise or otherwise, or want of due publication of the notice of the meeting of the Creditors before such Clerk of the Peace, or other substantial irregularity, contrary to the provisions of this Act, to make an order for the discharge of such Debtor or joint Debtors from all debts and liability to his or their Creditors, contracted prior to the meeting of his or their Creditors as aforesaid, agreeably to and upon the terms and conditions that shall have been so agreed to by at least such three fifths as aforesaid, of his or their Creditors in number and amount, at such meeting; Provided always, that such order shall be made upon the said Debtor or Debtors paying all the expenses of the meeting, and all other fees and expenses connected with and incurred in the necessary proceedings, to procure his or their discharge under this Act, agreeably to a scale to be fixed upon under this Act.

At the expiration of the order, the Master of the Rolls to discharge the debtor, subject to the agreement if no cause be shewn to the contrary.

IV. And be it enacted, That when such order shall be so made by the Master of the Rolls, it shall operate as an effectual bar to all proceedings against such Debtor or joint Debtors, his or their persons and property, for the recovery of any thing beyond the amount agreed upon by not less than such three fifths as aforesaid, of the Creditors present at such meeting, in person or by Attorney, in number and amount, and which order shall and may be pleaded in bar in any Court of Law or Equity in this Province, to any action or suit that shall be brought for the recovery of any thing beyond what shall at such meeting have been agreed upon in manner aforesaid, or for the enforcing of any matter or thing contrary to the true intent and meaning of the terms, provisions and conditions of what shall have been agreed upon at such meeting as aforesaid, and so transmitted by the Clerk of the Peace presiding at such meeting to the Master of the Rolls as aforesaid.

Order of the Master to be a bar to all proceedings for debts except as under the agreement.

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Plowden J

Debtor may not receive, release or compromise debts due to him in opposition to the terms of agreement with his Creditors.

V. And be it enacted, That it shall not be lawful for the said petitioning Debtor or joint Debtors, after any agreement by way of compromise, or other arrangement that shall or may have been made or entered into at any public meeting of the Creditors to be called under the provisions of this Act, to receive any debt or debts, or to make any settlement, or give any release or discharge of his or their debt or debts, or in any way to interfere with his or their real or personal property or assets, directly or indirectly, or to make any secret or other compromise with any of his or their Debtor or Debtors, Creditor or Creditors, contrary to the true

true intent and meaning of the terms and conditions of any arrangement, agreement or compromise, which shall or may have been agreed upon by and between such Debtor or Debtors and his or their Creditors at such meeting in manner aforesaid.

Receipts, compromises, &c. by the debtor contrary to the agreement with his creditors, to be void.

VI. And be it enacted, That if any such Petitioning Debtor or Debtors do or shall receive any debt or debts, or give any release or other discharge to any of his or their Debtors, or enter into arrangement, agreement or compromise with his or their Debtor or Debtors, Creditor or Creditors at or after any such public meeting of the Creditors of such Petitioning Debtor or joint Debtors, called under the provisions of this Act, contrary to the true intent and meaning of the agreement, compromise or arrangement that shall or may have been so agreed upon between such Debtor or Debtors, and his or their Creditors at such public meeting, the same, that is, all such receipts of debts, releases, discharges, arrangements, agreements and compromises shall be utterly void and of none effect.

Sales &c. by debtor, and arrests of his person after notice of meeting of his Creditors, to be void.

VII. And be it further enacted, That all sales and conveyances of his estate, lands, goods and chattels to him belonging, made by any such debtor or debtors after such first public notice as aforesaid given, for calling a meeting of his creditors under the provisions of this Act, and all Powers of Attorney by him given for selling any estate or effects, or collecting any debts or demands, whether such Power of Attorney be made after or before such first public notice as aforesaid given, and all levies, seizures and sales made by any Sheriff or other officer after such first public notice as aforesaid given, of any estates, lands, goods and chattels of any such debtor or debtors, under any execution or other legal process issued out of any Court of Judicature after such first order as aforesaid shall be made by the Master of the Rolls for calling such meeting of the creditors of such debtor or debtors as aforesaid, and also all arrests of the person or persons of any such debtor or debtors upon mesne process or execution for any debt after such first order shall be made as aforesaid, shall be null and void, to all intents, constructions and purposes whatsoever, as to all acts done or to be done after such first public notice given, any law, usage or custom to the contrary notwithstanding; Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to any debt due to Her Majesty, Her Heirs or Successors, or to restrain any landlord or other person or persons from his or their legal right of distress or lien for any rent actually due; and provided also, that nothing in this Act contained shall extend or be construed to extend to restrain any creditor or creditors of such debtor or debtors from any proceedings to recover or secure any debt or debts due to him, her or them, from such debtor or debtors, or to restrain the legal right of such debtor or debtors to the possession, sale or other disposition of any estate, lands, goods and chattels to him belonging, after the final close and dissolution of any such public meeting of his creditors, in case no arrangement or agreement shall be come to and made between him and his creditors at such said public meeting, for the liquidation of his debts, signed by such three fifths of his creditors as aforesaid, under the provisions of this Act, but in every such case the legal rights of such debtor or debtors over his estates, lands, goods and chattels, and all the legal right of his creditors against him, shall immediately revive, the same as if no such proceedings had been taken.

Crown debts, and Landlords rents, reserved.

Act not to restrain the rights of creditors, if meeting be dissolved and no agreement be made.

Debtor to attend the meeting under this Act, when he may be examined touching his affairs.

VIII. And be it enacted, That it shall and may be lawful for the Creditors, or any of them, of such Petitioning Debtor or Debtors at any public meeting called under the provisions of this Act, at which such Debtor or Debtors is and are hereby required to attend and be present, unless prevented by good and sufficient cause or causes to be shewn at such meeting by affidavit to be sworn before a
Commissioner

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Commissioner for taking affidavits in the Supreme Court, to the satisfaction of two thirds in number and amount of the Creditors then present, to examine such petitioning Debtor or Debtors upon oath, which oath the Officer presiding at such meeting is hereby authorized to administer, as to all matters touching his or their affairs, the honesty and correctness of his or their conduct, and the extent of his or their liabilities, property and assets.

IX. And be it enacted, That a copy of the proceedings at any such public meeting of the Creditors of any Debtor or joint Debtors, held under the provisions of this Act, and so transmitted by such Clerk of the Peace to the Master of the Rolls as aforesaid, and which shall be filed by the said Master of the Rolls in the Registrar's Office of the Court of Chancery, together with a copy of the Master of the Rolls order or orders made under the provisions of this Act, and certified by the Registrar of the Court of Chancery as true copies, shall be good evidence in any Court of Law or Equity in this Province, of the proceedings of such meetings, and of the services of the notices required under this Act, and of the orders made by the Master of the Rolls thereon, and of the allegations contained in the Debtor or Debtors' Petition to the Master of the Rolls for an order for a public meeting.

Certified copies of the proceedings at the public meeting, and of the orders of the Master of the Rolls to be good evidence.

X. And be it enacted, That it shall and may be lawful for the said Master of the Rolls for the time being, and he is hereby required to make up a Table of Fees for all the services required, from the Clerk of the Peace and all other persons under this Act, and for carrying out the provisions thereof, including the Solicitor's fees, agreeably to which it shall be the duty of the Registrar of the said Court to tax all Bills of Costs for all the proceedings which shall take place under the provisions of this Act, and which the said Debtor or joint Debtors taking advantage thereof, are required by the third section of this Act to pay before obtaining his or their order of discharge.

Master of the Rolls to make up a Table of Fees for services under this Act.

XI. And be it enacted, That if the petitioning Debtor or Debtors, or any other person or persons required under the provisions of this Act to make oath to any fact or facts, or to submit to be examined under oath, shall wilfully make any false statement on oath, or swear to any fact, matter or thing required to be sworn to under the provisions of this Act, or on such examination wilfully swear to any thing untrue or false, he, she or they so making such false statement, or falsely swearing on such examination, shall be and is hereby made liable to be prosecuted for wilful and corrupt perjury, as in other cases, and on conviction thereof, be liable to all the pains and penalties imposed by Law upon persons convicted of wilful and corrupt perjury.

False swearing under this Act declared perjury.

XII. And be it enacted, That at every public meeting of Creditors called under the provisions of this Act, the Clerk of the Peace presiding shall lay before the meeting the copy filed with him as hereinbefore directed, of the petitioning Debtor or Debtors' Petition to the Master of the Rolls, and the statement accompanying the same, on which the order for such public meeting shall have been granted.

Copy of petitioning debtor's petition and statement to be laid before the meeting of creditors.

XIII. And be it enacted, That if at any public meeting of Creditors called under the provisions of this Act, any person or persons not named in such Debtor or Debtors' Petition as a Creditor or Creditors, shall attend in person or by Attorney, or if any of the Creditors of such petitioning Debtor or Debtors named and described as such in the said Petition, shall claim or contend at such meeting for a larger sum as due to him or them, than such Debtor or Debtors in his or their said Petition to the Master of the Rolls as aforesaid has named in such Petition as due to such Creditor or Creditors, it shall not be lawful for such Creditor or Creditors not named in such Petition, or for those claiming beyond the sum named in such Petition, and refusing to reduce their claim to the sum named

Claimants of debts not fully stated in debtor's statement to make affidavit before being allowed to vote.

named in such Petition, to vote or rank as a Creditor or Creditors at such meeting until such Creditor or Creditors shall by the affidavit, (or being a Quaker, by the solemn affirmation in writing,) of such Creditor or Creditors, or of some other credible person or persons, set forth the amount justly due to such Creditor or Creditors, over and above all discounts from such Debtor or Debtors, which affidavit shall be sworn to before the Clerk of the Peace presiding at such meeting, who is hereby authorized to administer the same, or before some Commissioner for taking affidavits to be read in the Supreme Court.

If necessary, list of creditors to be amended according to the facts; alterations to form part of the minutes.

XIV. And be it enacted, That if on the examination of the petitioning debtor or debtors at any public meeting of creditors called under the provisions of this Act, it shall appear, under oath as aforesaid, to the satisfaction of the Clerk of the Peace presiding at such meeting, that such petitioning debtor or debtors shall have included in his or their petition to the Master of the Rolls any person as a creditor who is not in truth and fact a creditor, or as a creditor for a lesser or greater amount than the sum named in such petition, or that such petitioning debtor or debtors shall have omitted in such petition the name and amount of any creditor or creditors who should have been included, it shall and may be lawful for the Clerk of the Peace presiding at such meeting, and he is hereby required to add to or diminish the list of creditors of such petitioning debtor or debtors, and also to increase or lessen the amount of the respective creditors' claims against such petitioning debtor or debtors, according to the facts, and to make such additions, omissions and alterations form part of the minutes of the meeting, and be certified accordingly; and every creditor or his agent in the list, when so corrected by such Clerk of the Peace there present, shall be entitled to vote and rank at such meeting according to the respective amounts of his debts in such list as corrected; but every such creditor, whose claim, if disputed, although so sworn to, and entered upon the list as aforesaid, shall not be allowed to take the benefit of any arrangement or agreement that may be made at any such meeting between such debtor and such three fifths of his creditors then present in number and amount as aforesaid, including any such creditor whose claim may be so disputed as aforesaid, until such creditor whose claim may be so disputed, shall establish the validity of such claim by the judgment of some Court in the Province competent to try the same in due course of Law, or by Arbitration as such three fifths of the other creditors as aforesaid shall and may require; and in every such case it shall be lawful for any such creditor, whose debt or debts may be so disputed, and who may be so required to establish the same, to proceed by action notailable at Law, or suit in Equity, as the case may require, according to the ordinary course of Law or Equity against such debtor or debtors, to trial and judgment, notwithstanding any order may be made by the Master of the Rolls for the discharge of any such debtor or debtors from his debts under the provisions of this Act: Provided nevertheless, that no execution against the property or person of any such debtor or debtors who shall have been so discharged, shall issue upon any such judgment so obtained, but that such creditor or creditors so obtaining such judgment or award in his favor shall then be entitled to come in with the other creditors to take the benefit of the arrangement that may have been so agreed to with such debtor or debtors as aforesaid, in due proportion according to the amount of such judgment or award in his favor, and costs.

Votes may be taken according to corrected list; but disputed debts not to rank under any arrangement until established by a competent Court.

Creditors may assent to arrangement after the public meeting and participate in all the benefits.

XV. And be it further enacted, That every creditor of such debtor or debtors taking the benefit of this Act, who may not have signed the arrangement or agreement that may have been made at any such public meeting as aforesaid, shall be

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at liberty and have full right to come in and participate in any benefit to be derived by the other creditors, under the terms of such arrangement or agreement, in due proportion with the other creditors, by signifying his assent thereto at any time within one year after the making of any such arrangement or agreement, and that all and every the balance of any assets, property or effects that may be given up or assigned over by any such debtor or debtors for the benefit of his or their creditors under the terms of any such arrangement or agreement, which shall remain undivided and paid in due proportion among the creditors, after the expiration of one year from the making of such agreement, shall then be divided and paid in due proportion to and among the *bond fide* creditors who may then have come in and assented to such arrangement or agreement: Provided always, that if on such final division among the creditors who may come in within one year as aforesaid, there should be any surplus after paying the creditors who may then have come in, twenty shillings in the pound on the respective amounts of their debts, such surplus shall be paid back to such debtor or debtors, his Executors, Administrators or Assigns.

Proviso for the debtor after 20s. to the pound shall have been paid.

XVI. And be it enacted, That 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 plural number shall extend and be applied to one person or thing as well as to several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as a male: Provided always, that those words and expressions occurring in this clause to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

Construction of Act.

Singular number.

Masculine gender.

CAP. XXXIII.

An Act to encourage the Fisheries of this Province.

Passed 13th April 1844.

‘ **W**HEREAS the Shore and Deep Sea Fisheries present an inexhaustible source of wealth, and it is deemed expedient to grant certain Bounties for the encouragement thereof;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there shall be a Bounty paid on the following species of Fish caught in the sea, by persons engaged in open boats or deck Vessels owned or registered in this Province, according to the following rates, namely:—

Bounties granted on Fish caught from boats or decked vessels owned in the Province.

On every quintal of dried Cod Fish of merchantable quality, provided the quantity whereon the Bounty is claimed is not less than five quintals, one shilling;

On every quintal of Scale Fish so caught and cured of like quality, and not less than the same quantity, six pence;

On every barrel of number one pickled Herrings, containing two hundred pounds of Fish, one shilling;

On every barrel of number one Mackerel, containing two hundred pounds of Fish, one shilling and six pence;

On every barrel of number two Mackerel, containing two hundred pounds of Fish, one shilling;

On every barrel of number one pickled Shad, two shillings.

II.

Bounty granted on decked vessels owned in this Province and employed in the Fisheries.

II. And be it enacted, That there shall be granted on all decked Vessels of the burthen of ten tons and upwards, according to the measurement for tonnage under the Act of the Imperial Parliament made and passed in the fifth and sixth years of the Reign of King William the Fourth, owned and registered in this Province, and employed in the Deep Sea or Shore Fisheries for a period of not less than four months, at any time between the first day of April and the first day of December following, (no Vessel being entitled to more than one Bounty in each year) a Bounty according to the following scale, that is to say:—

Vessels of ten tons and not exceeding fifty tons, ten shillings;

Vessels exceeding fifty tons and up to one hundred tons, twelve shillings and six pence for each and every ton thereof.

List of equipments and stores to be attached to the Custom House certificate.

III. And be it enacted, That all Vessels so to be employed as aforesaid shall at the time of clearing out at the Custom House or other office appointed for clearing such Vessel, be fully provided with furniture, equipments, stores and salt, necessary for carrying on the said Fisheries, and a complete list of all such furniture, equipments and stores shall either be attached to the Port Clearance or Custom House Certificate, or be embodied therein as shewn in the form Letter A in the Schedule to this Act annexed, and no claim for Bounty under this Act shall be admitted without the production of said Certificate; and the Master of the Vessel intending to claim Bounty, shall keep or cause to be kept a list in the Form C hereunto annexed, of the names, reputed ages and residence of all persons employed on board the said Vessel, and of the quantities and species of Fish caught by each person; and when claiming Bounty he shall produce and authenticate the said list and receipts from the said persons or other sufficient testimony that their claims on the Vessel, the owners or the catch, have been satisfied, or reasonable satisfaction tendered, which list he shall attach to the Custom House Certificate of entry at the Port where he may arrive after the completion of his voyage, in Form B.

Account of Fish caught, and list of Crew, and evidence of payment to be attached to the Custom's certificate.

Before Bounty be granted, Fish to be inspected.

IV. Be it enacted, That before any Bounty shall be granted on any Fish of any quantity or kind under this Act, the same shall be duly inspected and branded or marked by the Officer lawfully appointed by any Law now in force or hereafter to be made for that purpose, in the Parish or place where the said Fish may be offered for legal inspection; and should the said Inspector upon due examination of the same, be satisfied as to the quantity and species, he shall brand or mark the package containing the same with his initials or distinctive mark, and the mark ^B burnt or painted black, and keep a correct list of all the lots or

Inspector to keep an account of Fish inspected by him.

Cod or Scale Fish to be marked before certificate for Bounty be granted.

package of Fish so inspected by him claiming Bounty, in Form D, in order to secure such returns of the state of the Fisheries and Bounties paid on them, as the Government or Legislature may at any time desire; and because in the case of Dried Cod or Scale Fish, not contained in any package, frauds may be practised unless the said Fish be marked in such manner as may be quite evident at sight, the Inspector of such unpacked Cod or Scale Fish shall not grant any Certificate for Bounty on such Fish until he shall have seen them marked by cutting off from one corner of the tail of each Fish a triangular piece not less than two inches long each way, nor shall he grant any Certificate on any Fish that may have been so marked before they were presented for his inspection; and the Inspector having so examined and marked the packages and Fish for which Bounty is claimed he shall grant the claimant a Certificate in the Form D.

Claim for Bounty on vessels, to whom to be preferred, and

V. Be it enacted, That the claims for Bounty shall be made before any Judge of the Common Pleas, or Justice of Peace of the County, or City and County, in which

which the same may be claimed, who shall in case of the claim being made for Bounty on a Vessel, cause the Register of the Vessel, the port clearance in Form A, and port entry in Form B, and the Master's account of the crew and catch in Form C, including the receipt of the parties for their share of the catch, or a satisfactory payment in consideration thereof, to be duly verified and authenticated by the testimony on oath of the Master and other person or persons of the crew of the said Vessel, and being satisfied as to the justice of the claim for Bounty under this Act, he shall certify the same in Form marked G in the Schedule hereunto annexed, and shall attach to the said certificate the aforesaid port clearance certificate of entry B, and Master's account of crew and catch C, under his seal, and deliver the same to the party or parties claiming the Bounty, and by virtue of which the Owners may draw a Bill as shewn in the Form G, on the Treasurer of the Province, which Bill shall be paid by him or any of his Deputies, and the said documents shall be his sufficient voucher for said payment.

how verified and drawn.

VI. Be it enacted, That in case of a claim for Bounty on Fish, the said claim shall be made before a Judge of Common Pleas, or Justice of Peace of the County, or City and County, wherein the same may be claimed, who shall cause the Inspector's Certificate in Form D to be verified and authenticated on the oath of the claimant, or other sufficient testimony, and the said Judge or Justice shall also satisfy himself by sufficient testimony on oath, that the said Fish was actually caught from the sea by persons residing within the Province, with their names and residences, and mode of catching, and such other testimony as shall satisfy him that the said Bounty is not claimed for or by persons residing in any other Province or State, and when so satisfied, he shall give the claimant a Certificate in Form H annexed to this Act, attaching thereto under his seal the Inspector's Certificate in Form D, and deliver the same to the party or parties claiming, whereupon he or they may draw a Bill for the amount so certified, on the Treasurer of the Province, as shewn in Form H, which shall be paid by the said Treasurer or any of his Deputies, and the said documents shall be his voucher for the same.

Claim for Bounty on Fish how to be presented, verified and drawn.

VII. Be it enacted, That a sum not exceeding three thousand pounds be paid out of the Provincial Treasury, to be applied to the purpose specified in this Act, and the same sum annually, so long as this Act be in force, and the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, shall issue his warrant for the said amount.

£3000 per annum appropriated for the purposes of this Act.

VIII. Be it enacted, That any person or persons who shall be guilty of false swearing or affirming, or of fabricating or producing any false documents for the purposes of this Act, with intent or design to defraud the Treasury, such person or persons so offending, shall be subject to all the pains and penalties of the Law for wilful and corrupt perjury, and shall be disqualified from ever after receiving any Bounty under the provisions of this Act.

False swearing made perjury.

IX. Be it enacted, That the Justices fees for services rendered under and by virtue of the provisions of this Act shall be the same as are provided for in other similar cases.

Fees of Justices.

X. Be it enacted, That every person who may intend to avail himself of the Bounty provided by this Act for the Shore Fisheries in open boats or Vessels of ten tons or under, shall upon engaging in the said Fisheries, enter at the Custom House his name and place of residence, with a description of the Boat or Boats he may intend to employ in the said Fisheries, and obtain a Certificate with a distinguishing number thereon, and shall paint on a conspicuous part of his Boat or Boats the said number.

Persons intending to prosecute the Shore Fisheries and claim the Bounty, to enter their names, &c. at the Custom House.

XI. And be it enacted, That this Act shall continue and be in force for two years.

Limitation.

Form

Form A annexed to the Act Vic. Cap. for encouraging Fisheries.

Outfit Certificate. Custom House Certificate of Outfit for Fishing Voyage.

Custom House at _____ in the Province of New Brunswick,
this _____ day of _____ 18 _____

This is to certify, that the _____ of _____ rigged, having been duly regis-
tered at _____ in this Province, burthen _____ tons new measurement,
whereof _____ is Master, and
owners thereof, was this day cleared out of this Office to proceed on a Fishing
Voyage; that at the time of the said clearance the said Vessel was _____ fur-
nished and equipped with the materials necessary for the said Voyage, being as
follows, namely:—

Affirmation of the Master, declared before me to be a true statement.

This is also to certify, that the Master of the said _____ declared his intention
to prosecute the said Fishing Voyage with effect, being encouraged thereto by the
Bounty, and meaning to claim the same under the Act _____ Victoria, Cap.

Form B appended to the Act seventh Victoria, Cap. for encouraging the Fisheries.

Certificate of entry
on return from
voyage.

Custom House Certificate of Entry on Return from Fishing Voyage after the
expiring of _____ days.

Custom House at _____ in the Province of New Brunswick,
this _____ day of _____ 184 _____

This is to certify, that the _____ of _____ rigged and registered at
in this Province, of _____ tons new measurement, whereof _____ is Master,
and
are owners, did this day enter at this Office, he the said Master declaring on
oath that the said Vessel with her Crew had been employed exclusively on a
Fishing Voyage _____ days as required by Law to entitle the owners to Bounty

*Form C of the List of Crew and Catch to be kept by the Master of Fishing Vessels
under the Act seventh Victoria.*

Register of Crew,
and Catch.

Name.	Date of		Age	Residence.	Proportion of Catch.				Signatures of the Parties that their claims have been satisfied, or of cre- dible witness to the a- mount tendered.
	Entry.	Discharge.			Cod	Scale	Herrings	Mackerel	

This is to certify, that the _____ of _____ whereof I am the Master, sailed
from _____ on _____ day of _____ 18 _____ on a Fishing Voyage, from which
we returned to _____ on _____ day of _____ 18 _____ voyage completed:
that the foregoing is a true List of the Persons who composed the Crew of the
same, and a true account of the proportion or share of the actual catch of Fish to
which each is entitled; the whole catch amounting to _____ Quintals of Cod and
Scale Fish, &c. &c.

(Signed)

Master.

Form

Form C continued.

Articles of Agreement between the Owners of _____ of _____ and the Master and Crew of the said Vessel.

Mens' Signature.	Witness' Signature.	Particulars of agreement between Owners and Crew.

I do certify that I have fully assented on the part of the Owners of the _____ of _____ to all the foregoing Articles of Agreement this _____ day of _____ 18 _____ for the Owners.

Form D prescribed by Act seventh Victoria, for encouraging Fisheries.

Certificate of Fish inspected by _____, Inspector of Fish for the Parish of _____ in the County of _____ Inspector's Certificate.

This is to certify that _____ residing at _____ hath produced to me _____ Quintal of dried Cod and Scale Fish, which I have duly marked as the Act directs; also _____ barrels of pickled Herrings and _____ barrels of pickled Mackerel, and _____ barrels pickled Shad, all which he affirms to have been cured and packed, and of which he has sufficient testimony, within this Province, at _____, and that I have marked each package as follows, viz :
 No. (1 to _____) ^B ↑ and that the same is duly entered in my general account of Inspections H.

Given by me at _____ this _____ day of _____ 18 _____ Inspector.

Form E prescribed by Act seventh Victoria, for encouraging Fisheries.

Certificate of the Claimant for Bounty on Fish inspected by B. D., Inspector of Fish for the Parish of _____ in the County of _____ Certificate of claimant of Bounty.

This is to certify that I reside at _____ in the County of _____ and that B. D. has inspected the undermentioned quantities of dried and cured Fish at _____ in this Province, viz :—

- Quintals of dried Cod Fish.
- Ditto Scale Fish.
- Barrels of pickled Herrings.
- Ditto, ditto, Mackerel.
- Ditto, ditto, Shad.

All which is my property, and for which I claim the Bounty prescribed by the Act seventh Victoria.

Owner.

Witness.

Form

Form F prescribed by Act Vict. for encouraging Fisheries.

Inspector's account of Fish.

Account of the Inspections of Fish claiming Bounty by _____ of _____

18			Quintals of Dry Fish.		Barrels of Pickle			Name of Proprietor.	Residence.
No.	Month	Day	Cod.	Scale.	Herrings	Mackerel	Shad		

And I do certify that I did duly ascertain the quantities, and did cause the same to be duly marked according to the Act Vict. and that each package is marked with its distinctive No. and bears my mark thus, B. D. No **B**
↑

Form G prescribed by Act Victoria, for encouraging Fisheries.

Justice's Certificate for Bounty on Vessel.

SS.

It has been satisfactorily proved before me _____ one of Her Majesty's Justices of the Peace for the County of _____ that the _____ of _____ tons burthen, whereof _____ Owner sailed from _____ on the _____ day of _____ equipped, fitted and declared to be intended to prosecute a Fishing voyage, and that the said Vessel completed _____ days on the said voyage, exclusively so occupied, and therefore that _____ the said Owner, is entitled to _____ pounds and _____ shillings, Bounty under the Act Vic. _____ Given at _____ this _____ day of _____ 18 _____ Justice of Peace.

Bill for Bounty.

£ _____ day of _____ 18 _____
Thirty days after sight, pay to _____ or order, the sum of _____ pounds shillings and _____ pence, due to me as above certified.
_____ Owner of the _____ of _____
To the Provincial Treasurer, New Brunswick.

Form H prescribed by Act Victoria, for encouraging Fisheries.

Justice's Certificate for Bounty on Fish.

SS.

It has been satisfactorily proved before me _____ one of Her Majesty's Justices of the _____ for the County of _____ that _____ proprietor of _____ Quintals of dried Cod or Scale Fish, _____ barrels of pickled Fish did cure the same within this Province, and that they were duly inspected by _____ at _____ as the Act directs; and therefore that the said _____ is entitled to _____ pounds _____ shillings and _____ pence for Bounty on the same.
Given at _____ this _____ day of _____ 18 _____

J. Peace.

Bill

Bill for Bounty.

day of 18 .

£

Thirty days after sight, pay to or order, the sum of pounds
shillings pence due to me as above certified.
To the Provincial Treasurer, New Brunswick.

CAP. XXXIV.

An Act to incorporate the Fredericton Boom Company.

Passed 13th April 1844.

Amended 8th April 40

WHEREAS the erection of a Side Boom or Booms at or near the Short Ferry, so called, below Fredericton, will be a great benefit to persons engaged in the Lumber business by enabling them to secure Timber and Logs, Masts, Spars and other Lumber floating down the River Saint John, at a moderate expence; And whereas it is deemed expedient to incorporate a Company for that purpose;

Preamble.

*Amended
11th April
50*

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Glazier, Stephen Glazier, James Taylor, William J. Bedell, Spafford Barker, Jacob Mackeen, Isaac Kilburn, and Duncan Glazier and their Associates, Successors and Assigns, be and they are hereby declared to be a Body Corporate by the name of The Fredericton Boom Company, and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Side Boom or Booms and any other Works on the Shore connected therewith at or near the Short Ferry, so called, below Fredericton, for the more convenient collecting, picking up, securing and rafting Timber, Logs, Masts, Spars and other Lumber, floating down the River Saint John, and for carrying on and managing the same.

Company incorporated.

II. And be it enacted, That the Capital Stock of the said Corporation shall be two thousand pounds of current money of New Brunswick, and shall be divided into eighty shares of twenty five pounds each.

Capital to be £2000.

£4000

III. And be it enacted, That the first meeting of the said Corporation shall be called by James Taylor, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a newspaper published in Fredericton, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

First meeting how and by whom to be called.

IV. And be it enacted, That the Subscribers for Stock in the said Corporation shall previous to the first meeting of the said Corporation, 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, the major part of the survivors, such an instalment or deposit on the Capital Stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, 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 and persons to whom the said instalment or deposit shall be paid, and the said instalment or deposit shall be taken and allowed to every Subscriber who shall pay it, as part of the Capital Stock required to be paid in under and by virtue of this Act, and every Subscriber who shall neglect or refuse to pay in the said deposit or instalment, shall be deemed a defaulter,

Subscribers to Stock to make a deposit previous to the election of Directors.

defaulter, and no Subscriber shall upon any pretence whatsoever vote at the first meeting for the choice of Directors upon any Share or Shares, unless he has paid the said instalment or deposit.

Act not to affect the navigation.

V. And be it enacted, That nothing in this Act contained shall be construed to authorize the said Corporation to interfere with the navigation of the River Saint John.

Boom to be open for Timber from Spring till 20th October in each year.

VI. And be it enacted, That the said Corporation shall and they are hereby required to keep the said Boom open and in order to receive Timber, Logs, Masts, Spars and other Lumber floating down the River Saint John from the opening of the Spring, and after the time the River is clear of Ice, until the twentieth day of October in each and every year during the continuance of this Act.

Charges for rafting and securing Timber &c., in the Boom.

VII. And be it enacted, That the said Corporation shall be entitled to receive a sum not exceeding one shilling and one penny half penny per ton for each and every ton of Timber, and a sum not exceeding two shillings and six pence per thousand for each and every thousand superficial feet of Logs, Masts and Spars, or other Lumber, which they shall secure and raft in a substantial manner, with good and sufficient Boom poles, and put in good and sufficient joints, such as are usually made, preparatory to their being put in large rafts for transportation to Saint John; such payments to be in full for rafting and securing the said Timber as aforesaid, and also for collecting and keeping up and floating down the said Timber and Logs so rafted in the said Boom or Booms, from Crock's Point, so called; and also, for all scattered Timber and Logs, which by the force of the current or water may be driven into the said Boom or Booms, and secured thereby, and so rafted in joints.

Duty of Corporation in picking up and rafting Timber.

VIII. And be it enacted, That it shall be the duty of the said Corporation, and they are hereby required to collect together, pick up, and float down into the said Boom or Booms, and there secure and raft in joints all Timber and Logs floating in the River Saint John, or aground on any Flat or Shore, or any of the Islands or Bars below Crock's Point, so called, at any time between the opening of the Spring and the River being entirely clear of Ice, and the twentieth day of October in each and every year during the continuance of this Act, providing the owner or owners of such Timber or Logs shall have previously furnished the said Corporation or the Agent or Agents with the Mark or Marks of such Timber, Logs, Masts, Spars or other Lumber, previously to its coming to Crock's Point, so called, and after so furnishing the said Marks, the same shall be considered to be under full control of and liable to Boomage to the said Corporation.

Lien granted to secure the Boomage.

IX. And be it enacted, That the said Corporation shall have a lien on all Timber, Logs, Masts, Spars and other Lumber which may be rafted in the said Boom in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by the force of the current; and the said Corporation, or Agent or Agents, may retain the said Timber, Logs, Masts, Spars and other Lumber, or sufficient part of them to pay the Boomage until such Boomage is paid or secured: Provided always, that nothing herein contained shall be construed to extend to authorize the said Corporation to detain or interfere with any joint, joints or rafts of Timber, Logs, Masts, Spars or other Lumber, which may be on its passage to any place either above or below said Booms with men on, and may by the force of the current or other accident get into said Booms and be caught therein, but the owner or owners thereof shall be permitted to remove the same with care, or the Agent or Servants of the said Corporation may do so at their option.

Proviso for Timber not intended to be boomed.

X. And be it enacted, That for any floating Joints or Rafts of Timber, Logs, Masts, Spars or other Lumber without men on, which may run into the said Boom or Booms by force of the current or accident, or be caught therein, the said Corporation shall protect such Joints or Rafts, and be entitled to receive therefor at and after the rate of two pence per ton for each and every ton of such Timber, and six pence per thousand superficial feet for every thousand superficial feet of Logs, Spars, Masts or other Lumber, provided that the said Corporation shall not be entitled to receive for any such Rafts or Joint a larger sum than three pounds.

Rafts entering the Boom by accident to be protected and charged specified rates.

*Repealed
by Nov. 1844
150*

XI. And be it enacted, That the said Corporation shall not be liable for the loss of any Timber, Logs, Masts, Spars or other Lumber which may pass out of or by the said Boom, or escape therefrom, unless such loss is occasioned by their neglect or default, or the neglect or default of the Agents or Servants: Provided always, that the said Corporation, their Agents or Servants shall be bound to follow and use all due diligence to collect together and pick up and secure and raft all such Timber, Logs, Masts, Spars or other Lumber, of which they may have been previously furnished with the marks as prescribed by the eighth section of this Act, which may pass out of or by or escape from or run below the said Boom.

Liability of Corporation for loss by timber escaping from the Boom.

XII. And be it enacted, That all questions of difference or dispute of any kind relating to the quantity of Timber, Logs, Masts, Spars or other Lumber, or to the mode of rafting such Timber, Logs, Masts, Spars or other Lumber, shall be submitted to the award or arbitrament and determination of three persons indifferently chosen between the parties, the award and determination of them or any two of them shall be final and conclusive between the parties, which referees or any two of them shall also determine and award by whom and how the expenses of such reference shall be paid: Provided always, that such reference may be made to one person if the parties can agree upon such one, who shall be vested with the like powers herein assigned to the three referees.

Disputes as to quantity of Timber, mode of rafting, &c. to be settled by arbitration.

XIII. And be it enacted, That the said Corporation shall have power to levy and collect assessments upon the Shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Corporation, and whenever any such assessment shall be made by the Stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in Fredericton, requiring payment of the same within ten days, and if any Stockholder shall neglect and refuse to pay to the Treasurer the amount of such assessment upon his Share or Shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent Shares for sale at Public Auction, given at least fifteen 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 purchasers: Provided always, that no assessment shall be made except by a vote of the Stockholders and by a majority of all the Shares.

Shares in Stock may be assessed for carrying on the business of the Corporation.

Shares may be sold for default.

XIV. And be it enacted, That unless a good and sufficient Boom for the purpose contemplated by this Act, shall be erected within four months after the passing of this Act, and a certificate thereof under the hand of the Agent or the principal Officer of the said Corporation, attested to by such Agent or other principal Officer before one of Her Majesty's Justices of the Peace, and which

Act to be void if Boom be not erected and Certificate filed in Secretary's Office within four months.

oath

oath such Justice is hereby authorized to administer, shall be filed in the Office of the Secretary of this Province, then the corporate powers hereby granted shall be deemed null and void.

Liability of the members of the Corporation.

Corporation property first liable.

XV. And be it enacted, That the Members and Stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation or their Agents or servants, in proportion to the Stock they respectively hold: Provided however, that in no case shall any Stockholder be liable to pay a sum exceeding the amount of Stock actually then held by such Member or Stockholder in addition to the Stock then held by such Stockholder: Provided nevertheless, that nothing herein 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.

Act not to authorize the Corporation to trespass upon private property without consent.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Corporation or any of their Agents or servants, to enter in and upon any Lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof be first had and obtained in writing, and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or Agents of the said Corporation, in the course of prosecuting the business and object of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

Limitation.

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

CAP. XXXV.

An Act to restrain the provisions of the Fifth Section of an Act, intituled *An Act for the support of the Civil Government in this Province*, and to establish sundry regulations for the future sale and disposal of Timber in certain cases.

Passed 13th April 1844.

Preamble.

S W. 4, c. 1.

‘ **W**HEREAS in and by the fifth section of an Act made and passed in the eighth year of the Reign of his late Majesty King William the Fourth, intituled *An Act for the Support of the Civil Government of this Province*, it was enacted, that all disposals of any of His Majesty’s Lands, Woods, Mines and Royalties in this Province, made during the continuance of the said Act, shall be utterly null and void, and of none effect, unless made at Public Auction to the highest bidder: And whereas it has been considered necessary for the purpose of sustaining the Public Revenues, that a Duty should be imposed upon all Timber and Lumber shipped from this Province, in consequence whereof, it is deemed advisable to restrain the operation of the said fifth section in certain cases;’

Licenses to cut Timber may be granted in certain cases without public auction.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, if they shall see fit, to grant Licenses for cutting and hauling Timber, Logs or other Lumber, immediately on the same being applied for, and to renew the same to the former occupant or occupants, who may have worked the same during the previous year, on his or their making timely application therefor, before the previous License expires, and to grant the same by private Sale on Petition without Public Auction.

II. And be it enacted, in case any two or more persons shall apply on the same day for the same Berth, if the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, shall see fit to dispose of the same, that then and in such case it shall be sold by the Surveyor General or his Deputy to the highest bidder, and be competed for between the applicants only, and provided that no such License be granted for a longer term than one year, and not to extend beyond the first day of May after the issuing thereof.

When there is more than one applicant, Berth to be sold, the applicants only competing.

III. And be it enacted, That each and every person to whom License shall be granted under the provisions of this Act, shall at the time of his or their obtaining such License, pay to the Receiver General of Her Majesty's Revenue a fee in ready money on every such License so granted, of not less than ten shillings for each and every square mile of the Land which the limits prescribed in and by the said License shall include, and shall also pay all the necessary expenses for surveying and marking out the ground.

Fees payable on obtaining license.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to make and establish such Rules and Regulations as may be by them found necessary from time to time, and also to carry into effect the intentions of this Act, to prevent trespasses on the Crown Lands, collision between parties, or other difficulties.

Governor in Council authorized to make regulations to prevent trespasses.

V. And be it enacted, That for and during the continuance of this Act, so much of the said Fifth Section of the hereinbefore in part recited Act, as relates to the Sale of Timber and Lumber and other Wood by Auction, be and the same is hereby suspended.

8 W. 4, c. 1, s. 5, in part suspended.

VI. And be it enacted, That this Act shall not come into operation until the first day of May next, and shall then continue and be in force for and during the period of two years from the said first day of May, and no longer.

Limitation.

CAP. XXXVI.

An Act to facilitate the collection and recovery of small Debts due to the Crown arising from the sale of Crown Lands and Timber.

Passed 13th April 1844.

WHEREAS there is a great accumulation of Crown Debts arising from the sale of Crown Lands and Timber now due from individuals, in various parts of the Province, the great proportion of which are small in amount: And whereas it is necessary to facilitate the collection of such debts by the appointment of Receivers in each County, and also to make provisions for the more summary and less expensive mode of recovering such Debts;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, may appoint one or more fit person or persons in the several Counties in this Province to be receiver of all such Debts due to the Crown, as may from time to time be transmitted to such receivers for collection; which persons so appointed shall respectively give good and sufficient Bonds to Her Majesty, Her Heirs and Successors, in such sum not less than five hundred pounds, as the Lieutenant Governor or Commander in Chief may approve, for the faithful discharge of the duties of his Office.

Receivers of Crown Debts may be appointed in the several Counties.

To give Bonds.

II. And be it enacted, That it shall be the duty of every such receiver to proceed with all diligence to collect all such Debts, lists of which may be transmitted to

Receiver to use diligence in collecting debts, of which

lists may be sent to him.

Accountability.

Remuneration.

Debts under £20 may be prosecuted before two Justices.

Jurisdiction given to the Justices.

4 W. 4, c. 45.

No Jury to be allowed.

Act not to prevent the Attorney General from proceeding when so directed.

to him by order of the Lieutenant Governor or Commander in Chief for the time being ; and every such receiver shall be accountable to Her Majesty, Her Heirs and Successors, for all sums of money which he shall collect and receive as aforesaid, and may retain for his services such reasonable Commission (over and above any costs of proceedings at Law which may be incurred and not otherwise paid) not exceeding the rate of ten pounds out of every one hundred pounds which he may collect, as the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may direct, provided the whole amount of Commission so received does not exceed one hundred pounds in any one year.

III. And be it enacted, That when any such debt shall not exceed the sum of twenty pounds it shall be lawful for such receiver to sue for and recover the same in the name of Her Majesty, Her Heirs and Successors, before any two of Her Majesty's Justices of the Peace of the County wherein the Debtor may reside, together with costs of suit.

IV. And be it enacted, That such two Justices shall have the like jurisdiction in all respects in any such suit as is given to any Justice of the Peace in Civil Suits between subjects under and by virtue of the Act of Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, and any Act in amendment thereof ; and the mode, form and costs of proceedings in such Suits shall be regulated by and made conformable, as near as may be, to the provisions and directions of the said recited Act, subject in all cases to review and reversal before and by the Supreme Court, or any Judge thereof, as in other cases or proceedings under the said recited Act: Provided always, that in no case shall any Jury be allowed or required in any such Suit.

V. And be it enacted, That nothing in this Act contained, shall be construed to prevent the Attorney General or any other Crown Officer from proceeding in the ordinary course for the recovery of any such Crown Debt, when directed so to do by the Lieutenant Governor or Commander in Chief for the time being.

CAP. XXXVII.

An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John.

Passed 13th April 1844.

‘ WHEREAS a number of Mills have been erected for the manufacture of Lumber along the banks of the River, and around the Harbour of Saint John, in the City and County of Saint John, and great quantities of slabs and edgings are there cut and thrown into the said River and Harbour, thereby filling up the channel, injuring the anchorage, and obstructing the navigation thereof ;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, any person or persons who may be the owner or owners of any Mill or Mills already erected, or that may be erected on or near any part of the Banks or Shores of the River or Harbour of Saint John, or of any Bay, Cove, Creek or Stream falling into the said River or Harbour of Saint John, within the City and County of Saint John, for the manufacture of Lumber of any description, or any person or persons who may be engaged in manufacturing Lumber in any such Mill or Mills, who shall throw, or cause, suffer or permit to be thrown, by any person or persons who may in any way be

Amended by 12th cap
52
Amended by 140th cap 11 local acts
dec cap 12 also
Throwing slabs, edgings, &c., from Mills erected on the River Saint John, or Harbour or Creeks falling into the River, within the City and County of Saint John.

be employed by them, any slabs, edgings, rinds, bark, or chips made or cut at any such Mill or Mills, or shall suffer or permit the same, or any part thereof to fall, roll or float into any part of the said River or Harbour of Saint John, within the said City and County of Saint John, or into any Bay, Cove, Creek or Stream falling into the said River or Harbour, within the said City and County, every such owner of such Mill or Mills, or other person or persons manufacturing Lumber at any such Mill or Mills, or any person or persons whether interested in the manufacture of such Lumber or otherwise, offending against the provisions of this Act, shall forfeit and pay a fine for every such offence of a sum not exceeding twenty pounds, nor less than one pound, to be recovered, with costs of suit, before any two of Her Majesty's Justices of the Peace for the City and County of Saint John, at the suit of the Treasurer of the said County for the time being, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods and chattels; and if no goods or chattels can be found whereon to levy the same, then the offender or offenders to be committed by the warrant of the Justices to the Common Gaol of the said City and County, there to remain for any time not exceeding fifty days, unless the amount of such fine and costs shall be sooner paid; and such fine, when recovered, shall be paid into the hands of the Treasurer of the said County, for the public uses thereof: Provided always, that no conviction under this Act shall be had or recorded against any Mill owner or manufacturer aforesaid for a breach of this Act by any other person or persons who may have become *bonâ fide* purchasers of any of the articles aforesaid, or may have obtained the same for their own use or for consumption, unless the said Mill owner or manufacturer may have been privy or consenting thereto, for the purpose of getting clear of the cuttings and rubbish aforesaid.

Penalty.

Recovery.

Application.

CAP. XXXVIII.

An Act to provide for a Drawback upon Flour exported in certain cases.

Passed 13th April 1844.

‘ **W**HEREAS by virtue of an Act, intituled *An Act imposing Duties for raising a Revenue*, passed in the present Session, a Duty is imposed upon Wheat imported into this Province, and it is deemed expedient that in all cases of such Wheat being manufactured into Flour for the purpose of exportation, a Drawback be allowed on such Flour equivalent to the amount of Duty paid on the Wheat from which the same shall have been made, and being such as has been imported and paid Duty as aforesaid;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, whosoever shall export or carry out of this Province, by sea, any superfine Wheat Flour, which shall have been manufactured from Wheat imported into this Province, and upon which a Duty has been paid, shall be entitled to and shall be allowed a Drawback or allowance of the whole amount of such Duty, that is to say, for every barrel of superfine Wheat Flour, of one hundred and ninety six pounds, so exported, a Drawback or allowance equal to the amount of Duty paid on every four bushels of Wheat from which the same shall have been manufactured, under the restrictions and provisions as otherwise provided by an Act, intituled *An Act to provide for the collection of the Revenue of this Province*.

Drawback allowed on exported Flour made from imported Wheat on which Duty has been paid.

6 W. 4, c. 4.

II. And be it enacted, That in all cases of superfine Wheat Flour being exported for Drawback under the provisions of this Act, the exporters thereof shall

Entry to be made at the Treasurer's Office of Flour ex-

ported for draw-back.

shall make entry thereof and attest to the same at the office of the Treasurer or Deputy Treasurer at the Port from whence exported, setting forth the names of the vessel and master, and from whence imported, and the rate of Duty paid per bushel on such Wheat from which the Flour so as aforesaid may have been manufactured.

CAP. XXXIX.

2 G. 4, c. 6.

An Act to amend an Act intituled *An Act to make more effectual Regulations relating to Pilots within this Province.*

Passed 13th April 1844.

Preamble.

2 G. 4, c. 6.

‘WHEREAS by the Act made and passed in the second year of the ‘Reign of King George the Fourth, intituled *An Act to make more effectual Regulations relating to Pilots within this Province*, no power is given to ‘the Justices of the Inferior Courts of Common Pleas to remove any person who ‘may have been once appointed to the office of Warden of any of the Ports in ‘the several Counties in this Province, although such person from age or infir- ‘mity, or other cause, may not be able or willing to perform the duties of such ‘office: And whereas by the construction put upon the said recited Act, it ‘requires the joint recommendation of all the Wardens who may be appointed ‘for the several Counties for the time being, before the said Justices can appoint ‘any Branch Pilot for the Port or Ports in such Counties respectively: And ‘whereas great inconvenience frequently arises in consequence thereof;’

Repealed by 13 Geo 4 c 51

Justices of Inferior Courts of Common Pleas in Term Time may remove or appoint Port Wardens.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Justices of the Inferior Courts of Common Pleas in Term Time in the several Counties in this Province to remove from time to time any Port Warden or Port Wardens who may have been or shall be hereafter appointed, and to appoint other fit persons in their room.

Port Wardens may examine and recommend persons for Branch Pilots, whom the Justices may in their discretion appoint.

II. And be it enacted, That it shall be lawful for two or more of the Wardens now or hereafter to be appointed in each of the several Counties in this Province, to examine, and in their discretion recommend such persons as shall make application to be appointed Branch Pilots, which persons so recommended, the said Justices may in their discretion in Term Time appoint Branch Pilots for the Port or Ports in such Counties respectively.

2 G. 4, c. 6, so far as inconsistent with this Act, repealed.

III. And be it enacted, That any provisions in the said recited Act inconsistent with the provisions of this Act, be and the same are hereby repealed.

CAP. XL.

An Act to enable the Justices of the Peace of the City and County of Saint John to pay off a portion of the Debts now due by the County of Saint John.

Passed 13th April 1844.

Preamble.

‘WHEREAS sundry large Debts are now due by the said Justices of the ‘Peace for the City and County of Saint John, and it is expedient to ‘authorize them to raise by a Loan a sum not exceeding three thousand pounds, ‘to be applied in part payment of such Debts;’

8 me exp 72

Justices in Sessions authorized to borrow £3000 to pay off the County Debts.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace for the said City and County, to raise by Loan a sum of money not exceeding three thousand pounds, for the purpose of paying off, or in part paying off, debts now actually

actually due by the said Justices of the Peace for the City and County of Saint John, to be paid off and discharged in the manner hereinafter mentioned, the same to be taken in Loans of not less than fifty pounds, and that Debentures in the following form, or to that effect, shall be prepared and delivered to the person or persons from whom such Loans may be obtained, viz:

Number
City and County of Saint John, ss.

Form of Debenture.

These are to certify, that [*here insert name, residence, and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County the sum of _____ pounds, currency, which sum is payable to him [*or her as the case may be*] together with lawful interest, pursuant to an Act of Assembly made and passed in the seventh year of the reign of Queen Victoria, intituled "An Act to enable the Justices of the Peace for the City and County of Saint John to pay off a portion of the Debts now due by the County of Saint John."

Dated the _____ day of _____ in the year of our Lord one thousand eight hundred and forty

By order of the Sessions.

A. B., Mayor or Recorder.

Which same Debentures shall be signed by the Mayor, or in case of the absence of the Mayor, by the Recorder of the said City for the time being, as Justices of the Inferior Court of Common Pleas and of the Peace for the said City and County, and countersigned by the Clerk; and shall be respectively numbered according to the time at which the same may be made and issued; and a memorandum thereof shall be submitted by the Clerk at the next General Sessions, and the same be entered on the Minutes of the said Court.

II. And be it enacted, That the monies so authorized to be borrowed by the said Justices shall from time to time be paid to and received by the County Treasurer, and shall be paid out by him from time to time when required, by the order of the said General Sessions, in such sum or sums as they may think fit, for the purpose of paying off the debts aforesaid; and the said County Treasurer shall, at every General Quarter Sessions of the Peace for the said City and County, render a just and true account, and on oath, if required, of the sums of money received and paid by him on this account, separate and distinct from his other accounts.

Monies to be received and disbursed by the County Treasurer under the order of the General Sessions.

III. And be it enacted, That the said holders of such Debentures shall be entitled to receive interest for the same annually, not exceeding six per cent., to be paid by the Treasurer of the County out of the assessments hereinafter mentioned, upon the orders of the said General Sessions, to be made in manner hereinafter mentioned.

Debentures to bear not exceeding six per cent. interest.

IV. And be it 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 authorized and required to make a rate and assessment of five hundred pounds in the present year, and a rate of assessment of a like sum in each and every succeeding year, besides the charge for assessing and collecting for paying off and discharging the Loans contracted for the purpose hereinbefore mentioned by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied and collected in such proportions and in the same manner as any other County rates for public charges can or may be assessed, levied and collected, under and by

Assessment of £500 and expenses to be made annually to pay off the Loan.

To be levied as other County Rates.

virtue

virtue of any Act or Acts of Assembly made or to be made for assessing, levying and collecting County rates for public charges as aforesaid, and when collected, shall be paid into the hands of the said County Treasurer, for the purposes of this Act.

Debentures to be paid off in rotation.

V. And be it enacted, That the monies to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several principal sums mentioned in such Debenture, in due order, according to the number, beginning with number one; and that said County Treasurer shall, when so often as he may be directed by the said General Sessions of the Peace, give one month's public notice, by advertisement in one of the newspapers published in the City, for calling in such and so many of the Debentures as the said Justices are prepared to pay off; specifying the numbers in such advertisements, and the same by and under such orders as aforesaid shall pay off accordingly, and that from and after the expiration of such notice the interest on such Debentures shall cease.

Debts due to the County to be paid to and disbursed by the Treasurer.

VI. And be it enacted, That whenever the said Justices may receive any sum or sums of money as and for or on account of the said Debts due to the said County, the same shall be paid to and received by the said County Treasurer, and shall be paid out by him to the orders of the said General Sessions in such sums and at such times as the said Sessions may think fit, he rendering an account thereof in the same manner as in the case of monies hereinbefore mentioned; and it shall and may be lawful for the said Justices, in their said General Sessions, and they are hereby required to appropriate and apply such monies so as aforesaid received, for such debts from time to time in the payment of a certain number of the said debentures or notes, with the interest due thereon, in their due order as aforesaid, causing the like notice to be given thereof as aforesaid.

To be appropriated to the payment of the Debentures.

Compensation to the Treasurer.

VII. And be it enacted, That the said County Treasurer shall be entitled to the sum of one pound five shillings per centum for his services in receiving and paying all the monies ordered to be assessed by and under the provisions of this Act, and no more.

CAP. XLI.

An Act further to amend the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

Passed 13th April 1844.

Preamble.

‘WHEREAS it is expedient to enlarge the time for granting Licenses to sell or lease the Real Estate of any Testator or Intestate, for the payment of debts;’

3 V. c. 61, in part repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates*, as requires the application by any Executor, Administrator or Creditor of any Testator or Intestate for a license to sell or lease any Real Estate for the payment of debts to be made within three years after the granting of Letters Testamentary or of Administration, be and the same is hereby repealed.

Time within which license for the sale of the Real Estate of a Testator or Intestate may be granted, extended.

II. And be it enacted, That the Court of Chancery or Surrogate Court, (as the case may be,) may at any time within the period of seven years from the death of the Testator or Intestate, when such death may have taken place after the first day

day of January in the year of our Lord one thousand eight hundred and forty, or within twelve years after the death of any Testator or Intestate, when such death may have taken place previous to the said first day of January in the year one thousand eight hundred and forty, on the application of the Executor, Administrator or Creditor of such Testator or Intestate, grant a license for the sale or leasing of the Real Estate of such Testator or Intestate for the payment of debts in the manner prescribed in and by the said recited Act: Provided always, that no such License granted after the expiration of three years from the death of the Testator or Intestate shall extend to or in any wise affect the title to any Real Estate which any purchaser for a valuable consideration may have or claim, by, through or under any conveyance made by any Devisee or Heir of such Testator or Intestate, and duly registered agreeably to the directions of the Acts relating to the Registry of Deeds, before the granting of such License: And provided also, that no License shall be in force for a longer period than two years from the time of granting the same, and any sale or lease of Real Estate made thereunder after such License shall have expired, shall be null and void.

License to sell granted after three years from the death, not to affect a title to property acquired through a Devisee or Heir.

III. 'And whereas actions are frequently brought against Executors or Administrators before the true state of the assets of or demands against the Estate can be ascertained, and it is expedient that in such cases time shall be given to plead to such actions;' Be it therefore enacted, that when any action shall be brought in any Court of Law against any Executor or Administrator as such, and it shall be made to appear by affidavit or otherwise to the satisfaction of such Court, or if in vacation, any Judge thereof, that such Executor or Administrator requires further information in regard to the true state of the affairs of the Estate, whether as regards the assets of or outstanding debts against such Estate, in order to enable him to plead to such action the proper defence or answer, it shall be lawful for such Court, or any Judge, in vacation, to make an order for such further time to plead as may by such Court or Judge be considered reasonable, and if need be, the same again further to extend.

Court may grant further time for Executors or Administrators to plead, when necessary to find out a true state of the affairs of the Estate.

IV. 'And whereas in and by the thirty third section of the said recited Act, it is amongst other things provided, that debts shall be paid in the order of classes, and that all debts of the same class shall be paid in equal proportions, and doubts have arisen whether an Executor or Administrator can in any case avail himself of the want of notice of any demand at the time of paying any such debts or proportion thereof, as a legal defence or answer to an action for such demand;' Be it therefore enacted, that when after the expiration of eighteen months from the date of the Letters Testamentary or of Administration, any Executor or Administrator shall have applied the assets in his hands to be administered to the payment of all such debts or any proportion thereof, of which he had notice at the time of such payment, and any Creditor shall afterwards bring an action against such Executor or Administrator for the recovery of any demand against the Estate, it shall be a good defence or answer to such action that such assets have been so applied before such Executor or Administrator had any notice of such demand; provided that such defence or answer be specially pleaded, on the trial of which issue the proof of such notice having been given, shall lie on the Plaintiff; and provided also, that the Plaintiff may, as in other cases, take judgment for such demand or any part thereof, to be levied of future assets in the manner and with the like effect as provided for in the thirty fourth section of the said recited Act.

Want of notice of demand to be a good defence in actions brought after due application of assets.

Judgment may be taken to be levied of future assets.

*note 2d Ann
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for form*

V. 'And whereas it is necessary to give further remedy in order to compel an Executor or Administrator to render an account of his Administration;' Be

Penalty for not rendering accounts after citation.

Be it therefore enacted, That if any Executor or Administrator shall neglect or refuse to render an account of his Administration, after being duly cited for that purpose, as provided for in the thirty fifth section of the said recited Act, he shall forfeit and pay the sum of five pounds every month from and after the time appointed by such citation, or any further time that may be allowed by the Surrogate for such account to be rendered, until he shall render such account; every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas in the same County, in the name and for the use of any Heir, Legatee or Creditor of the Testator or Intestate, who shall first sue and prosecute for the same.

Fees of the Surrogate Judge and Register.

VI. 'And whereas in cases of small Estates, it is desirable to lessen and limit the fees payable to the Surrogate Judge and Register of Probates respectively;' Be it therefore enacted, That when the Estate does not exceed one hundred pounds, and there shall be no contest, the fees of the Surrogate Judge shall be twenty shillings and no more; and when the Estate does not exceed two hundred pounds, and there shall be no contest, his fees shall be thirty shillings and no more; and in such cases the same fees shall be payable to the Register and no more; and in all cases where the Estate does not exceed two hundred pounds, if license be granted by the Surrogate Judge for the sale of the real Estate belonging to the same, and there shall be no contest, the fees of the Surrogate Judge for all proceedings relating to the application for and the granting of such license shall not exceed twenty shillings, and for the Register the like sum and no more, any thing in the said recited Act to the contrary notwithstanding.

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CAP. XLII.

An Act to repeal an Act, intituled *An Act to provide for the greater safety of Passengers on board Steam Boats*, and to make further provision in lieu thereof.

Passed 13th April 1844.

6 V. c. 19, repealed.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of Her present Majesty, intituled *An Act to provide for the greater safety of Passengers on board Steam Boats*, be and the same is hereby repealed.

British Steam Vessels plying from or within this Province with Passengers to be provided with boats, oars and tackle.

II. And be it enacted, That from and after the passing of this Act, no British Boat or Vessel propelled by Steam shall be permitted by the Captain or owner thereof, to depart from any Port or place in this Province to any Port or place within or without this Province by Sea with Passengers, without having on board or attached to such Boat or Vessel in a convenient manner, at least four good and efficient boats properly equipped, with a sufficient number of good oars and other tackle necessary therefor, of a sufficient capacity in all to carry eighty adult Passengers exclusive of the Crew; and no such Vessel shall be permitted by the Captain or owner thereof, to navigate in any of the Rivers or inland waters of this Province with Passengers, without having on board or attached to such Boat or Vessel, in a convenient manner as aforesaid, at least two good and efficient Boats properly equipped with oars and other tackle as aforesaid, of sufficient capacity to carry in the whole at least thirty adult Passengers exclusive of the Crew.

Penalty for plying without the required boats.

III. And be it enacted, That if any Master or owner shall permit any such Boat or Vessel to depart from any Port or place in this Province, or to navigate in any of the Rivers or inland waters of this Province, without having on board or conveniently attached as aforesaid, such and so many good and efficient Boats properly

Handwritten notes: 15 50, 10 1/2, 17, 19, 1844, 1000-251

properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Boat or Vessel shall so depart or navigate without being so provided as aforesaid, to be recovered, levied and applied, as is directed in and by the sixth section of this Act.

IV. And be it enacted, That from and after the passing of this Act, no British Boat or Vessel propelled by Steam as aforesaid, shall be permitted by the Captain or owner thereof to depart from any Port or place in this Province to any Port or place within or without this Province, by Sea with Passengers, without having on board in some convenient place, not less than twenty four good and sufficient leathern fire buckets, and six good and sufficient lanterns.

Steam Vessels to be also provided with lanterns and fire buckets.

V. And be it enacted, That if any such Master or owner shall permit any such Boat or Vessel to depart from any Port or place in this Province as aforesaid, without having on board such number of fire buckets and lanterns as aforesaid, in good serviceable condition, they or either of them shall forfeit and pay the sum of fifty pounds for each and every time such Boat or Vessel shall so depart without being provided as aforesaid, to be recovered, levied and applied, as is directed in and by the said sixth section of this Act.

Penalty for not being provided with lanterns and fire buckets.

VI. And be it enacted, That all and every such forfeiture or forfeitures may be sued for and prosecuted by action of debt, bill, plaint or information, in the Supreme Court of Judicature for this Province, by any person who shall sue and prosecute for the same, together with costs of suit; and on recovery, one moiety thereof to be applied to the person who may sue and prosecute, and the other moiety to be paid into the Treasury of the Province, for the use of the Government thereof.

Penalties, how to be prosecuted.

Application.

VII. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners resident at the City of Saint John, for the Harbour and River Saint John and the Bay of Fundy, and the Harbours and Inland Waters of the County of Charlotte; and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours, Inland Waters and Coasts of this Province, within the Gulph of Saint Lawrence; which Commissioners so to be appointed, or any one of them, shall be empowered as they are hereby required and directed respectively, to go on board as often as need be any such Steam Vessel; and in the event of any such Steam Vessel departing or navigating without being equipped with boats, or furnished with fire buckets and lanterns as aforesaid, as is prescribed and directed in and by this Act, it shall be the duty of such Commissioners respectively, or some or one of them, to report the same to the Lieutenant Governor or Administrator of the Government for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed in and by the said sixth section of this Act.

Commissioners to board Vessels, &c. to be appointed for certain Ports or Districts.

Their duty,

VIII. And be it enacted, That the Commissioners at the respective places before mentioned, or any two of them, shall have full power and authority, and are hereby required to make such Rules and Regulations for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coast within the district thereof, for which they may be appointed, by directing the shewing of a light or lights during the night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers, and how Sailing Vessels shall be passed in order to prevent collision and accidents; and every Master, Commander or Owner violating such Rules and Regulations, shall be subject not only to the penalties of the sixth section of this Act, but also be liable for any damage sustained in consequence of such violation.

Commissioners empowered to make regulations for the management of Steam Vessels to prevent collisions.

In actions for damages sustained, the fact of exploding, &c. to be prima facie evidence of carelessness.

IX. And be it enacted, That in all cases where any damage or injury shall be sustained by any person or persons being a passenger or passengers on board any Vessel propelled by Steam, by the exploding, collapsing, blowing up, or giving way of any part of the machinery of such Vessel, the fact of such exploding, collapsing, blowing up, or giving way shall in all actions to be prosecuted against the Master or owner of such Vessel by the person or persons so sustaining injury, be taken to be prima facie evidence of carelessness and negligence in such Master or owner.

Limitation.

X. 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 seven.

CAP. XLIII.

An Act further to facilitate the means of supplying the City of Saint John with Water.

Passed 13th April 1844.

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relate to...
and...
is not...
after the...
Provision.

WHEREAS the incorporation of the Saint John Water Company has proved highly beneficial to the public, and the copious supply of Water gratuitously afforded by the said Company for the extinguishment of the several calamitous fires which have so frequently occurred in the said City, has been the means, under Providence, of preserving the said City from almost total destruction; and it is just and reasonable that property thereby deriving benefit from the said Company, should in future be made liable to contribute towards the charges and expenses of establishing, upholding and preserving the same;

The St. John Water Company to call in outstanding Stock.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Saint John Water Company, and they are hereby required within six calendar months after the passing of this Act, by Public Notice in any two or more of the Newspapers published in the said City, to require all Stockholders in the said Company who may not have paid in the whole amount of their capital stock, or the representative or representatives of such Stockholders, to pay in all the residue of the same remaining unpaid within such time and in such manner as the said Saint John Water Company may in such notice direct; and in case default shall be made in the paying in of such capital stock so directed and required to be paid in, then and in such case, all and every share and shares upon which such default shall have been made, shall be and become, and is, and are hereby declared to be forfeited to the use of the said Saint John Water Company, and it shall and may be lawful for the said Saint John Water Company thereupon to sell and dispose of the said share or shares so forfeited by public auction, first giving at least thirty days notice of the time and place of such sale in one or more of the Newspapers published in the said City, and to apply the proceeds of such sale to and for the use and benefit of the said Saint John Water Company.

In default of payment, the Stock may be sold.

II. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, and they are hereby required once in every year between the first day of April and the first day of June in each and every year, by Warrant under their Common Seal, directed to the Assessors hereinafter mentioned, to order a Rate and Assessment of a sum not to exceed the sum of three hundred pounds, together with the sum of seven pounds ten shillings per centum for assessing and collecting the same, to be made in due proportion upon the owner or owners of every Store, House, Out House, or other building situated at the Eastern side of the Harbour

Assessment to be made annually by the City Corporation,

Defect +

Harbour of the said City, which said Rate or Assessment so to be made shall be collected by a Collector to be, by the said Mayor, Aldermen and Commonalty of the said City, for that purpose from time to time appointed, and the appointment of whom by such Mayor, Aldermen and Commonalty, is hereby authorized and directed to be made; and in case any person or persons so rated and assessed, shall neglect or refuse to pay the sum or sums of money rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same by action of debt or assumpsit in his own name in the Court of Common Pleas, or City Court of the said City, in like manner as any other demand can or may be sued for, prosecuted and recovered in the said Courts respectively.

and collected by a Collector appointed for the purpose.

III. And be it enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate or assessment to be made as aforesaid, it shall and may be lawful for them respectively within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the office of the Common Clerk within the said Term, shall suspend further proceedings until such decision shall be had.

Right of Appeal in cases of over assessment.

IV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City of Saint John, to appoint annually, during the continuance of this Act, three discreet persons, being Freemen of the said City, to act as Assessors, under the provisions of this Act, who shall be sworn to the faithful discharge of such duty before the Mayor or Recorder of the said City; and any person so appointed, who shall neglect or refuse to accept such appointment, or to become qualified, or having become qualified shall refuse or neglect to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of five pounds, to be recovered upon conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the Common Council may direct; and the said Mayor, Aldermen and Commonalty of the said City may appoint some other person or persons, being Freemen, in the stead of any person or persons so refusing to act or become qualified, so often as such shall be the case, which person or persons so to be appointed in the stead of such neglecting or refusing person or persons, shall be liable to the same and like penalties for neglect or refusal as the said neglecting or refusing person or persons, to be in like manner recovered, paid and applied, and so *toties quoties*.

Assessors under this Act to be appointed.

Penalty for non-acceptance of office.

Recovery.

V. And be it enacted, That the said Collector hereinbefore mentioned to be appointed, shall from time to time, as he shall receive the same, pay over the monies by him collected under the authority of this Act, into the hands of the President or Secretary of the Saint John Water Company for the time being, after deducting therefrom at and after the rate of seven pounds ten shillings per centum, for assessing and collecting the same as aforesaid.

Collector to pay over monies received to the President or Secretary of the Water Company.

VI. Provided always and be it enacted, That no such assessment shall at any time be ordered, unless it shall be made clearly to appear to the reasonable satisfaction of the said Common Council, by certificate or declaration under Oath, of the President of the said Saint John Water Company, that the income of the said Saint John Water Company for the year then preceding hath not been sufficient to defray the annual legal interest on the invested Capital of the said Saint John Water Company, with all necessary expenses; and provided further, that the

No assessment to be made unless the income of the Water Company be insufficient to pay the interest of the capital, &c.

said

Not unless the Works of the Company be kept in order.

said Saint John Water Company shall always, during the continuance of this Act, have, keep and maintain the various works of the said Saint John Water Company, and all the fire plugs now or hereafter to be established, in good, sufficient and effective serviceable order, so as to be immediately available in all cases of fires, free of all expense, costs or charge to the said City or its inhabitants.

Limitation.

VII. And be it enacted, That this Act shall continue and be in force till the first day of October which will be in the year of our Lord one thousand eight hundred and forty seven, and no longer: Provided nevertheless, that nothing in this section contained shall be construed to prevent the recovery of any rate or rates or assessment made within the said period of three years.

Proviso.

CAP. XLIV.

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

Passed 13th April 1844.

I. 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:—

Chaplains.

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

Sergeants at Arms.

To the Chaplain of the House of Assembly the sum of twenty pounds.
To the Sergeant at Arms attending the Legislative Council in General Assembly the sum of fifteen shillings per diem during the present Session.

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

Clerks of Council and Assembly.

To the Clerk of the Legislative Council in General Assembly the sum of one hundred and fifty pounds for his services during the present Session.

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

Clerks Assistants.

To the Clerk Assistant of the Legislative Council in General Assembly the sum of seventy five pounds for his services during the present Session.

To the Clerk Assistant of the House of Assembly the sum of seventy five pounds for his services during the present Session.

Doorkeepers.

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

Messengers.

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

Province Treasurer, and Clerk.

To the Province Treasurer the sum of six hundred pounds for his services for the year one thousand eight hundred and forty four; and the further sum of two hundred pounds to enable him to pay a Clerk for the same period.

Messenger to the Treasury.

To the Province Treasurer the further sum of ninety one pounds ten shillings being for the services of a Tide Waiter or Messenger to the Treasury for the year one thousand eight hundred and forty four.

Parish Schools.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twelve thousand pounds towards the encouragement of Parish Schools, agreeably to a Law of this Province.

Apprehension of Deserters.

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

To the Master in ~~Chancery~~ appointed to carry Messages from the Legislative Council to the House of ~~Assembly~~ the sum of twenty five pounds for his services during the present Session. Master in Chancery.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ninety one pounds ten shillings to enable the Province Treasurer to pay John Abrams for his services as Tide Waiter at Saint John for the year one thousand eight hundred and forty four. J. Abrams, Tide Waiter.

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

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty pounds for the services of a Tide Surveyor at Miramichi for the year one thousand eight hundred and forty four. Tide Surveyor, Miramichi.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds to encourage the destruction of Bears and Wolves, agreeably to a Law of the Province. Destruction of Bears and Wolves.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums for Grammar Schools for the year one thousand eight hundred and forty four, agreeably to a Law of the Province: Grammar Schools.

For the Grammar School in Westmorland, the sum of one hundred pounds;

For the Grammar School in Saint John the sum of one hundred and fifty pounds;

For the Grammar School in Kings County the sum of one hundred pounds;

For the Grammar School in Queens County the sum of one hundred pounds;

For the Grammar School in the County of Charlotte the sum of one hundred pounds;

For the Grammar School in the County of Sunbury the sum of one hundred pounds;

For the Grammar School in the County of Northumberland the sum of one hundred pounds;

For the Grammar School in the County of Gloucester the sum of one hundred pounds;

For the Grammar School in the County of Carleton the sum of one hundred pounds;

For the Grammar School in the County of Restigouche the sum of one hundred pounds;

For the Grammar School in the County of Kent the sum of one hundred pounds.

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

To the Keeper of the Light House on Gannet Rock, and his Assistants, the sum of two hundred pounds; Gannet Rock,

To the Keeper of the Light House on Thrumb Cap, Quaco, the sum of one hundred pounds; Thrumb Cap,

To the Keeper of the Light House on Point Le Proe the sum of seventy five pounds; Point LeProe,

To the Keeper of the Light House on Partridge Island the sum of seventy five pounds; Partridge Island,

To the Keeper of the Light House on Campo Bello the sum of ninety pounds; Campo Bello,

To the Keeper of the Beacon Light the sum of seventy five pounds; Beacon Light,

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

To

- Saint Andrews Harbour, To the Keeper of the Light House in the Harbour of Saint Andrews the sum of thirty pounds;
- Cape Enrage. To the Keeper of the Light House on Cape Enrage the sum of seventy five pounds.
- Point Escuminac. To the Commissioners of the Light Houses in the Gulph of Saint Lawrence the sum of seventy five pounds to provide for the services of a Keeper for the year one thousand eight hundred and forty four at the Light House on Point Escuminac.
- Tide Surveyor at Shippegan and Carraquet. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty two pounds ten shillings for a Tide Surveyor at Shippegan and Carraquet, in the County of Gloucester, for the year one thousand eight hundred and forty four.
- Tide Waiter, Bathurst. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty two pounds ten shillings for a Tide Waiter at Bathurst, in the County of Gloucester, for the year one thousand eight hundred and forty four.
- Tide Waiter, Dalhousie. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds to provide for a Tide Waiter at Dalhousie, in the County of Restigouche, for the year one thousand eight hundred and forty four.
- Money to be paid by Warrant. II. And be it enacted, That all the beforementioned sums of money shall be paid by the Treasurer of the Province by Warrant of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, out of the monies in the Treasury, or as payment may be made at the same.

CAP. XLV.

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

Passed 13th April 1844.

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

Black Refugees,
Loch Lomond.

To the Justices of the Peace of the City and County of Saint John the sum of eight pounds twelve and seven pence expended by them in the support of the Black Refugees at Loch Lomond in the year one thousand eight hundred and forty three; and also the sum of fifteen pounds nine shillings and four pence, being a balance for the like service for the year one thousand eight hundred and forty two; amounting together to the sum of twenty four pounds one shilling and eleven pence.

S. Hersey, Return
Duty.

To Solomon Hersey, of Portland, manufacturer of Flour, the sum of forty six pounds, being the Duty paid by him on four thousand six hundred bushels of Wheat which were manufactured by him into Flour, and exported to Great Britain.

Sancton and Crookshank,
Return
Duty.

To Sancton and Crookshank, of Saint John, Merchants, the sum of three pounds ten shillings, being amount of Duty paid by them on Wool which was afterwards exported to Halifax.

A Scott, Return
Duty.

To Andrew Scott, of Portland, Tallow Chandler, the sum of sixty pounds sixteen shillings and three pence, being the Duty paid by him on rough Tallow imported in one thousand eight hundred and forty three.

To

To Alexander Rankin, of Miramichi, the sum of seven pounds four shillings and two pence, being amount of Duty paid by William Letson upon rough Tallow imported in one thousand eight hundred and forty three.

A. Rankin for W. Letson, Return Duty.

To G. and J. Salter, of Saint John, Merchants, the sum of twenty six pounds five shillings, being amount of Provincial Duty paid by them on Flour imported from Halifax in one thousand eight hundred and forty two.

G. and J. Salter, Return Duty.

To Thomas L. Nicholson, of Saint John, Merchant, the sum of seven pounds six shillings and four pence, being amount of Duty paid by him on rough Tallow in one thousand eight hundred and forty three.

T. L. Nicholson, Return Duty.

To John Pendlebury, Keeper of the Harbour Light at Saint Andrews, the sum of ten pounds; the same to be taken from the Light House Fund.

J. Pendlebury.

To Rachel Harvey, the Widow of a Soldier of the Revolutionary War, the sum of ten pounds, being the amount of Pension to which she is entitled.

R. Harvey.

To the Commissioners of Point Escuminac Light House the sum of one hundred and nineteen pounds fifteen shillings and ten pence, being the balance due them; to be taken from the Light House Fund.

Point Escuminac Light House.

To Thomas Lamb, Keeper of the Thrum Cap Light at Quaco, the sum of twenty pounds to compensate him for extra hire, loss of boats, &c.; to be taken from the Light House Fund.

T. Lamb, Keeper of Thrum Cap Light.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds to be applied for the purchase of the Dies from which the Provincial Copper Coin has been struck, in order to the same being deposited for safe keeping with the Provincial Secretary.

Dies for Provincial Copper Coinage.

To John Lynn, Master of the Brig Martha, of Cork, the sum of eleven pounds sixteen shillings and eight pence, being excess of double Head Money paid on Passengers per that Vessel at the Treasurer's Office in Saint John in July last; the same to be taken from the Emigrant Fund.

J. Lynn, for Double Head Money.

To Robert Rankin and Company the sum of twenty two pounds fifteen shillings to refund excess of Head Money on Passengers per Barque Louisa, at Saint John; to be taken from the Emigrant Fund.

R. Rankin and Co. for excess of Head Money.

To Robert Rankin and Company the sum of nine pounds five shillings, being an excess of Head Money paid on Passengers per Brig Caroline; to be taken from the Emigrant Fund.

To Robert Rankin and Company the sum of twenty nine pounds nineteen shillings and two pence, being an excess of Head Money paid on Passengers per Brig Thomas Naylor; to be taken from the Emigrant Fund.

To Thomas Wallace the sum of thirty three pounds, seven shillings and six pence, being an excess of Head Money on Passengers at Saint John per Barque Londonderry; to be taken from the Emigrant Fund.

T. Wallace, excess of Head Money.

To James Kirk the sum of seven pounds five shillings, being an excess of Head Money paid on Passengers per ship Wolfville; to be taken from the Emigrant Fund.

J. Kirk, excess of Head Money.

To Stephen Wiggins and Son the sum of fifteen pounds fifteen shillings, being an excess of Head Money paid at Saint John on Passengers per ship Samuel; to be taken from the Emigrant Fund.

S. Wiggins and Son, excess of Head Money.

To James Clarke, Master of the ship Creole, the sum of forty five pounds ten shillings, being an excess of Head Money paid at Saint John on Passengers per that vessel; to be taken from the Emigrant Fund.

James Clarke, excess of Head Money.

To Lieutenant Colonel Ormond, of Her Majesty's Thirtieth Regiment, the sum of forty two pounds and six pence to reimburse the Officers of that Regiment for Duties paid on Wines, &c. used at their Mess for the past year.

Lieutenant Colonel Ormond, drawback on Wines.

To

Major French,
drawback on
Wines.

To Richard French, Major of Her Majesty's Fifty Second Regiment, the sum of sixty seven pounds eleven shillings to reimburse the Officers for Duties on Wines, &c. consumed at the Mess the past year.

D. S. Kerr, Report-
ing Decisions of Su-
preme Court.

To David S. Kerr, Barrister at Law, the sum of seventy five pounds for reporting the Decisions of the Supreme Court.

R. Trecarten.

To Rebecca Trecarten, Widow of an old Soldier of the Revolutionary War with America, the sum of ten pounds to relieve her in her present indigent circumstances.

Roman Catholic
School, Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds in aid of individual subscription towards the support of the Roman Catholic School established in the City of Saint John; the same to be expended by a Board of Commissioners to be appointed by His Excellency.

W. Watts, Crier
Supreme Court.

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

Sub-Collector and
Deputy Treasurer
at Woodstock.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to pay a Sub-Collector and Deputy Treasurer at Woodstock, in the County of Carleton, the duties of both offices to be performed by one officer; this to be in addition to the allowance made to Deputy Treasurers by Law.

M. Brannen.

To Matthew Brannen, of the Secretary's Office, the sum of fifteen pounds as a mark of approbation for his long and faithful services in that office.

Infant School, Fre-
dericton.

To the Committee of the Infant School established in Fredericton, the sum of fifty pounds in aid of that institution.

M. Harned.

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

A. Fowler.

To Ann Fowler, Widow of the late Caleb Fowler, who served as an Ensign in the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances.

Widow of T.
Burden.

To the Widow of Thomas Burden, Lieutenant of the Corps of Loyal Associated Refugees, the sum of ten pounds to assist her in her present destitute circumstances.

Infant School,
Saint John.

To the Committee of Management of the Infant School at Saint John the sum of twenty pounds in aid of individual subscription towards that institution.

Madras Schools.

To the Governor and Trustees of the Madras Board the sum of four hundred pounds towards the support of that institution.

Wesleyan Aca-
demy, Sackville.

To the Trustees of the Wesleyan Academy at Sackville the sum of two hundred pounds towards the support of that institution.

Baptist Seminary,
Fredericton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds, to be paid to the Managing Committee of the Baptist Seminary at Fredericton, under the control of the Committee, when it shall be certified to the satisfaction of His Excellency that the institution is in an efficient state.

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 forty three.

Missionary to the
Indians at Frede-
ricton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for a Missionary for the Milicite Tribe of Indians stationed at Fredericton for the year one thousand eight hundred and forty four.

Missionary for
Tobique Indians.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds towards remunerating a
Missionary

Missionary stationed at Madawaska, for the purpose of giving attendance to the Tobique and other Indians established in the neighbourhood.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds in aid of the Grammar School presently taught at Newcastle, in Northumberland, by John Seewright, to whom the same shall be paid in part of his salary for teaching said School the present year, on the usual certificate being given.

John Seewright,
Grammar School,
Northumberland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and fifty pounds for Provincial Contingencies for the year one thousand eight hundred and forty four.

Provincial Con-
tingencies.

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

W. Watts, airing
Province Hall.

To the two Appraisers at Saint John under the Imperial Act, the sum of twenty five pounds each, to remunerate them for the services of the past year.

Appraisers at Saint
John.

To Dr. G. P. Peters, Surgeon to the Vaccine Institution, Central Board, Saint John, the sum of fifteen pounds for his services for the year one thousand eight hundred and forty three.

Dr. G. P. Peters,
Vaccine Institu-
tion.

To Richard S. Clarke, late High Sheriff of Northumberland, the sum of forty pounds towards relieving him in his present necessitous condition.

R. S. Clarke,

To the Reverend James Quinn and the Managing Committee of the Catholic School in Saint Andrews, the sum of thirty pounds to enable them to keep up that institution.

Catholic School,
Saint Andrews.

To John Gregory the sum of ten pounds to prepare an Index to the Laws of the present Session.

Index to Laws.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds in aid of individual subscription towards the African School in Saint John, now in efficient operation.

African School,
Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds in aid of individual subscription towards the Free School in the Parish of Portland; the same to be expended by the Board of Commissioners for the Roman Catholic School at Saint John.

Roman Catholic
School, Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, such sum as will purchase a Bill of Exchange for two hundred pounds sterling for the services of Henry Bliss, Esquire, Province Agent, for the year one thousand eight hundred and forty three.

H. Bliss, Esquire,
Province Agent.

To Jacob Kollock the sum of fifteen pounds, an old and meritorious Soldier, to aid him in his present indigent circumstances.

J. Kollock.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds to enable the Commissioners of Bathurst Bridge to pay the Contractor part of the balance due.

Balance due on
Bathurst Bridge.

To Jane M'Curdy, Widow of an old meritorious Officer of the Revolutionary War in America, the sum of ten pounds to relieve her in her present distressed condition.

J. M'Curdy.

To John Simpson, Queen's Printer, the sum of two hundred and seventy five pounds for printing the daily Journals of the Legislative Council and House of Assembly the present Session; and the further sum of one hundred and fifty pounds towards printing the revised Journals and Appendix of both Houses of the Legislature for the present Session.

J. Simpson, Jour-
nals of Legislative
Council and As-
sembly.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to enable him to pay a Messenger to the Executive Council.

Messenger to the
Executive Council.

- E. Fairchild. To Elizabeth Fairchild, a Schoolmistress at Saint John, the sum of ten pounds for her services in that capacity.
- M. A. Smith. To Mary Ann Smith, for upwards of forty years a Schoolmistress at Saint John, the sum of ten pounds for her services in that capacity.
- D. A. Lugrin. To Deborah Ann Lugrin, Widow of the late George K. Lugrin, many years King's Printer in this Province, the sum of fifteen pounds to assist her in her present destitute situation.
- S. Cyphers. To Sarah Cyphers, Widow of an Officer of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.
- J. Simpson, Printing Laws. To John Simpson, Queen's Printer, the sum of one hundred and fifty pounds towards printing the Laws of the present Session.
- Sick and distressed Indians. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds to be applied in relieving sick, aged and distressed Indians in this Province, and for providing Seed Grain and Potatoes.
- W. M'Donagh, return Duty. To William M'Donagh, of the City of Saint John, the sum of seventy nine pounds fifteen shillings and five pence, being amount of Duties paid by him on Goods consumed at the Great Fire in Saint John in the year one thousand eight hundred and forty one.
- Overseer Draw Bridge, Oromocto. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to pay an Overseer for taking charge of the Draw Bridge over the Oromocto for the year one thousand eight hundred and forty four.
- Reimbursements to Treasurer. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums to reimburse the Province Treasurer for the following advances made the past year by him, under the authority of the Executive, videlicet:—To B. Chaloner, services for the year one thousand eight hundred and forty two, one hundred pounds; G. Sutherland, Storage of Copper Coin, seventeen pounds nineteen shillings; and Office rent to the thirty first of December one thousand eight hundred and forty three, two hundred and sixteen pounds thirteen shillings and four pence; William Hammond, Judgment obtained and costs in the case of the Bonds taken for Duties on Rum, which was decided to be not subject to Duty, eight hundred and forty one pounds ten shillings and eleven pence.
- Treasury Contingencies. To the Province Treasurer the sum of thirty five pounds, being for Office rent paid the Estate of the late N. Merritt to the first of December one thousand eight hundred and forty two; and the further sum of eighty six pounds nineteen shillings and two pence for Postages, Stationery, Fuel, and other contingencies of the Treasurer's Office for the year one thousand eight hundred and forty three.
- D. W. Jack, Gauging. To David W. Jack the sum of four pounds two shillings for Gauging and Weighing in Saint Andrews for the year one thousand eight hundred and forty three.
- T. Moses, Gauging. To Thomas Moses the sum of three pounds ten shillings and six pence for Gauging and Weighing at West Isles for the year one thousand eight hundred and forty three.
- S. Dunn. To Susannah Dunn, Widow of the late John Dunn, a meritorious old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present distressed situation.
- D. Groom. To Dorothy Groom, Widow of the late Enoch Groom, a meritorious old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present distressed situation.

To Isaac Carvill, of Woodstock, the sum of ten pounds, being the last year's pension to his late mother, Widow of an old Soldier of the Revolutionary War. I. Carvill.

To Rosina Pulk, the Widow of Henry Pulk, a Pensioner under the Act of the Province, who died on the twenty eighth day of September one thousand eight hundred and forty three, the sum of twenty pounds, being for two years pension remaining unpaid; the same to be paid so soon as that amount, or the Warrant therefor, now alleged to be in the hands of the Clerk of the Peace for the County of Charlotte, is repaid or handed back to the Treasury; the amount now being held by him in consequence of the death of her late husband Henry Pulk, in whose favor the Warrant issued. R. Pulk.

To James Doak the sum of eight pounds eighteen shillings and nine pence for Printing done by him for the Government Emigrant Agent. J. Doak.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and seventy five pounds to compensate the Prince Edward Island Steam Navigation Company for having maintained a good and efficient line of Steam communication between Miramichi, Charlotte Town and Pictou, for a period of three months in the year one thousand eight hundred and forty two. Prince Edward
Island Navigation
Company.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and fifty pounds to compensate the Prince Edward Island Steam Navigation Company for having maintained a good and efficient line of Steam communication between Miramichi, Charlotte Town and Pictou, for the year one thousand eight hundred and forty three. Prince Edward
Island Steam Navi-
gation Company.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds being a re-appropriation of that sum granted in one thousand eight hundred and thirty seven for the services of a Courier between Pokemouche and Miramichi; the same not having been drawn in consequence of a similar sum voted the year following having been applied for the services of the former year, through a mistake in the certificate forwarded for the purpose of obtaining the Warrants for this service, for which reason the money was not drawn. Couriers between
Pokemouche and
Miramichi.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy seven pounds six shillings to enable him to pay the balance due for running the Division Line between the Counties of Queens and Sunbury in the year one thousand eight hundred and forty two. Division Line be-
tween Queens and
Sunbury Counties.

To Ichabod Howlin the sum of ten pounds, being the unpaid pension claimed by Nancy Kimbar the widow of the late John Kimbar, an old Soldier of the Revolutionary War. Ichabod Howlin.

To William Pomeroy the sum of four pounds one shilling and three pence, being for a return of Duties on Tallow imported by him in one thousand eight hundred and forty three. W. Pomeroy.

To George Lane, Keeper of the Beacon Light, Saint John, the sum of six pounds five shillings, being deduction made upon his salary for the quarter ending the first of April one thousand eight hundred and forty three; to be taken from the Light House Fund. George Lane.

To Ruth M'Farlane, of Saint Patrick, in the County of Charlotte, Widow of the late Duncan M'Farlane, a deceased Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition. Ruth M'Farlane.

To Mercy M'Nichol, of Saint George, in the County of Charlotte, Widow of the late Neal M'Nichol, a deceased Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition. Mercy M'Nichol.

To

Mrs. J. Wedderburn.

To Mrs. Jane Wedderburn, Widow of the late Alexander Wedderburn, Esquire, the sum of fifty one pounds eleven shillings and three pence to enable her to meet certain instalments due upon Land purchased by her late husband ; in consideration of amounts due him for contingencies of office for a number of years.

Dennis Coll,

To Dennis Coll, Tallow Chandler, the sum of thirty three pounds ten shillings and nine pence, being amount paid by him on rough Tallow imported in one thousand eight hundred and forty three.

Courier between Bend of Petitcodiac and Harvey.

To the Justices of the Peace for the County of Westmorland, the sum of thirty five pounds to enable them to pay a Courier between the Bend of Petitcodiac and Harvey, through the Parishes of Coverdale, Hillsborough and Hopewell.

Enoch Pitt.

To Enoch Pitt the sum of ten pounds for teaching a School in the Parish of Springfield, in Kings County, for six months ending the seventeenth of July one thousand eight hundred and forty two.

M. A. Black.

To Melissa Ann Black the sum of twenty pounds for teaching a School in the Parish of Upham, in Kings County, for one year ending the fourteenth day of October one thousand eight hundred and forty two.

Stephen Goodin.

To Stephen Goodin the sum of ten pounds for having taught a School in the Parish of Westmorland, in the County of Westmorland, for six months ending the thirtieth September one thousand eight hundred and forty one.

Ann O'Flanagan.

To Ann O'Flanagan, Widow of Lawrence O'Flanagan, the sum of six pounds thirteen shillings and four pence for a School taught by the late Lawrence O'Flanagan, in the Parish of Sackville, County of Westmorland, for four months ending first of March one thousand eight hundred and forty three.

Eliza J. Farrow.

To Eliza J. Farrow, the sum of ten pounds for having taught a School in the Parish of Westmorland, in the County of Westmorland, for six months ending the first of June one thousand eight hundred and forty two.

Asa Rand.

To Asa Rand, the sum of six pounds thirteen shillings and four pence for having taught a School in the Parish of Shediac, in the County of Westmorland, for four months ending May one thousand eight hundred and forty three.

J. Dickson.

To Joseph Dickson the sum of ten pounds for teaching a School in the Parish of Canning, in Queens County, for six months ending the twenty seventh of October one thousand eight hundred and forty three.

C. Spence.

To Catharine Spence the sum of twenty pounds to remunerate her for teaching a School in the Parish of Waterborough, in Queen's County, for the period of one year ending in January one thousand eight hundred and forty three.

Thomas Powell, Jr.

To Thomas Powell, Junior, the sum of five pounds for having taught a School in the Parish of Richibucto, in the County of Kent, for three months ending the fifth of May one thousand eight hundred and forty three.

Isabella Coulter.

To Isabella Coulter the sum of eight pounds six shillings and eight pence for teaching a School in the Parish of Saint David, in the County of Charlotte, for five months ending the twenty second day of November one thousand eight hundred and forty.

T. Winchester.

To Theodore Winchester the sum of eight pounds six shillings and eight pence for teaching a School in the Parish of Grand Manan, in the County of Charlotte, for five months ending the first of October one thousand eight hundred and forty two.

C. A. Turner.

To Cecilia Ann Turner the sum of five pounds for teaching a School in the Parish of Saint George, in the County of Charlotte, for three months ending the twentieth day of March one thousand eight hundred and forty two.

S. M'Curdy.

To Samuël M'Curdy the sum of twenty pounds for teaching a School in the Parish of Saint Andrews, in the County of Charlotte, for one year ending the first day of September one thousand eight hundred and forty three. To

To James Killen the sum of ten pounds for teaching a School in the Parish of Woodstock, in the County of Carleton, for six months ending the twelfth day of January one thousand eight hundred and forty three. J. Killen.

To Jane O'Hamlin the sum of seven pounds ten shillings for a School taught by her late husband, Patrick O'Hamlin, in the Parish of Brighton, County of Carleton, four months and a half ending the tenth of November one thousand eight hundred and forty three. J. O'Hamlin.

To Charlotte Hazen the sum of five pounds for having taught a School in the Parish of Burton, County of Sunbury, for three months ending the first of August one thousand eight hundred and forty two. C. Hazen.

To Joseph Brown the sum of ten pounds for having taught a School in the Parish of Lancaster, in the County of Saint John, for six months ending the twenty second day of June one thousand eight hundred and forty three. J. Brown.

To John M'Curt the sum of ten pounds for having taught a School in the Parish of Simonds, County of Saint John, for six months ending the seventh day of June one thousand eight hundred and forty two. J. M'Curt.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds towards the support of a Free School for the education of the colored Children at Loch Lomond, in the County of Saint John, at present taught by R. L. Saunders, for one year which will end in May one thousand eight hundred and forty four; the same not to be drawn until His Excellency or the Administrator of the Government for the time being shall be satisfied with the efficiency of the said School. School at Loch Lomond by R. L. Saunders.

To Rachel Martin, an instructress of Youth, the sum of twenty pounds for teaching a School in the Parish of Portland, County of Saint John, for the past year. R. Martin.

To John Mitchell the sum of ten pounds for having taught a School in the Parish of Northesk, County of Northumberland, for six months ending the eighth day of January one thousand eight hundred and forty four. J. Mitchell.

To David M'Curdy, William Dayton and Abraham D. Yerxa, Trustees of Schools for the Parish of Douglas, in the County of York, the sum of eight pounds six shillings and eight pence to enable them to compensate David Denton, a licensed Schoolmaster, for having taught a School in that Parish for five months ending the fifth day of May one thousand eight hundred and forty three. Trustees of Schools, Douglas, for D. Denton.

To Alexander M'Lauchlan the sum of twenty pounds for having taught a School in Fredericton, County of York, for twenty two months ending in August one thousand eight hundred and thirty eight. A. M'Lauchlan.

To Abigail Hicks, Widow of the late Levi Hicks, the sum of ten pounds for a School taught by her late husband for six months in the Parish of Studholm, Kings County, ending the fourth day of October one thousand eight hundred and forty three. A. Hicks.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to encourage the fitting out of one or more Vessel or Vessels by Silvanus Powell, John Long and John Marshall, of Richibucto, for a Sealing voyage; such sum to be paid to the said parties when it shall be certified to His Excellency that such Vessels have been fitted out and actually engaged in a Sealing voyage, and not to exceed the sum of fifteen shillings per ton of the tonnage of such Vessels. Encouragement of a Sealing voyage.

To the Justices of the Peace of the City and County of Saint John the sum of eight hundred and sixty six pounds six shillings and eight pence, being the balance due them for the erection of the Provincial Penitentiary. Balance due on Provincial Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty six pounds to reimburse the Mayor of the Mayor of Saint John, supplies for French Brig Susanna.

the City of Saint John amount paid for supplies of necessaries to the Crew of the French Brig Susanna, run down off the Banks of Newfoundland.

Government House.

To the Commissioner of Government House the sum of one hundred pounds for Coals for the Public Rooms and Offices in Government House.

Ann M'Donald.

To Ann M'Donald, Widow of the late Surgeon M'Donald, of the Jersey Volunteers, the sum of ten pounds to relieve her in her present destitute circumstances.

Ordnance Department for a Flag.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of six pounds fifteen shillings to enable him to pay to the Ordnance Department the value of a Flag supplied by that Department in one thousand eight hundred and forty.

Provincial Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the support of the Provincial Penitentiary for the year one thousand eight hundred and forty four.

Doak and Hill.

To Doak and Hill the sum of fifty pounds to remunerate them for reporting and publishing the Debates of this House during the present Session.

Sheriffs, for Election Returns.

To the Sheriff of the County of Northumberland the sum of twenty five pounds; to the Sheriff of York the sum of ten pounds; to the Sheriff of the City and County of Saint John the sum of ten pounds, for return of Members to serve in the present General Assembly.

J. Francis, drawback on Wine.

To John Francis the sum of eleven pounds eighteen shillings and nine pence to reimburse him for Duties paid on six casks of Wine exported to Prince Edward Island.

Quarter Master General.

To the Quarter Master General of the Militia Forces the sum of one hundred and fifty pounds for his services for the year one thousand eight hundred and forty three.

Mechanics' Institute.

To the Mechanics' Institute at Saint John the sum of one hundred pounds to enable them to extend more fully the benefits of that institution.

J. Phillips, publishing Debates.

To James Phillips the sum of fifty pounds to compensate him for publishing the Debates of the House of Assembly this present Session.

E. Whitehead.

To Elizabeth Whitehead, Widow of the late James Whitehead, a meritorious old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her present destitute circumstances.

R. Trennaman, Dredging Machine.

To Robert Trennaman the sum of ninety nine pounds twelve shillings and one penny, being the amount due him for services performed in the Provincial Dredging Machine previous to the first of June one thousand eight hundred and forty three.

Lee and Knutter, Magaguadavic Bridge.

To Daniel Lee and Theodore Knutter the sum of thirty five pounds to remunerate them for the amount due them by the Commissioner for superintending the repairs of the Magaguadavic Bridge near Young's, and for extra materials and labor furnished by them last Summer in perfecting said repairs.

J. C. Vail, Stages Saint John to the Nova Scotia Line.

To John C. Vail the sum of one hundred and twenty five pounds in part to remunerate him for losses sustained in the great expenses incurred in putting a line of Coaches and Stages on the Great Road leading from Saint John towards the Nova Scotia Line.

T. Allen, Archibald M'Kay and Alex. M'Kay.

To Thomas Allen, Archibald M'Kay and Alexander M'Kay the sum of ten pounds each, in consequence of being badly frozen while carrying the English Mail from Westmorland to Prince Edward Island in the year one thousand eight hundred and forty three by which they were incapacitated from performing any labor for a period of twelve months.

To James Hewitt and James Bradley the sum of ten pounds for services performed in the year one thousand eight hundred and forty three for breaking the Road between Fredericton and Saint John rendered impassable by reason of a most violent Snow storm. J. Hewitt and J. Bradley.

To the Clerk of the Legislative Council the sum of fifty pounds in addition to the sum already granted for his services the present Session. Clerks of Council and Assembly.

To the Clerk of the House of Assembly the sum of fifty pounds in addition to the amount already granted for his services the present Session.

To the Assistant Clerk of the Legislative Council the sum of twenty five pounds in addition to the sum already granted for his services the present Session. Clerks Assistants.

To the Assistant Clerk of the House of Assembly the sum of twenty five pounds in addition to the sum already granted for his services the present Session.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds to enable His Excellency to adopt measures for the purpose of checking the further spread of the disease reported to be prevailing in Tracadie and its neighbourhood, in the Counties of Gloucester and Northumberland. Disease at Tracadie.

To the Justices of the Peace for the County of Kent the sum of six pounds eleven shillings and six pence to reimburse the Overseers of the Poor for the Parish of Wellington, expenses incurred on account of Richard Parker, a sick and indigent Emigrant; to be taken from the Emigrant Fund. Indigent Emigrants, Wellington.

To the Commissioners of the Alms House and Overseers of the Poor for the Parish of Saint Andrews, the sum of one hundred and fifty pounds to reimburse them expenses incurred for the relief of sick and distressed Emigrants; the same to be taken from the Emigrant Fund. Indigent Emigrants, Saint Andrews.

To the Overseers of the Poor for the Parish of Saint George the sum of twenty five pounds to reimburse them expenses incurred in aid of sick and distressed Emigrants in the year one thousand eight hundred and forty two; the same to be taken from the Emigrant Fund. Indigent Emigrants, Saint George.

To the Commissioners of the Alms House and Work House for the City and County of Saint John the sum of twenty five pounds nineteen shillings and eight pence to reimburse them expenses incurred in aid of sick and indigent Emigrants in one thousand eight hundred and forty three; to be taken from the Emigrant Fund. Indigent Emigrants, Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds to aid the inhabitants of the County of Westmorland in employing a Courier to carry the Mails from Cape Tormentine to the Great Road of communication through that County. Courier Cape Tormentine to the Great Road.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty two pounds fourteen shillings and eight pence to reimburse S. D. Andrews, Parks and Hegan, and John Anderson, sums advanced by them for boarding, clothing and forwarding to Boston nine shipwrecked Emigrants who arrived at Saint John in the year one thousand eight hundred and forty three from Fayal; the same to be taken from the Emigrant Fund. Shipwrecked Emigrants from Fayal, reimbursement of expenses.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of thirty six pounds to pay James Gowan and Barney Doherty for their services in attending on Emigrants detained at Partridge Island during the past year; to be taken from the Emigrant Fund. J. Gowan and B. Doherty.

To the Commissioners of the York County Alms House the sum of twenty five pounds to reimburse them expenses incurred for the relief of sick and indigent Emigrants; the same to be taken from the Emigrant Fund. Indigent Emigrants, York County. To

- Indigent Emigrants, Saint Stephen.** To the Overseers of the Poor for the Parish of Saint Stephen the sum of forty five pounds to reimburse them expenses incurred in aid of sick and indigent Emigrants in the year one thousand eight hundred and forty three; to be taken from the Emigrant Fund.
- Courier between Fredericton and the Finger Board.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty five pounds to remunerate a Courier between Fredericton and the Finger Board.
- Provincial Lunatic Asylum, balance 1843.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and fifty eight pounds seven shillings, being the balance of the expenditure of the Provincial Lunatic Asylum for the year one thousand eight hundred and forty three.
- Provincial Treasurer, extra Clerk hire.** To the Province Treasurer the sum of forty pounds to reimburse him for extra Clerk hire in consequence of the Loan Act from October one thousand eight hundred and forty three to February one thousand eight hundred and forty four, with the consent of His Excellency the Lieutenant Governor in Council.
- Provincial Lunatic Asylum.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand pounds towards the support of the Provincial Lunatic Asylum for the year one thousand eight hundred and forty four.
- Supreme Court fittings.** To His Honor the Chief Justice the sum of eight pounds eight shillings and four pence, being amount over expended by him in fitting up the Supreme Court and Judges Room in the years one thousand eight hundred and forty one and one thousand eight hundred and forty two.
- Clerk Board of Health, County of Charlotte.** To the Clerk of the late Board of Health for the County of Charlotte the sum of sixteen pounds eighteen shillings and ten pence, being balance of expenditure of the year one thousand eight hundred and forty one, when the Act establishing Boards of Health expired.
- Government House, and Commissioner.** To the Commissioner of Government House the sum of one hundred pounds towards repairs and improvements on Government House and premises in the year one thousand eight hundred and forty four; and the further sum of fifty pounds to remunerate him for his services for the year one thousand eight hundred and forty three.
- S. Pickett.** To Seymour Pickett, Cloth Manufacturer, the sum of fifty pounds to encourage him in continuing his establishment.
- Agricultural Societies.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding seventy five pounds for each County in the Province, for the support and encouragement of Agricultural Societies, according to the terms and conditions of the grant of a like nature passed in the year one thousand eight hundred and forty three.
- H. Hayward and J. Graves.** To Humphrey Hayward and John Graves the sum of twenty pounds, being the balance due them by virtue of a contract under Benjamin L. Peters, Esquire, late Supervisor of the Road between Saint John and the Nova Scotia Line.
- Chairman of Committee on Public Accounts.** To the Chairman of the Committee of Public Accounts the sum of one hundred pounds for extra services.
- Adjutant General.** To the Adjutant General of the Militia Forces the sum of eighty five pounds for his services and contingencies of Office for the year one thousand eight hundred and forty four.
- Preservation of Public Peace, Northumberland.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and fifty pounds to reimburse the Government for certain expenses incurred for the preservation of the public peace in the County of Northumberland.

To B. C. Chaloner the sum of two hundred pounds to remunerate him for balance due for his services as Gauger and Weigher at Saint John for the years one thousand eight hundred and forty two and one thousand eight hundred and forty three.

Gauger and Weigher at Saint John.

To John Simpson, Queen's Printer, the sum of eight hundred twenty nine pounds thirteen shillings and one penny, being balance of account for printing Journals of Assembly, Laws, Gazettes, Reports, &c., for the years one thousand eight hundred and forty two and one thousand eight hundred and forty three.

J. Simpson, Queen's Printer.

To John Simpson, Queen's Printer, the sum of two hundred and eighty seven pounds eighteen shillings and nine pence, being amount of account for publications in the Royal Gazette in full.

To John Simpson, Queen's Printer, the sum of one hundred and thirty six pounds two shillings and six pence, amount of account for printing the Journals of the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and nineteen pounds seventeen shillings and five pence to reimburse the late Supervisor on the Great Road leading from Saint John to Hayward's Mills, on the Nova Scotia Line, for monies paid under the orders of the Government, for balances actually due on contracts on the said Road during the supervisorship of B. L. Peters, Esquire.

Balance due on Contracts for Road Saint John to Hayward's Mills.

To Thomas Nisbet, Esquire, and Son the sum of thirty six pounds fifteen shillings and four pence, being balance due them for fitting up the Council Chamber.

T. Nisbet & Son for Council Chamber fittings.

To the late Chairman of the late Committee of Correspondence the sum of twenty pounds to reimburse him for postages paid on public documents and correspondence.

Chairman of Committee of Correspondence for Postages.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five hundred pounds, to enable His Excellency to institute an efficient inspection of the Parish Schools, and all other Schools receiving pecuniary aid from the Public Treasury, during the present year; the same to be taken out of the sum appropriated at the present Session for the support of the said Schools.

Inspection of Parish and other Schools.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds as a remission of purchase money of one hundred acres of land to William Edgar and John Ross, situate on Garden's Creek near the Great Road to Saint Andrews, on condition that they erect a sufficient Grist and Oat Mill thereon on or before the first day of April next.

W. Edgar and J. Ross, on condition of erecting a Grist Mill.

To Michael Harley the sum of thirty five pounds, being balance in full on account of expenditure on the Road from Salmon River to Richibucto.

M. Harley.

To James P. A. Phillips the sum of twenty eight pounds eleven shillings and three pence, being amount of ten per cent. Duties paid to the Province Treasury on Types and Printing Press lately imported into the Province.

J. P. A. Phillips, return Duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty pounds, to be applied towards the support of a monthly paper to be published by J. P. A. Phillips, at Fredericton, and devoted to Agriculture; the same not to be paid to the publisher until the said paper shall have been published for the space of six months; and in consideration of the said support the publisher shall furnish fifteen copies of the said paper to each County Agricultural Society in the Province.

Encouragement of a Monthly Agricultural Paper.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the further sum of five hundred pounds, to be applied in

Disease at Tracadie.

in such a way as may be thought advisable in regard to the Disease prevalent at Tracadie.

Supervisor on Road,
Saint John to Bellisle.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty seven pounds eleven shillings and six pence to reimburse the late Supervisor on the Road leading from Saint John to the Bellisle for over expenditure on that Road; to be taken out of the money appropriated from Bellisle to Saint John this year.

Over expenditure,
new Settlement on
Road from Fredericton
to Saint Andrews.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds to reimburse the Commissioner appointed in the year one thousand eight hundred and forty one to form a new Settlement on the South side of the Road leading from Fredericton to Saint Andrews, and to open a Road thereto; that amount over expended by him.

Protection of the
Revenue.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand pounds for the protection of the Revenue for the year one thousand eight hundred and forty four.

J. Clark, Jr.

To John Clark, Junior, of Carleton, in the City of Saint John, the sum of twelve pounds to remunerate him for preparing a Plan of a Bridge at the Grand Falls, and repairing thither to afford information to the Commissioners.

Cape Sable Seal
Island and Briar
Island Light
House.

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 Houses; and the further sum of one hundred pounds towards the support of the Light House on Briar Island, in the Province of Nova Scotia, for the year one thousand eight hundred and forty four; the same to be taken from the Light House Fund.

W. Leavitt, excess
of Head Money.

To William Leavitt, of Saint John, the sum of four pounds eleven shillings and eight pence, being an excess of Head Money paid on Passengers in the year one thousand eight hundred and forty two, per ship Portland.

Assembly Room
Furniture.

To the Clerk of the House the sum of one hundred and fifty two pounds five shillings for Furniture provided for the Assembly Room.

E. Ward, Assistant
Emigrant Agent.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to provide in full for the service of Edmund Ward as Assistant Emigrant Agent, stationed at Fredericton, for three years, or thereabouts; any further appropriation for such service to be discontinued in future.

Additional Clerk in
Treasury Department.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to provide for the services of an additional Clerk in the Treasury Department at Saint John for the present year, in consequence of the extra services arising from the operation of the Loan and Export Acts.

Surveyor General
for preparing
Public Accounts.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds to reimburse the Honorable the Surveyor General monies paid by him for preparing certain Public Accounts for the Legislature in the year one thousand eight hundred and thirty eight.

Legislative Library.

To the Joint Committee of the Legislative Library the sum of two hundred pounds for the purchase of Books.

Repairs of Province
Buildings.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds in part to remunerate the Commissioner for Public Buildings in Fredericton for repairs on the Province Hall, being a re-appropriation of the grant made in the year one thousand eight hundred

hundred and forty three to a Commissioner to be appointed by His Excellency, to be applied in painting the roof of the Province Hall ; and the further sum of fifty four pounds six shillings and seven pence, to remunerate the said Commissioner for the balance of indispensable expenditure for the past year for the same purpose.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to remunerate the Commissioners for investigating and reporting upon the Accounts of the Provincial Penitentiary, under the Act of Assembly.

Commissioners for reporting on the Provincial Penitentiary Accounts.

To the Postmaster at Fredericton the sum of two hundred and thirty pounds and three pence, being amount of Postages of the Legislature the present Session.

Postage of Legislature.

To the Clerk of the House of Assembly the sum of two thousand and eight pounds sixteen shillings and one penny, being for Contingencies of the present Session.

Contingent expenses of the Legislature.

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 the Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, out of the monies now in the Treasury, or as payments may be made at the same.

Monies to be paid by Warrant.

CAP. XLVI.

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

Passed 13th April 1844.

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 Administrator of the Government for the time being, shall appoint, in addition to the sums already granted, the following sums for the purposes hereinafter mentioned, that is to say :

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and fifty pounds for the Road from Saint John to the Nova Scotia Line ; one half of which to be laid out between Saint John and Hayward's Mills ; out of which half, a sum not exceeding twenty pounds to be expended on the Old Cumberland Road ; three pounds ten shillings to Isaac Foshay, being a balance due him for materials provided for the Hampton Ferry Bridge ; one pound ten shillings to Enoch Groom, for work performed by him under Mr. Jordan ; and eight pounds to be paid to William Ross, for hauling a large quantity of brush and stone around and against the abutment of Hammond River Bridge in the year one thousand eight hundred and forty one ; and the other half, three hundred and seventy five pounds, from Hayward's Mills to the Nova Scotia Line ; so much of the last mentioned sum to be expended on the Tantamar Marsh (Old Road) as may be necessary to keep the same in repair.

Great Road, Saint John to the Nova Scotia Line.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds for the Great Road from Saint John to Saint Andrews ; the same to be applied in rebuilding the Bocabec Bridge and repairing the said Road.

Saint John to Saint Andrews, Bocabec Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and sixty five pounds for the Great Road from Fredericton to Saint John *via* Nerepis ; the sum of fifty pounds to be expended between Fredericton and the Oromocto ; the sum of one hundred and

Fredericton to Saint John *via* Nerepis.

and sixty five pounds between the Oromocto and Curry's Inn ; and the sum of fifty pounds between Curry's Inn and the Yorkshire Tavern.

Nerepis to Gagetown.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty seven pounds ten shillings for the Road from Nerepis to Gagetown.

Dorchester to Shediac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty seven pounds ten shillings for the Road from Dorchester to Shediac.

Shediac to Petitcodiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds for the Road from Shediac to Petitcodiac.

Richibucto to Chatham.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty five pounds for the Road from Richibucto to Chatham.

Newcastle to Bathurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and seventy five pounds for the Line of Road from Newcastle to Bathurst.

Bathurst to Campbellton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the Great Road from Bathurst to Campbellton ; and the sum of one hundred pounds to build a Bridge over Nash's Creek and approaches thereto.

Fredericton to Woodstock.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of six hundred pounds for the Road from Fredericton to Woodstock ; of which, thirty pounds, if necessary, to be laid out on the North side of the River ; and the sum of sixty one pounds to remunerate William Jones and Benjamin Atherton, for building a Bridge over Joslin's Creek during the past year, agreeably to the recommendation of the late Supervisor, and also five pounds for work done by the same parties in cutting down the approaches thereto, and removing the rocks.

[W. Jones & B. Atherton.]

Woodstock to Arestook.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and twelve pounds ten shillings for the Road from Woodstock to the Arestook ; such part of which may be laid out upon the Arestook Bridge as may be deemed advisable by the Executive Government.

Arestook to the Grand Falls.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and twenty two pounds ten shillings for the Road from the Arestook to the Grand Falls ; the whole or such part of which may be laid out in erecting the Arestook Bridge as may be deemed advisable by the Executive Government.

Fredericton to the Finger Board.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty five pounds for the Road from Fredericton to the Finger Board.

Bellisle to Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty two pounds ten shillings for the Road from Bellisle to Saint John ; of which, the sum of twenty pounds to be expended on the Pickwacket Road ; and the sum of five pounds sixteen shillings to be paid Robert Smith, being a balance due him for work under Mr. Jordan, when he was Supervisor.

Fredericton to Newcastle.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and seventy five pounds for the Road from Fredericton to Newcastle ; twenty five pounds of which to be paid

paid to John Wilson for a Team Ferry Boat across the North and South West Branches of Miramichi River in the year one thousand eight hundred and forty three.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds for the Road from Fredericton to Saint Andrews. Fredericton to Saint Andrews.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty five pounds for the Road from Salisbury to Hopewell. Salisbury to Hopewell.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty five pounds for the Road from Shediac to Richibucto. Shediac to Richibucto.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds for the Road from Woodstock to Houlton. Woodstock to Houlton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds for the Road from Waweig to Saint Stephen. Waweig to Saint Stephen.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty seven pounds ten shillings for the Road from Oromocto to Gagetown. Oromocto to Gagetown.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty six pounds five shillings for the Road from Oak Bay to Eel River; one half of which to be laid out on each end of the said Road. Oak Bay to Eel River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty six pounds five shillings for the Road from Fredericton to the Bend of Petitcodiac; of which the sum of fifteen pounds to be paid Alexander Goodfellow, Esquire, being a balance due him for services performed on that Road. Fredericton to the Bend of Petitcodiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds for the Road from the Grand Falls to the Canada Line, not to extend beyond the Grand River. Grand Falls to the Canada Line.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds towards re-building a Bridge at Mactaquack, in the County of York, being a re-appropriation of the same amount granted in the year one thousand eight hundred and forty one and not drawn, towards erecting a Bridge at Curry's Creek in the same County. Mactaquack Bridge in York County.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds towards erecting a Bridge over Taxes River, in the County of York; being a re-appropriation of the same amount granted in one thousand eight hundred and forty one and not drawn, to improve the Road from Hughes' to Taxes River in the same County. Bridge over Taxes River, re-appropriation.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds towards building a Bridge over Salmon River, in the Parish of Harvey, in the County of Westmorland; the same being a re-appropriation of that sum granted in one thousand eight hundred and forty to the Justices of the Peace for the County of Westmorland, in aid of individual subscription in erecting a Breakwater in Enrage Bay, near the Light House in that place, and situate in that County. Bridge over Salmon River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards the erection of a Bridge over Waweig River in the County of Charlotte. Bridge over the Waweig.
To

Bridge over Nash's
Creek, on Road
from Bathurst to
Restigouche.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards the erection of a Bridge and the approaches thereto over Nash's Creek, on the Great Road leading from Bathurst to Restigouche, in the County of Restigouche, being a re-appropriation of the same sum granted in the year one thousand eight hundred and thirty seven and not drawn, for blowing Rocks and removing obstructions in the Upsalquitch River.

Belledune to Ba-
thurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds for the Great Road between the Belledune River and Bathurst.

Money to be ex-
pended by Super-
visors and Commis-
sioners appointed
by the Governor
with advice of
Council.

II. And be it enacted, That the said several and respective sums of money and every part thereof shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, may be pleased to appoint, and shall be paid to the several and respective persons who shall actually work and labor in making, completing and repairing the several Roads and Bridges, or in furnishing materials therefor, at the most reasonable rates that such labor and materials can be provided; and every Commissioner so to be appointed, shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put up a sufficient number of notices not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done, which notice shall specify and describe the work to be performed, and also the place, day and hour, when and where the same shall be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and then and there to let out to the lowest bidder such allotment and allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by day-labour; provided that in no such case shall more than one quarter part of any grant be so expended: and the said Commissioners shall severally keep an exact account of the expenditure of such monies, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof upon oath (which oath any one of the Justices of the Peace in the several Counties is hereby authorised to administer) to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session.

Money to be paid
by the Treasurer
by Warrant.

III. And be it enacted, That 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 Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, for which Warrant no fee or deduction shall be demanded or taken from the persons in whose favour they may issue.

Compensation to
Commissioners.

IV. And be it enacted, That the said Commissioners intrusted with the expenditure of the said several and respective sums of money, shall for their time
and

and trouble be allowed to retain at and after the rate of five per centum out of the said monies so intrusted to them respectively, together with a reasonable compensation for actual labour and work performed by them on the said several Roads and Bridges.

V. And be it enacted, That the said Commissioners shall expend the said several and respective sums of money on the Roads on or before the first day of October: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any Commissioner from expending money after the first day of October, when it shall be necessary to expend the same for building Bridges, removing rocks, swamps, trees or other obstructions.

Money to be expended before first of October.

VI. And be it enacted, That none of the before mentioned sums of money or any part thereof shall be laid out or expended in the making or improving any alteration that may be made in any of the Roads unless such alterations shall have been first duly laid out and recorded.

No Money to be expended on alterations not recorded.



881

Anno Sexto VICTORIÆ Reginæ.

CAP. XLIII.

Amended by 3rd Act - C. 10

An Act to facilitate the negotiation of a Loan to pay off the Public Debt.

Passed 27th March 1843.

WE, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick, in General Assembly convened, having taken into consideration the present state of the Finances of this Province, and seeing the necessity of sustaining the Public Credit by raising a Loan, and applying the Monies obtained thereby in payment of the existing demands on the Province Treasury; for raising and securing the necessary funds for the semi-annual payment of the interest of such Loan, and the gradual redemption of the principal thereof, have freely resolved to give and grant to the Queen's Most Excellent Majesty, Her Heirs and Successors, the Rates and Duties hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

Preamble.

I. And be it therefore 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 from and after the passing of this Act, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province, for the semi-annual payment of the interest of such Loan, and for the ultimate redemption of the principal thereof, for and upon all articles of Foreign manufacture and 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, also all manufactures of Silk or Cotton of the British East India Possessions, Pepper and all other descriptions of Spices, for every one hundred pounds of the true and real value thereof, a rate or duty of one per cent.

Duty granted for payment of Interest and redemption of Principal.

II. And be it enacted, That the Duties hereinbefore imposed shall be paid by the importer or importers of such articles respectively, and shall be held and taken to be in addition to and over and above any Duties which are and may be imposed and collected by any Act or Acts of the Imperial Parliament, or Act or Acts of the General Assembly of this Province, passed or to be passed, and shall be collected and secured by means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by an Act or Acts of the General Assembly for collecting the Revenue of this Province.

To be in addition to all other Duties, and subject to the regulations of the Revenue Acts.

III. And be it enacted, That immediately after the passing of this Act, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, to nominate and appoint four persons whom he may think most fit, (of whom the Treasurer of the Province shall be one,) Commissioners for arranging and negotiating the mode and terms in and upon which such Loan may be most advantageously raised and created, subject to instructions to be from time to time given by the Lieutenant Governor or Administrator of the Government for the time being, who shall have full power and authority to negotiate the said Loan for a sum not exceeding Seventy Thousand Pounds, Sterling money, on behalf of this Province: Provided always, that the monies so to be obtained by way of Loan under and by virtue of this Act, shall not exceed in the whole the sum of Seventy Thousand Pounds, Sterling money of Great Britain, nor at a greater rate of interest than six per centum per annum.

Commissioners for negotiating the loan to be appointed.

Amount limited to £70,000, sterling, and Interest to six per cent per annum.

IV.

Debentures in the Form in the Schedule may be issued in sums not exceeding £1000 each.

IV. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to cause and direct Debentures to be made in sums not exceeding one thousand pounds sterling or currency each, not to exceed the amount herein authorized to be raised to meet the negotiation of the same in England or British America, as the case may be, for any person or persons, body or bodies corporate or politic, who shall agree to advance a sum or sums of money upon such Debentures; which said Debentures shall be according to the Form prescribed in the Schedule to this Act annexed, and shall be signed by the Lieutenant Governor or Administrator of the Government for the time being, and countersigned by the said Commissioners or any two of them.

Interest to be payable on the first days of June and December.

V. And be it enacted, That the Interest upon the said Debentures shall become due and payable, at such place as may be agreed upon, semi-annually, on the first days of June and December in each and every year, at a rate not exceeding six per centum per annum.

Debentures and Interest when due made chargeable upon the Revenues paid into the Treasury.

VI. And be it enacted, That all such Debentures, with the interest thereon, and charges incident thereto, shall be and they are hereby declared to be charged and chargeable upon, and shall be borne and paid respectively as they shall become due, out of the Revenue so to be raised from the Duties made payable as in this Act hereinbefore is provided, and from all other Duties paid into the Treasury of this Province under and by virtue of Acts of the Imperial Parliament already in force or hereafter to be passed for the regulation of Trade, and also all other Revenue which may be collected within the Province by virtue of any Act or Acts of the General Assembly passed or to be passed, and arising from any source or sources whatever.

Warrants issued prior to this Act to be paid according to priority out of monies raised by the Loan.

VII. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, shall out of the monies to be raised by such Loan, direct and order the payment in full of all and every the Public Warrants and interest due thereon, issued and payable at the Treasury before and at the time of the passing of this Act, according to the numerical priority of such Warrants.

Residue of Loan to be paid into the Treasury.

VIII. And be it enacted, That the residue of the said sum so to be raised, if any there be, after payment of such Warrants and interest as hereinbefore provided, shall be paid into and remain in the Treasury of this Province, subject to such disposal and appropriation as the Legislature may from time to time direct and appoint.

Duties under this Act and the Parliamentary Duties to be separately accounted for and first appropriated for the purposes of this Act.

IX. And be it enacted, That the Treasurer of this Province, or the Treasurer for the time being, shall each and every year during the continuance of this Act, collect and retain in a separate and distinct fund, all monies collected and paid into the Treasury under and by virtue of this Act, as well as all monies that may be paid into the Treasury by virtue of any Act or Acts of the Imperial Parliament, and that no part or portion of such monies so collected and set apart, shall be paid for any other purpose or service whatsoever in any one year, until the amount made payable by the provisions of this Act during the same or any prior year shall have been first paid and discharged.

Loan to be repaid in fourteen annual payments of £5000 each.

X. And be it enacted, That the said sum of seventy thousand pounds, sterling, shall be made payable by the Treasurer of the Province in fourteen equal annual payments of five thousand pounds sterling, each; the first sum of five thousand pounds sterling to be paid on the first day of September, which will be in the year of our Lord one thousand eight hundred and forty four, and the like sum of five thousand pounds sterling, on the first day of September in each and every following year, until the whole Loan shall be repaid: Provided always, that if the said

Loan

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83

Loan be effected in London, it shall and may be lawful for the said Commissioners, under and by virtue of the third Section of this Act, to extend the period of payment, and they are hereby authorized and empowered to extend the same for the first instalment of five thousand pounds sterling to the first day of September which will be in the year of our Lord one thousand eight hundred and forty nine, and the like sum of five thousand pounds on the first day of September in each and every following year, until the whole Loan shall be repaid.

XI. And be it enacted, That all the Debentures which from time to time shall be discharged and paid off, shall be cancelled and made void by the party holding the same receipting the said Debenture by stating the amount of principal and interest received on the same, and writing his or their names thereupon, in words at length; and that after the said Debentures shall be so paid off, the said Treasurer or the Treasurer for the time being, shall, as soon after as may be, make a return to the Lieutenant Governor or Administrator of the Government for the time being, of the Debentures so paid off, for the purpose of being laid before the House of Assembly at their next Session, and that after the accounts of the payment of the said Debentures shall be audited and allowed by the General Assembly, they shall be burnt or destroyed as being of no further use to the public service.

Debentures when paid to be cancelled and Return laid before the House of Assembly.

XII. And be it enacted, That if any person or persons whomsoever, shall make, counterfeit, or alter any of the said Debentures issued by virtue of this Act, and shall be found guilty thereof, he, she, or they, shall be deemed guilty of Forgery, and liable to all the pains and penalties for the same.

Counterfeiting or altering debentures made forgery.

XIII. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal approbation thereto be first had and declared.

SCHEDULE A.

Treasury Department, New Brunswick.

No. Class

Whereas, by virtue of an Act of the General Assembly of the Province of New Brunswick, intituled *An Act to facilitate the negotiation of a Loan to pay off the Public Debt,* having paid into the Treasury of the Province for the use of the Province, the sum of _____ pounds, sterling (or currency, as the case may be):

Form of Debentures.

Now therefore, this Debenture is chargeable on the monies raised by virtue of the said Act, and also on all monies which may be in the Treasury of the said Province, or which shall be paid into the same on or after the _____ day of _____, which will be in the year of our Lord one thousand eight hundred and _____, for the said sum of _____ with interest, to be paid on the same semi-annually, (that is to say,) on the first day of June and December, in each year, at _____ to the said _____ or to such person or persons as may be authorized to receive the same.

Dated the _____ day of _____ in the year of our Lord

A. B.

Lieutenant Governor,
(or Administrator of the Government.)

C. D. }
E. F. } Commissioners.

[This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated the twenty third day of August, 1843, and published and declared in the Province on the twenty seventh day of September, 1843.]