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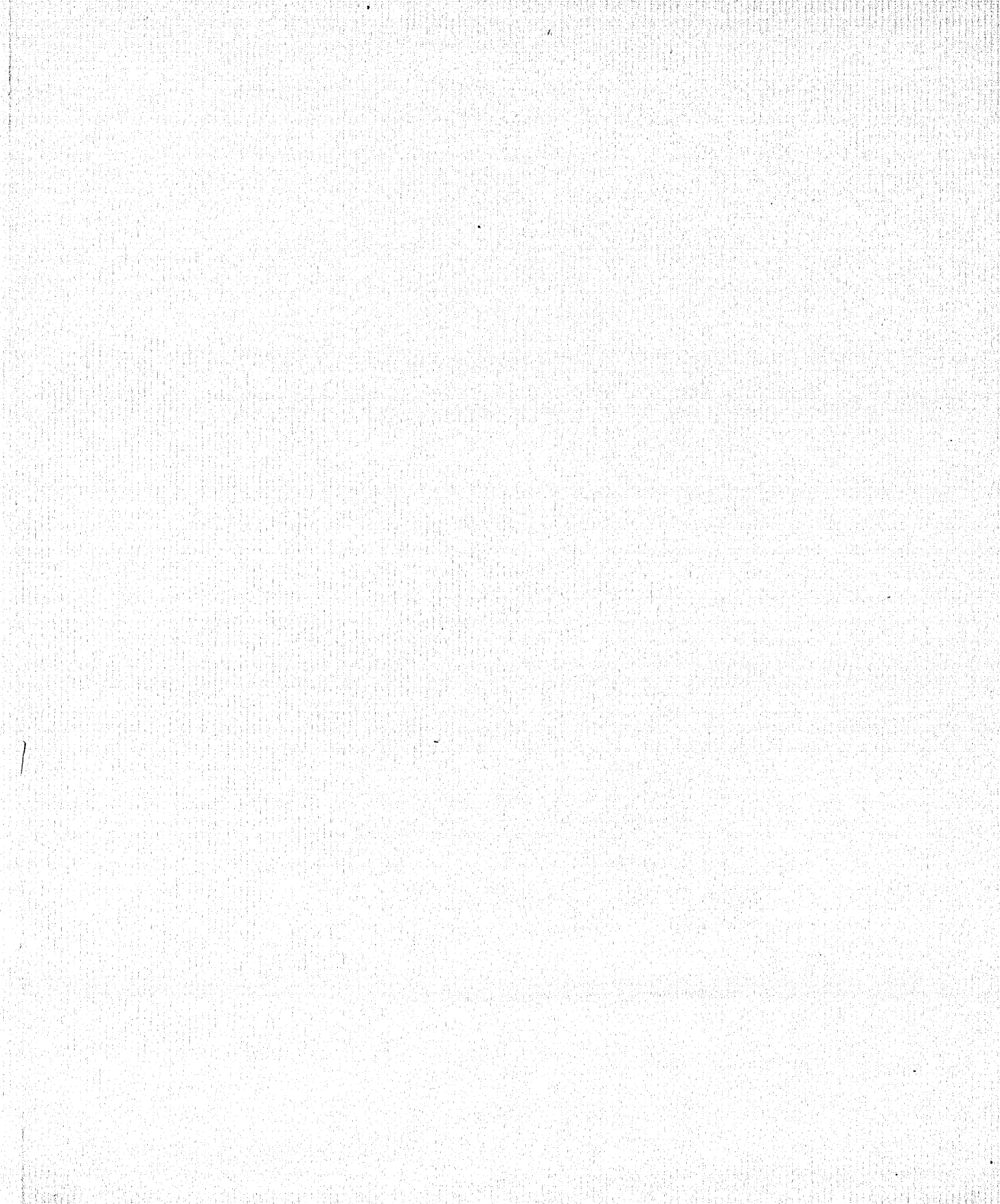
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ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN THE YEAR
1849.



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



TITLES OF THE ACTS.

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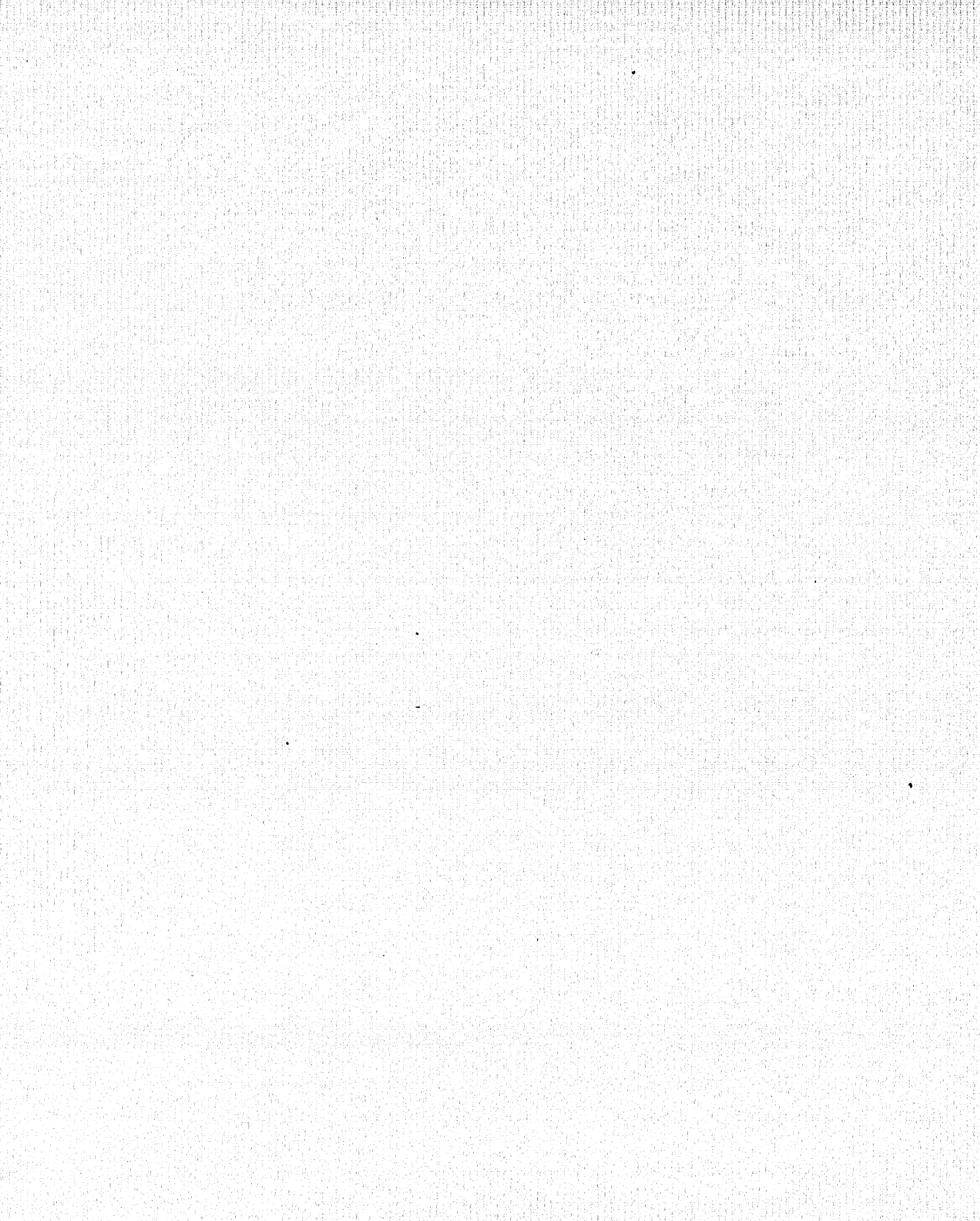
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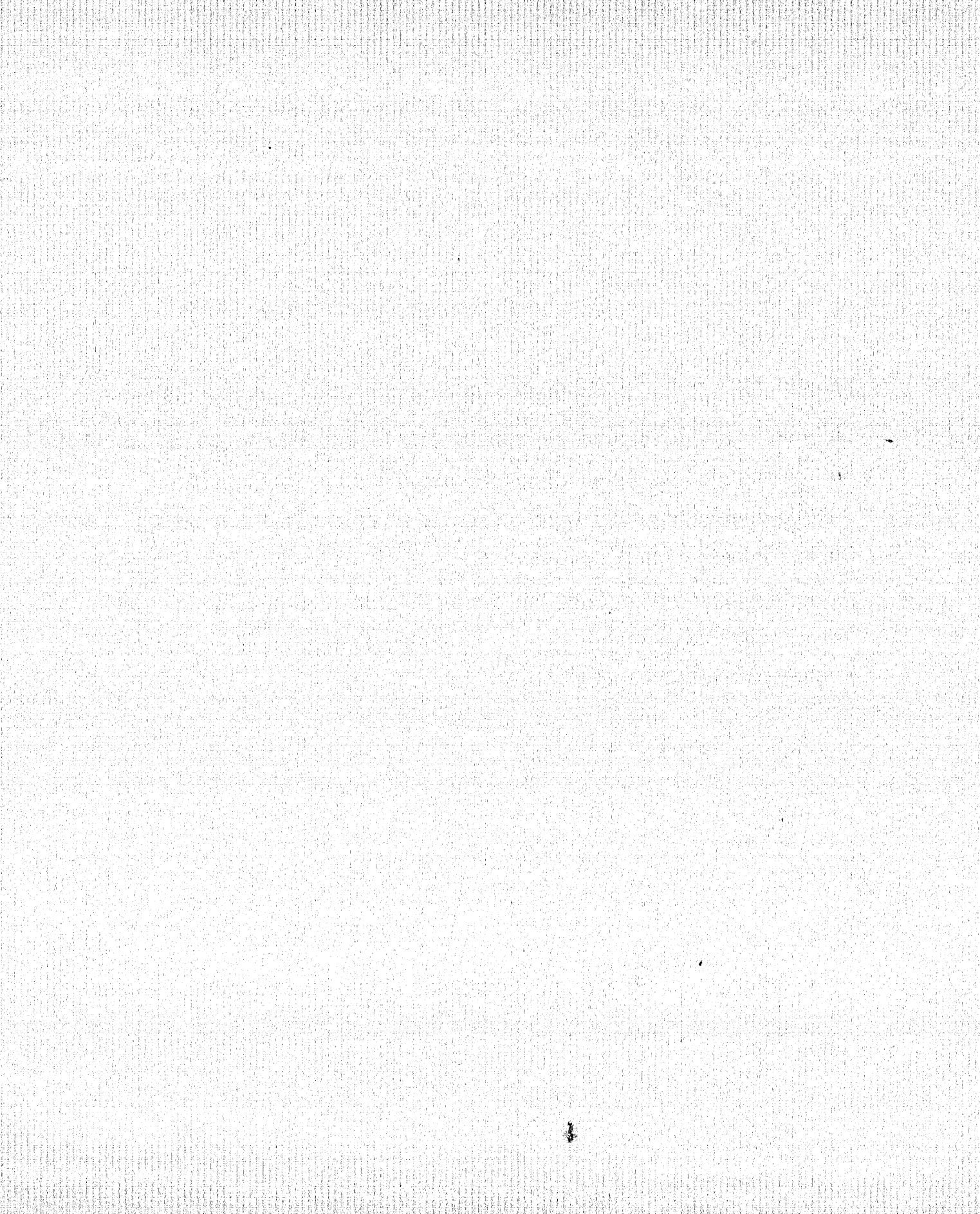
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Anno Regni VICTORIÆ Britanniarum Reginae Duodecimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton on the Twenty eighth Day of January, *Anno Domini* One thousand eight hundred and forty seven, in the Tenth 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 thence continued by several Prorogations to the Thirty first Day of January One thousand eight hundred and forty nine ; being the Third Session of the Fourteenth General Assembly convened in the said Province.



THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act in addition to and in amendment of an Act, intituled *An Act for the more effectual prevention of Fires in the City of Saint John.* 3 V. c. 1.

Passed 8th March 1849.

WHEREAS the Act defining and establishing the limits in the City of Saint John within which all Buildings to be erected or set up are required to be constructed of Stone or Brick, (with certain exceptions,) and enacting other regulations as to their construction, has proved of great and essential benefit to such parts of the said City, and it is deemed expedient to extend the said limits;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the line and limits within which no Buildings other than Stone or Brick, or Wooden Buildings of a certain height, as mentioned in the first section of an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for the more effectual prevention of Fires in the City of Saint John*, shall and are hereby made to extend to all that part of the City of Saint John on the eastern side of the Harbour which is contained within the following described bounds, that is to say: Beginning on the north side line of Union Street, where it is intersected by the prolongation of the now established line along Germain Street; thence along the said north side line of Union Street to Charlotte Street; thence on the west side line of Charlotte Street to the north side line of Duke Street; and thence on the said line of Duke Street until it strikes the line already established along Prince William Street; and thence on the said established line, according to the said recited Act, to the place of beginning.

Limits within which stone or brick buildings, &c. are to be erected, extended.

II. And be enacted, That the fifth, eighth, ninth and tenth sections of the said Act, and all and every of the provisions thereof, shall be applicable and are hereby made to extend to all buildings now or hereafter to be built, erected, raised, enlarged, removed or roofed contrary to this Act and the said several sections of the said recited Act, within the said additional and extended line and limits aforesaid, as fully and absolutely as if the said recited Act had first included the said line and limits now hereby established.

3 V. c. 1, s. 5, 8, 9 & 10, extended to buildings within the extended limits.

CAP. II.

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to purchase or lease a lot of Land for the purpose of enlarging the Country Market fronting on Charlotte Street in the said City.

Passed 8th March 1849.

WHEREAS from the increase in the extent of the City of Saint John, it has become necessary to make provision for enlarging the Market fronting on Charlotte Street in the said City; and whereas under the provisions of an Act made and passed in the ninth year of Her present Majesty, intituled

Preamble.

1 V. c. 20.

'intituled *An Act relating to the Public Debt of the City of Saint John*, the Mayor, Aldermen and Commonalty of the City of Saint John cannot legally contract and agree for the leasing or purchasing and payment of the Land necessary to enlarge such Market, unless thereunto authorized by law ;'

Corporation empowered to lease or purchase land for the enlargement of the Market fronting on Charlotte Street.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing in the said recited Act contained, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John to contract and agree for the leasing or purchasing and payment of a lot or parcel of ground for the enlargement of the said Market, fronting on Charlotte Street in the said City, and to make, execute, seal and deliver all such deeds, bonds, mortgages, leases or other assurances as may be necessary for the payment or securing the payment of the rent or purchase money of such lot of Land so to be leased or purchased for the purpose aforesaid ; provided always, that no such deeds, bonds, mortgages, assurances, leases, contracts or agreements to be made and executed by the Mayor, Aldermen and Commonalty of the City of Saint John, under the provisions of this Act, or any judgment to be obtained thereon, shall affect or in anywise be binding or operate upon any real estate of the said Mayor, Aldermen and Commonalty of the said City, other than the Land leased or purchased under and by virtue of this Act.

Land leased or purchased to be liable for debts incurred under this Act only.

II. And be it enacted, That the Land leased or purchased by the said Corporation under the provisions of this Act, and every part thereof, with the improvements and appurtenances, shall not in law or equity be liable to be levied upon or taken in execution for the debts of the Mayor, Aldermen and Commonalty of the said City of Saint John, or any other person whatever ; provided always, that nothing in this section contained shall be construed or held to exempt the said Land so to be leased or purchased, or any improvements thereon, from being levied upon or taken in execution for any debt incurred by the said Corporation for the rent or in payment of the said Land, under the provisions of this Act.

CAP. III.

An Act relating to the Trade between the British North American Possessions.

Passed 8th March 1849.

Preamble.

WHEREAS it is desirable that the Trade between the British North American Possessions of Canada, Nova Scotia, Prince Edward Island, Newfoundland and New Brunswick, should be conducted in the most free and unrestricted manner ;

Whenever articles of the growth, &c. of this Province are admitted duty free into any of the specified British North American Possessions, a Proclamation to be issued admitting similar articles from the concurring Provinces duty free.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever from time to time the importation into any other of the British North American Provinces hereinbefore mentioned of all articles the growth, production or manufacture of this Province, (excepting Spirituous Liquors,) shall by Law be admitted free from Duty, 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, shall forthwith cause a Proclamation to be inserted in the Royal Gazette, fixing an early day thereafter on which the Duty on all articles (excepting Spirituous Liquors) being the growth, production or manufacture of any such Province as aforesaid, (excepting Spirituous Liquors,) into which the importation of all articles the growth, production or manufacture of this Province, shall be so permitted free from Duty, shall cease and determine ; and from and after the day so limited and appointed, all such

such articles the growth, produce or manufacture of any such Province in such Proclamation to be named, (excepting Spirituous Liquors,) shall be admitted into this Province Duty free, upon such proof of origin and character as may from time to time be required in and by any order of the Lieutenant Governor or Administrator of the Government for the time being, in Council.

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

CAP. IV.

An Act to facilitate the sale and improvement of Crown Lands in certain cases.

Passed 8th March 1849.

WHEREAS every facility and encouragement should be afforded for the occupation and improvement of the ungranted Lands in this Province; and whereas it is deemed advisable that the Government should be invested with power to dispose of the Crown Lands in certain cases by private sale upon such terms and conditions as may be most encouraging to the purchaser; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing contained in the fifth section of an Act made and passed in the eighth year of the Reign of His late Majesty William the Fourth, intituled *An Act for the support of the Civil Government of this Province*, 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, from time to time and as often as occasion may require, and with a view to the early disposal of the vacant Crown Lands to persons who are able and willing to improve the same, to cause portions thereof to be surveyed, and laid off in such place and in such way and manner as may be deemed most advisable. Vacant Crown Lands may be surveyed in lots.

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, by and with the advice and consent aforesaid, to sell and dispose of the Lots so surveyed and laid off as aforesaid, by private sale, for such price as may be deemed advisable, and upon such terms of payment, either in money or in opening and making the Roads through such Lots, or otherwise, as may most readily facilitate the occupation and improvement thereof by orderly and industrious Settlers; provided always, that no Lot be sold at a less rate than three shillings per acre, or shall contain a greater quantity than one hundred acres. Lots not exceeding 100 acres may be disposed of by private sale at 3s. per acre for money or labour in making Roads.

III. And be it enacted, That His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, shall have full power and authority during the continuance of this Act, to make, publish and enforce such rules and regulations as may be required for carrying out the objects of this Act. Regulations to effectuate this Act may be made.

IV. And be it enacted, That this Act shall not come into operation or be in force until the first day of September next. Commencement of Act.

CAP. V.

An Act relating to Salt Mines in this Province.

Passed 8th March 1849.

WHEREAS it is supposed that an extensive and valuable deposit of Rock Salt exists within this Province, and it is deemed advisable that some inducement should be offered for the discovery of the same; Preamble.

Be

Governor authorized to remunerate party first making known the position of any deposit of Rock Salt within the Province.

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 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, to grant such remuneration as may be consistent with the public interests, to any person who shall first discover and make known to the Government the situation of any deposit of Rock Salt within this Province; provided always, that such remuneration shall be confined to a proportion of the Revenue derived from the sale and working of such Salt.

CAP. VI.

3 W. 4, c. 28.

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

Passed 8th March 1849.

Preamble.

‘ WHEREAS doubts have arisen as to the power of the Board of Health for the City and County of Saint John to make rules and orders, under the provisions of the Laws now in force in this Province to enforce the Quarantine Laws heretofore made or hereafter to be made by the General Assembly, for the City of Saint John, during any part of the year, except between the first day of May and the first day of November in each and every year;’

Provisions of 3 W. 4, c. 28, may be extended over the whole year.

Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall be lawful for the Board of Health of the City and County of Saint John, by any rules or orders for that purpose to be made, to extend any of the provisions of an Act made and passed in the third year of the Reign of His late Majesty William the Fourth, intituled *An Act to prevent the importation and spreading of Infectious Distempers in the City of Saint John*, which may be limited in their operation to any particular months, period or periods of the year, to the whole year, or to any such months in the year as to them may seem meet.

CAP. VII.

11 V. c. 12.

An Act to amend an Act, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Passed 8th March 1849.

Preamble.

‘ WHEREAS doubts have arisen whether under the provisions of an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John, the assessment thereby directed to be made, shall be levied on the inhabitants of the Parish of Portland generally, or on the inhabitants of the Portland Police District;’

Assessments for the purpose of 11 V. c. 12, to be made as in Section 45 of that Act.

I. Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That the rate or assessment of the amount required for the purposes of the said Act, shall be made as provided by the forty fifth section of the said recited Act, and not upon the inhabitants of the Portland Police District, as mentioned in the forty fourth section of the said Act.

Offenders against Act 3 V. c. 47, triable before a Justice of the Peace, may be tried before the Police Magistrate.

II. And be it enacted, That any offender within the Parish of Portland against the provisions of an Act made and passed in the third year of the Reign of Queen Victoria, intituled *An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provision in lieu thereof*, who by virtue thereof might be tried and convicted before any Justice of the Peace for the City and County of Saint John, may be proceeded against, tried and convicted before the Portland Police Magistrate in the manner provided in and by the said last recited Act; and

and that any fines and penalties imposed and levied in the mode pointed out by the said Act, shall, upon the recovery thereof, be paid over by the said Police Magistrate; and applied as provided by the thirty second section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Fines to be applied under 11, V. c. 12, s. 32.

CAP. VIII.

An Act to establish the Road leading from Roix' Farm, on the Great Road between Saint George and Saint Andrews, to the Great Road between Fredericton and Saint Stephen, as one of the Great Roads of Communication.

Passed 8th March 1849.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Roix Farm, on the Great Road from Saint George to Saint Andrews, westward to the Great Road between Fredericton and Saint Stephen, be established as one of the Great Roads of Communication of the Province.

Road from Roix' Farm to the Great Road between Fredericton and Saint Stephen, established as a Great Road.

CAP. IX.

An Act to authorize Her Majesty's Justices of the Peace in the County of Albert to designate the Gaol Limits of said County.

Passed 8th March 1849.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall be lawful for the Justices of the Peace in the County of Albert, at any General Sessions of the Peace to be holden in said County, to designate certain limits around the new Court House and Gaol lately erected in said County; provided that such limits do not exceed or extend beyond the following bounds, viz: Commencing on the Shore of Shepody Bay, on the north side, and adjoining the Cape Landing Road, so called; thence following said Road to the main Post Road; thence northerly such a course as will strike the dividing line between the Parishes of Hopewell and Hillsborough at the point where the said line crosses the main Post Road leading from Hopewell to Hillsborough; thence easterly along said line to the Petitcodiac River; thence along the Shore of said River and the Bay to the place of beginning.

Justices of Albert County in General Sessions authorized to designate the Gaol Limits within specified bounds.

II. And be it enacted, That such limits, when so established, shall be deemed as the Gaol Limits for said County of Albert in all respects and for all purposes as are provided for other Counties in and by the Act of Assembly made and passed in the sixth year of the Reign of His late Majesty; intituled *An Act relating to Insolvent Confined Debtors.*

To be the Gaol Limits for the purposes of 6W 4, c. 41.

CAP. X.

An Act in addition to an Act to regulate the ungranted Ferries in this Province.

5 W. 4, c. 38.

Passed 8th March 1849.

WHEREAS great inconvenience and imposition are occasioned to travellers in Steam Boats by unreasonable exactions for landing and embarking Passengers in certain localities in Queen's County; for remedy whereof;

Preamble.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the provisions of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the ungranted Ferries in this Province*, be and the same is hereby made and construed

Act 5 W. 4, c. 38, extended to the establishment of Ferries in Queen's County, from Public Landings to

to

Steam Boats passing the same.

to extend, so far as the same relates to Queen's County, to the establishment of Ferries from any Public Landing in the said County to Steam Boats passing the same, when the same may be deemed necessary by the Justices of the Peace for the said County in General or Special Sessions assembled, and subject to such rules and regulations as such Justices may from time to time make and ordain.

CAP. XI.

An Act to empower the Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, to dispose of Lots in the new Burial Ground in the said Parish.

Passed 8th March 1849.

Preamble.

6 WHEREAS the Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, in the County of Sunbury, have by their Petition to the General Assembly set forth that they have lately purchased from Charles H. Clowes, a lot of ground situate in the said Parish of Burton, for a Burying Ground, and divided the same into small Lots, which they are desirous of selling to such individuals as may be willing to purchase the same; which said Land is bounded as follows: Commencing northerly on the line between land granted originally to one Israel Kinney and others, and land formerly owned by Priscilla Hazen, and running south, twenty degrees east, eighty rods, to a stake and Willow tree; thence east, twenty degrees north, twenty rods, to a small Yellow Birch tree and stake; and thence north, twenty degrees west, eighty rods, to a Willow tree and stake; thence west, twenty degrees south, twenty rods, to the first mentioned bounds;

Corporation of Saint John Church, Burton, empowered to sell and convey the Burying Ground in whole or in part.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Rector, Church Wardens and Vestry of Saint John Church, in the Parish of Burton, shall be and they are hereby authorized and empowered to make sale of the said Burying Ground, or any part or parts thereof, for such price or prices, and under and subject to such conditions, covenants, agreements and regulations as by them may be deemed necessary or proper, and thereupon to make and execute good, legal and sufficient conveyances of the same, any former law to the contrary notwithstanding.

Plan to be made in triplicate, and deposited with the Vestry Clerk, Register of Deeds, and Clerk of the Peace.

II. 'And whereas the making separate conveyances of each of the said small lots into which the said Burial Ground is divided, would be attended with great trouble and expense;' Be it further enacted, That the said Rector, Church Wardens and Vestry shall make or cause to be made a plan or plot of the said Burying Ground, as divided into lots, distinguishing the lots by certain numbers marked on the said plan; which said plan shall remain in the care and keeping of the Clerk of the Vestry for the time being; and one true and exact counterpart thereof shall be deposited in the Office of the Register of Deeds of the County of Sunbury, and one other counterpart shall be deposited in the Office of the Clerk of the Peace of the said County; all or any of which said plans may at all proper times be seen and inspected by any person desirous of viewing the same; and that the names of several purchasers in severalty may be included in one deed or conveyance, mentioning the numbers of the lots so conveyed to the said purchasers respectively, and referring to the plan or plot of the said ground; which said deed so made to several purchasers, shall be good, valid and effectual, without the mention or insertion therein of the particular consideration paid for the same, such Deeds being duly registered in the Register's Office for the said County of Sunbury.

Several purchasers may be included in one deed without mentioning the consideration paid.

Lots not to be transferable without consent of the Cor-

III. Provided always, and be it further enacted, That such lots shall not be assigned or transferred by the purchasers thereof, without the assent of the said Rector,

Rector, Church Wardens and Vestry, and that they shall not be liable to be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever; and that the property in any one of such Burial Lots, or part thereof, shall not prevent any confined debtor from receiving support under the Law in force for the relief and support of confined Debtors.

poration, and to be exempt from seizure, &c.

IV. And be it further enacted, That nothing in this Act contained shall extend or be construed to affect the rights of any person or persons, body politic or corporate whatsoever, other than the said Rector, Church Wardens and Vestry.

Private rights reserved.

CAP. XII.

An Act to legalize the conveyance of Water to Turner's Grist Mill, in the Parish of Saint Patrick, in the County of Charlotte.

Passed 8th March 1849.

WHEREAS Richard Turner, of the Parish of Saint Patrick, in the County of Charlotte, has built a Grist Mill at the head of Tide-water at Bocabec Marsh, (so called); and whereas for the purpose of driving the machinery of said Grist Mill, it was necessary and convenient to convey the Water to said Mill by troughs to be laid across and under the surface of the Queen's Highway; and whereas the said Mill is of great public benefit;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Richard Turner, owner, owners or occupiers of said Mill, to erect, build, keep up and maintain such troughs as may be required to convey the Water for the purpose of driving the machinery of said Mill, across and under the surface of the said Highway; provided nevertheless, that the Supervisor or Commissioners of said Highway, or the major part of them, shall be at liberty to order and cause the removal of said troughs, for the purpose of repairing the said Highway, when and so often as the same may be found necessary in the opinion of the Supervisor or Commissioners for the time being, or the major part of said Commissioners; provided also, that nothing herein contained shall be construed to permit any impediments to the free and unobstructed use of the said Highway for all Her Majesty's subjects and others passing and repassing; and should any obstruction take place, or should any injury be caused to the said Highway by or in consequence of the construction or maintaining of the said troughs, the same shall be deemed and taken to be a common nuisance.

Water troughs for the Mill may be erected under and across the Highway.

And may be removed to repair the Highway.

May be deemed common nuisances in case of any obstruction to the use of the Highway.

CAP. XIII.

An Act to alter and amend an Act, intituled *An Act to provide for the collection of County and Parish Rates.* 7 W. 4, c. 7.

Passed 8th March 1849.

WHEREAS the present Act for the collection of County and Parish Rates, requiring demand to be made of the several persons assessed, is found to be inconvenient;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That to enable the several Collectors of Taxes in the several Parishes in this Province to proceed against the several parties assessed, agreeably to the provision of the fourth section of an Act made and passed in the seventh year of the Reign of His late Majesty, intituled *An Act to provide for the collection of County and Parish Rates*, it shall be necessary for the Collector to state that demand had been made as required by the third section of the said Act, or that a

On the statement under oath by Collector of Rates that demand had been made or notice of assessment served, the Justice may proceed as in 7 W. 4, c. 7, s. 5.

written

written or printed notice containing a statement shewing the several amounts assessed on each person, and the time at which the same was to be paid, had been left at his dwelling or last place of abode, with his wife or some adult member of his family; and upon such statement being made under oath by such Collector, it shall and may be lawful for the Justice before whom complaint shall be made, to proceed in the manner required in the said fourth section of the said Act.

CAP. XIV.

An Act to authorize the Justices of the Peace for the County of Restigouche to levy an assessment on the inhabitants of the said County to pay off the County Debt.

Passed 8th March 1849.

Preamble.

WHEREAS the funds arising from monies paid in on Tavern and Retail Licences, as well as from fines recoverable by law, are not sufficient 'to meet the contingent expenses of the said County;

Assessment of not exceeding £200 authorized to pay off the County Debt.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Restigouche, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions of the Peace for that purpose convened, at which not less than seven Justices shall be present, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding two hundred 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.

An annual assessment of not exceeding £50 authorized to pay the County contingencies.

II. And be it enacted, That from and after the first day of January which will be in year of our Lord one thousand eight hundred and fifty, the Justices of the Peace for the County of Restigouche, or the major part of them, at any General Sessions of the Peace to be holden for the said County, be and they are hereby authorized and empowered, when necessary, from any deficiency in the contingent fund of the said County, to order and direct an assessment upon the inhabitants and others of the said County, of a sufficient sum to defray the annual contingent expenses and the legal charges and demands of the officers of the said County, so always as such annual assessment shall not exceed the sum of fifty pounds in any one year; which said sum shall be assessed, levied and collected in like manner as other County Rates.

CAP. XV.

An Act to authorize Her Majesty's Justices of the Peace for the County of Charlotte, to assess the inhabitants of said County to pay off the County Debt, and to provide for the contingent expenses thereof.

Passed 8th March 1849.

Assessment of not exceeding £300 authorized to pay off the County Debt and contingent expenses.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of Charlotte, at any General Sessions to be hereafter holden, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding three hundred pounds, as they in their discretion may think necessary, for the purpose of paying off the County Debt and contingent expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for assessing, levying, collecting and paying off County Rates.

CAP. XVI.

An Act to authorize an assessment upon the Parish of Portland, in the City and County of Saint John, for lighting a part of the said Parish with Gas.

Passed 8th March 1849.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of Police for the Parish of Portland, in the City and County of Saint John, be and they are hereby authorized and empowered annually to make a rate or assessment upon the said Parish, of such sum not exceeding seventy pounds, as they in their discretion may think necessary, for defraying the expense of lighting a part of the said Parish with Gas.

Police Commissioners empowered to assess annually to light a part of the Parish with Gas.

II. And be it enacted, That three fourths of the said sum of seventy pounds, together with the expense of assessing and collecting the same, shall be rated, assessed and levied upon the inhabitants of the said Parish and upon all the personal property of such inhabitants, and upon all real estate therein, whether owned by residents or non-residents; and the remaining one fourth of the said sum by an equal rate upon the poll of all the male inhabitants of the said Parish, of the age of twenty one years and upwards, not being paupers.

Proportion on property and polls.

III. And be it enacted, That the Assessors and Collector of Taxes appointed under and by virtue of an Act, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall be the Assessors and Collector for the purposes of this Act; and all sums rated and assessed under and by virtue of this Act, shall be levied and collected in the same manner as the Parish or County Rates are or may be levied and collected by virtue of any Act or Acts of the Assembly in force within the City and County of Saint John, and under the authority of the same; and when received or recovered, shall be paid over by the said Collector to such Treasurer or Bank as may be appointed by the said Commissioners of Police to receive the same; and shall be paid, for the purposes of this Act, by an order or orders signed by at least two of the said Commissioners, or by a check or checks on the Bank which may be appointed to receive the same, which checks shall also, in all cases, be signed by at least two of the said Commissioners.

Assessors.

Collectors.

Receivers.

Disbursers.

IV. And be it enacted, That this Act shall continue and be in force for and during the continuance of the Act, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, and no longer.

Limited to duration of 11 V. c. 12.

CAP. XVII.

An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment to pay off the County Debt.

Passed 8th March 1849.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of York, at any General Sessions of the Peace hereafter to be holden therein, or at any Special Sessions to be for that purpose called, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding five hundred pounds, as they in their discretion may think necessary, for the purpose of paying off the County Debt and contingent expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any Act now or hereafter to be in force for assessing, collecting, levying and paying off the County Rates.

Assessment not exceeding £500, authorized to pay off the County Debt.

CAP. XVIII.

An Act imposing Duties for raising a Revenue.

Passed 27th March 1849.

‘**W**E, Her Majesty’s dutiful and loyal Subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the necessary Supplies to defray the expenses of 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;’

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

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, That on and after the first day of April which will be in the present year of our Lord one thousand eight hundred and forty nine, 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 Duties*, 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.

To be paid by the importer of the articles, in addition to Duties otherwise imposed.

II. And be it enacted, That the several Duties hereinbefore 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 and under the authority of 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 of 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.

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 the Duties hereby imposed on the like Goods; which Duties shall be paid at the time of taking such Goods out of the Warehouse.

Duties to be repaid, &c., on 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 use aforesaid.

Duties to be paid according to the 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.

VI.

VI. And be it enacted, That Ship Biscuit, Salted Beef, and Pork, duly warehoused at any Port or place within this Province, may be delivered out of such Warehouse to be shipped as Stores for any Ship or Vessel of the burthen of fifty tons and upwards, bound on a Voyage to any Port or place out of this Province, the probable duration of which out and home will not be less than thirty days; provided always, that such Biscuit, Beef and Pork shall be borne upon the Ship's Clearance, and that due proof, on affidavit, shall be made to the Treasurer or Deputy Treasurer, that the articles required are requisite and necessary for the Voyage upon which such Vessel is intended to proceed.

Certain Ship Stores may be delivered from the Warehouse to be shipped.

VII. 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.

Act may be amended.

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

Limitation.

Table of Colonial Duties and Exemptions from Duties.

ARTICLES SUBJECT TO DUTY.

	<i>Specific.</i>	£	s.	d.
Apples, per bushel,	0	0	6
Butter, per hundred weight,	0	9	4
Candles of all kinds, except Sperm and Wax, per pound,	0	0	1
Sperm and Wax, per pound,	0	0	4
Cattle of all kinds over one year old,	2	0	0
Cheese, per hundred weight,	0	9	4
Cider, per gallon,	0	0	3
Clocks or Clock Cases of all kinds, each,	0	15	0
Coffee, per pound,	0	0	1½
Coals, per ton,	0	1	0
Fruit, dried, per hundred weight,	0	9	4
Horses, Mares and Geldings, each,	2	0	0
Lard, per pound,	0	0	1
Leather,				
Sole, Upper Leather, Harness and Belt Leather, per pound,	0	0	2½
Sheep Skins, tanned and dressed, per dozen,	0	3	0
Calf Skins, tanned, per dozen,	0	6	0
Malt Liquors of every description, (not being aqua vitæ, otherwise charged with Duty,) whether in Bottles or otherwise, per gallon,	0	0	6
Meats, fresh, per hundred weight,	0	9	4
Salted and cured, per hundred weight,	0	4	8
Molasses and Treacle, per gallon,	0	0	2
Soap, per pound,	0	0	0½
Spirits and Cordials, viz:—				
Brandy, per gallon,	0	3	4
Rum and other Spirits and Cordials:				
For every gallon of such Rum or other Spirits or Cordials of any strength under and not exceeding the strength of proof of 26 by the Bubble,	0	1	6
And for every Bubble below 26 in number, by the Bubble, an additional, per gallon,	0	0	2
Lemon Syrup, per gallon,	0	1	0

Sugar,

ARTICLES SUBJECT TO DUTY—*Continued.*

	<i>Specific.</i>	£	s.	d.
Sugar, Refined, in Loaves, per pound,		0	0	1½
Refined Crushed, and White Bastard, per hundred weight,		0	9	4
Of all kinds except Refined Crushed, and White Bastard, per hundred weight,		0	6	0
Tea, per pound,		0	0	2
Tobacco, manufactured, except Snuff and Cigars, per pound,		0	0	1½
Wines, per gallon,		0	2	6
And on every one hundred pounds of the true and real value thereof,		10	0	0
Wheat Flour, per barrel,		0	2	0

Ad-valorem.

On the following Articles, for every one hundred pounds of the true and real value thereof, viz :—

Anchors; Ashes; Barilla; Beans and Peas; Burr Stones; Canvas; Cordage, except Manilla Rope; Chain Cables and other Chains for Ships' use; Cotton Wool and Cotton Warp; Copper in Sheets, Bars and Bolts, for Ship Building; Dye Wood; Felt; Hemp, Flax and Tow; Hides, green and salted; Iron in Bolts, Bars, Plates, Sheets, and Pig Iron; Nets and Seines; Oakum; Ores of all kinds; Pitch; Sails and Rigging for new Ships; Sheathing Paper; Silk Plush for Hatters' pur- poses; Tallow; Tar; Tobacco, unmanufactured; Wool; Zinc;	}	1 0 0
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On the following Articles, for every one hundred pounds of the true and real value thereof, viz :—

Axes; Bread and Biscuit; Bricks; Iron Castings; Manilla Rope; Ready Made Clothing;	}	10 0 0
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On the following Articles, for every one hundred pounds of the true and real value thereof, viz :—

Boots, Shoes, and other Leather Manufactures; Carriages, Wagons, Sleighs, and other Vehicles; Chairs and prepared parts of or for Chairs; Clock Wheels, Machinery and Materials for Clocks; Household Furniture, (except Baggage, Apparel, Household Effects, Working Tools and Implements used and in use of persons or families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale); Looking Glasses; Oranges and Lemons; Whale Oil, (except the return Cargoes of Vessels fitted out for Fishing Voyages from Ports in this Province); Wooden Wares of all kinds; Matches; Corn Brooms and Brushes; Hats and Hat Bodies; Piano Fortes; Snuff and Cigars;	}	20 0 0
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And all other Goods, Wares and Merchandise, not otherwise charged with Duty, and not hereafter declared to be free of Duty, for every one hundred pounds of the true and real value thereof,	}	7 10 0
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ARTICLES

ARTICLES EXEMPTED FROM DUTY.

Baggage, Apparel, Household Effects, Working Tools and Implements used and in use of persons or families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale; Books, Printed; Carriages of Travellers, not intended for sale; Coins and Bullion; Corn Broom Brush; Corn, Wheat, Rye, Indian Corn, Barley, Oats, Rice ground and unground, and Buckwheat; Barley Meal, Rye Flour and Meal, Oatmeal, Indian Meal, Buckwheat Meal; Eggs; Lines and Twines for the Fisheries; Manures of all kinds; Oil, Blubber, Fins and Skins, the produce of Creatures living in the Sea, the return of Vessels fitted out in this Province for Fishing Voyages; Oil—Seal, Cod, Hake, Porpoise, Palm, and Rape; Plants, Shrubs and Trees; Printing Paper, Types, Printing Presses, and Printers' Ink; Rags, old Rope and Junk; Rock Salt; Sails and Rigging saved from Vessels wrecked; Salt; Soap Grease; Wood and Lumber of all kinds, (except Cedar, Spruce, Pine and Hemlock Shingles.)

CAP. XIX.

An Act to authorize the commutation of Debts due the Crown by Settlers in certain cases for work on the Public Roads.

Passed 27th March 1849.

6 WHEREAS for the better encouragement of Settlers on New Lands who have not paid the amount of their purchase money, it is deemed advisable to provide for the commutation thereof in certain cases by work to be performed on the Public Roads;

Preamble.

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 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, in all cases where purchasers of Crown Lands who have improved and are actually resident upon their respective Lots, but have not yet paid the whole of the purchase money therefor, and where the principal money due in any case does not exceed the sum of twelve pounds, to order and direct that the purchasers respectively shall have permission to do and perform work and labour upon the Public Roads in the vicinity of and as near as may be to their respective Lots, in payment of the balances remaining due on the said purchases.

Labour on Roads to be accepted for Crown Land Debts not exceeding £12.

II. And be it enacted, That in order that the said work may be efficiently performed, 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, forthwith to appoint in and for each County, or in and for any particular District, Parish, or Settlement, one or more fit and proper person or persons as Commissioner or Commissioners to superintend and direct the performance and application of such labour.

Superintending Commissioners to be appointed.

III. And be it enacted, That each and every person who may be indebted to the Crown in a sum not exceeding as aforesaid twelve pounds, for and on account of the purchase of Land, who is an actual and *bona fide* Settler on the Lot for which he is so indebted, and who is desirous of availing himself of the benefits and advantages of this Act, shall signify the same on or before the fifteenth day of June next, to such Commissioner as may be appointed for the Parish, District or Settlement where such Settler may reside, and shall at the same time deposit with such Commissioner the sum of one shilling on each and every pound of the debt due from such Settler, and for which he is desirous of performing work.

Debtors to notify the Commissioners of their intention to work, &c.

IV.

Commissioners to record applications and make inquiries.

IV. And be it enacted, That each and every Commissioner shall keep a Record of the names of all persons who shall so report themselves as aforesaid, and shall in all cases satisfy himself that every such person is entitled to the privileges and advantages of this Act, before allowing him to avail himself thereof.

Debtors to work agreeably to directions.

V. And be it enacted, That each and every Settler so recorded, shall do and perform such part and portion of work according to such specifications, and at such place and within such time as the Commissioner may direct and appoint, and as near as may be to the residence of such Settlers; provided that no part of such work be performed after the first day of October.

Minimum width of Roads and maximum remuneration

VI. And be it enacted, That in the cases aforesaid no Road shall be made of less width than sixteen feet between the ditches, and that a sum not exceeding five shillings per rod, in the discretion of the Commissioner, be allowed on account of any such work; provided always, that in any case when it may be necessary to construct a Bridge, the Commissioner shall specify in what manner the same shall be built, and shall estimate as near as may be the value thereof, in reference to the rate before mentioned, and which, when done, he shall allow to the parties building the same as and for so many rods of Road.

Commissioners to make up a return with certain specifications.

VII. And be it enacted, That as soon as may be after the first day of October, every Commissioner shall make up a Return of his proceedings under this Act, specifying therein the name of each Settler who may have worked, the number of rods he has made, and the rate allowed for the same, and the number of Bridges built, which said Return shall be certified and signed by such Commissioner; and the respective sums therein allowed shall be deemed and taken as so much paid for and on account of the said debts due by the Settlers respectively, and shall be credited as such; and in every case where the amount of such work is equal to the principal money due from the Settler, his Grant shall forthwith issue without any further charge or payment therefor.

[Grant of Land.]

VIII. And be it enacted, That if any Settlers shall neglect or refuse to avail themselves of the privileges and advantages offered by this Act, the Commissioner for the place or District where they may reside shall, as soon as may be after the first day of October, make a Return of the names of such persons to the Provincial Secretary.

Act not to authorize Roads of illegal width.

IX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the laying off any Roads within the Province of a width not authorized by law.

Limitation.

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

CAP. XX.

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

Passed 27th March 1849.

Preamble.

2 V. c. 41.

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 fifty, and it is considered advisable 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 which will be in the year of our Lord one thousand eight hundred and fifty; 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 continuation of this Act; provided always, that no greater rate of interest than five and one half per centum be hereafter paid on the said agreement.

Act 2 V. c. 44,
continued.

Rate of interest.

CAP. XXI.

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

Passed 27th March 1849.

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 William the Fourth, intituled *An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 4 W. 4, c. 43,
continued.

CAP. XXII.

An Act to alter and amend an Act, intituled *An Act relating to the Clerk of the Pleas*.

6 V. c. 26.

Passed 27th March 1849.

WHEREAS in and by an Act, intituled *An Act relating to the Clerk of the Pleas*, it is among other things enacted, that from and after the passing of the said Act, the Clerk of the Pleas shall, in lieu of all Fees whatever, be allowed the sum of five hundred pounds currency per annum, payable quarterly, and that the said sum of five hundred pounds shall be deemed a full compensation for the performance of all duties of the office of the said Clerk of the Pleas, and of any Deputy or Deputies, Under Clerk or Under Clerks, which he may from time to time appoint to assist him, or to act in his stead, and for contingencies of office: And whereas it is considered expedient and proper to reduce the said sum of five hundred pounds;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the demise or retirement from office of the present incumbent of the said office of Clerk of the Pleas, the Salary attached to the same, and payable out of the Treasury of the Province to his successor, in full remuneration and payment for the performance of all the duties of the said office, and of any Deputy or Deputies, Under Clerk or Under Clerks, and for the contingencies of the said office, shall be the sum of two hundred and fifty pounds and no more, payable in like manner as is directed by the said Act to which this Act is an amendment.

Annual Salary of
the successor of the
present incumbent
to be £250.

CAP. XXIII.

An Act to repeal an Act, intituled *An Act further to facilitate the means of supplying the City of Saint John with Water, and for the more effectual prevention and extinguishment of Fires within the said City*.

9 V. c. 64.

Passed 27th March 1849.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act further to facilitate the means*

Act 9 V. c. 64,
repealed.

of

Remedies and rights reserved.

of supplying the City of Saint John with Water, and for the more effectual prevention and extinguishment of Fires within the said City, be and the same is hereby repealed; provided always, that the repealing of the said Act shall not affect or be construed to affect, limit, abridge, or in any manner destroy the remedy or rights of any person or persons, or Body Corporate, against the said Company, in any way arising under or growing out of said Act, or for or by reason of any matter or thing done, or required to be done, or omitted to be done, under the said Act, but that the rights of every nature and description of all and every person or persons against the said Company shall be and remain as if the said Act had not been repealed.

CAP. XXIV.

An Act to authorize the Trustees of Saint Luke's Church in Bathurst to dispose of certain Lands. *Passed 27th March 1849.*

Preamble. Description of Title and Land.

WHEREAS a certain lot of Land and Premises, situate in the Parish of Bathurst, in the County of Gloucester, was purchased by the Trustees of Saint Luke's Church, Bathurst, in connexion with the Church of Scotland, from one Bartholomew Ahern, by Deed bearing date the thirteenth day of June, in the year of our Lord one thousand eight hundred and forty five, as a Manse and Glebe, for the use, benefit and behoof of Saint Luke's Church aforesaid, described as follows, that is to say: All that certain piece of Land and Premises situated in the Parish of Bathurst, County of Gloucester, being that part of the southern half of Lot Number Twenty eight that lies between the Tettagouche River and the Road leading from the Town of Bathurst to Somerset Vale, containing twelve acres, more or less, together with the Houses and all other improvements;

Trustees may sell and convey described premises.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Trustees be and they are hereby authorized and empowered to make sale and dispose of the said Lot of Land and Premises, with the appurtenances, to the highest bidder at public auction, thirty days notice of the time and place of such sale being given in three or more public places, in writing, by posting up the same within the said Parish, and thereupon to make and execute a good, legal and sufficient conveyance of the same in fee simple, any former law to the contrary notwithstanding.

Application of proceeds.

II. And be it enacted, That the money arising from the sale and disposal of the said Premises shall be paid and applied by the said Trustees towards the purchase of other Lands, for the use of the said Church.

Private rights reserved.

III. And be it enacted, That nothing herein contained shall extend or be construed to extend to affect private rights.

CAP. XXV.

An Act relating to Buoys and Beacons in the Harbour of Buctouche, in the County of Kent. *Passed 27th March 1849.*

Preamble.

WHEREAS the sum of one half penny per ton is insufficient to keep in repair the Buoys and Beacons of the Buctouche Harbour, in the County of Kent;

Duty increased to one penny per ton.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Duty be and the same is hereby increased to one penny per ton upon all Vessels entering the Harbour of Buctouche, to be collected and levied agreeably to the direction of the Act of the General Assembly, intituled *An Act to repeal an Act, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland," and to make more effectual provision*

10 & 11 G. 4, c. 16.

provision for the security of the Harbours in the Counties of Northumberland, Kent and Gloucester.

II. And be it enacted, That this Act shall continue and be in force so long as the said recited Act, and no longer. Limitation.

CAP. XXVI.

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, so far as the same relate to the County of Kent.

Passed 27th March 1849.

WHEREAS in and by the second section of an Act made and passed in the sixtieth year of the Reign of His Majesty George the Third, intituled *An Act to provide for Sick and Disabled Seamen, not being Paupers, belonging to the Province*, it is provided that the Duty imposed by the said Act shall be paid to the Overseers of the Poor for the place where the same is collected: And whereas it is expedient to make further and more effectual regulations for providing for such Seamen in the Ports or Harbours of Richibucto and Buctouche, in the County of Kent ;

Preamble.
60 G. 3, c. 15.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, that the said second section of the said Act, so far as the same relates or may be construed to relate to the said Ports or Harbours of Richibucto and Buctouche, be and the same is hereby repealed.

60 G. 3, c. 15, s. 2,
repealed as to
Richibucto and
Buctouche.

II. 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 and consent of the Executive Council, to appoint three or more persons to be Commissioners, and to displace, re-appoint, or supply the place or places of all or any of the said Commissioners, as from time to time may be necessary or expedient; and that the Duty imposed by the above mentioned Act, and collected at the said Ports or Harbours of Richibucto and Buctouche respectively, or so much thereof as shall be necessary, shall be paid over by the Treasurer or Deputy Treasurer of the said Ports respectively to such Commissioners so to be appointed respectively, by Warrant of the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to be by them applied for the necessary care, cure, support and maintenance of Sick and Disabled Seamen at their respective Ports, in such manner as they may deem advisable; and that such Commissioners shall have the same rights, power and authority at the said respective Ports of Richibucto and Buctouche, and subject to such rules and regulations as are in and by any of the Acts now in force for relief of Sick and Disabled Seamen, granted to or imposed on the Overseers of the Poor, as hereby expressly altered.

Commissioners
to be appointed.

Duty collected to
be paid to them by
Warrant.

Powers of Commis-
sioners.

III. And be it enacted, That the Waters, Creeks and places lying between the boundary line dividing the Counties of Northumberland and Kent, coastwise, and Chockpish River, shall be taken and considered the Port of Richibucto; and that the Waters, Creeks and places lying between Chockpish River and Cocagne River, shall be taken and considered as constituting the Port of Buctouche, so far as regards the purposes of this Act, and no farther.

Ports of Richibucto,
and Buctouche
defined.

CAP. XXVII.

An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan.

Passed 27th March 1849.

Preamble.

WHEREAS from the scattered state of the Population of the Parishes of Campo Bello and Grand Manan, the present Highway Act cannot properly be carried into effect;

A money rate substituted for Statute Labour.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, that all persons liable to perform Statute Labour on the Roads and Bridges in the Parishes of Campo Bello and Grand Manan, in the County of Charlotte, shall in future pay the sum of one shilling and three pence for each and every days work such persons are respectively liable to perform.

To be assessed as County Rates, and paid to Commissioners of Highways.

II. And be it enacted, That the monies required to be paid by virtue of this Act shall be assessed, levied and collected in the same manner as any Parish or County Rates are assessed, levied and collected, by virtue of any law now in force or hereafter to be in force for that purpose in the Province; and such monies, when collected, shall be paid over to the Commissioners of Highways for the respective Parishes, to be expended for the Districts in which they are collected.

Appointment of and expenditures by Commissioners.

III. And be it enacted, That there shall be annually appointed at the April Sessions of the Peace three Commissioners for each Parish for that purpose, in the same manner and by the same authority as Commissioners of Highways are now appointed; which said monies shall be by them expended by public contract, or by sale at auction, on the Roads and Bridges within the said Parishes.

Limitation.

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

CAP. XXVIII.

An Act to provide for the management of the Provincial Lunatic Asylum.

Passed 27th March 1849.

Preamble.

10 V. c. 55.

WHEREAS under the provisions of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a Building for a Provincial Lunatic Asylum*, Commissioners appointed under the said Act have proceeded to the erection of a Provincial Lunatic Asylum upon a certain piece or parcel of Land, being the site mentioned in the said Act, and purchased by the said Commissioners from the Mayor, Aldermen and Commonalty of the City of Saint John, and the Trustees of the said Corporation appointed by a Deed executed by the said Corporation, and bearing date the twenty first day of September in the year one thousand eight hundred and forty two; which said piece or parcel of Land is bounded and described as follows, that is to say: All that certain tract or parcel of Land and premises situate in the Parish of Lancaster, in the City and County of Saint John, consisting of the lots numbered and distinguished in the plan of lots laid out by the said Mayor, Aldermen and Commonalty of the said City, on file in the Office of the Common Clerk of the City, by the Numbers (1 and 2,) One and Two, being butted and bounded as follows, to wit: Beginning at the northwest corner of Land laid out on the River Saint John, included in the Ten Acre Grant (so called); thence following the westerly line of the said Lands south fifty one degrees west, to the old Manawagonish Road; thence running the course of the said old Manawagonish Road to the easterly line of a Road reserved leading to lot Number (3,) Three; thence following the said easterly line of the said reserved Road,

Boundaries of the premises.

' Road, north thirty six degrees west, about twenty two chains, to the rear line of
' the said lot Number (3,) Three ; thence on the rear line of the said lot Number
' (3,) Three, south forty eight degrees east, to the River Saint John ; thence fol-
' lowing the course of the said River Saint John down Stream to the place of
' beginning, containing forty acres more or less : And whereas it is necessary to
' make provision by Law for the management of the said Provincial Lunatic
' Asylum, and for vesting the said tract of Land and Building in the Queen's
' Majesty, Her Heirs and Successors ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon the payment by the Lieutenant Governor or Administrator of the Government for the time being, of the sum of two thousand pounds to the said Mayor, Aldermen and Commonalty of the City of Saint John, and the said Trustees, as provided in and by the third section of the said recited Act, and on the registering in the Office of Register of Deeds for the City and County of Saint John, of a Certificate under the Seal of the said Corporation, and the hand of the Chairman of the said Trustees, (such Certificate being duly proved,) that the said sum of money has been paid as aforesaid, the said lot, piece or parcel of Land hereinbefore described, and all Buildings now erected or hereafter to be erected thereon, shall be deemed and taken to be vested in the Queen's Majesty, Her Heirs and Successors, forever, without any further act or any deed or conveyance whatsoever, for the purposes of this Act, and that the same, and the said Buildings and erections thereon, shall be known and distinguished by the name of *The Provincial Lunatic Asylum*.

Premises to be vested in the Queen's Majesty on registration of certificate of payment, &c.

II. And be it enacted, That the control, management and superintendence of the said Provincial Lunatic Asylum, shall be vested in a Board of not less than five nor more than nine Commissioners, to be appointed by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, which said Commissioners shall be sworn to the faithful discharge of their duty before any Justice of the Peace, and that the said Board of Commissioners shall meet from time to time at such place in the City and County of Saint John as may be by them appointed ; and then and there, by a majority of votes of those then present, decide all questions and manage all business then and there brought before them, touching the said Asylum and the affairs thereof ; and that three of the said Board shall form a quorum for business, and that the person first named in the Commission shall be Chairman of the Board, and in case of his absence at any meeting the senior Commissioner present shall be Chairman ; and that the said Chairman, or in case of his sickness or absence, any two of the said Commissioners, shall have power to summon a meeting of the said Commissioners for the transacting of business, by causing a notice to be left at the usual place of abode of each of the said Commissioners of the time and place of such meeting.

Management of Asylum vested in Commissioners to be appointed by the Governor in Council.

III. And be it enacted, That it shall and may be lawful for the said Board of Commissioners to make bye laws, rules and regulations, for the internal government, discipline and management of the said Establishment, for fixing the conditions of admission and discharge of patients, and for conducting in a proper manner the affairs and business of the institution, and from time to time to repeal, alter and amend the same ; a copy of all which bye laws, rules and regulations, shall be transmitted by the said Board of Commissioners to the Lieutenant Governor or Administrator of the Government for the time being ; and it shall and may be lawful for the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of

Bye laws may be made by the Commissioners, subject to approval.

the Executive Council, to confirm, disallow, amend or annul the same, or any part or parts thereof.

To be laid before the Legislature.

IV. And be it enacted, That copies of all such bye laws, rules and regulations, shall be annually laid before both Branches of the Legislature.

Appointment of Officers;

V. And be it enacted, That the said Commissioners shall have full power and authority at any and at all times to nominate and appoint all requisite officers, servants and keepers in and about the said Lunatic Asylum, and them and every of them to remove, and also shall and may provide and furnish all such provisions, materials and things as may be judged necessary for the support and maintenance of the inmates of the said Lunatic Asylum, and also shall have full power and authority to enforce and carry into effect the rules, orders and regulations which may from time to time be made as hereinbefore mentioned for the government and management of the said Establishment; provided always, that at any meeting of the said Commissioners at which any officer, keeper or servant may be appointed or removed, there shall not be less than five Commissioners present; and the said Commissioners shall keep in a bound Book, to be provided for that purpose, a fair and full record of all their proceedings, which shall be open at all times to the inspection of the Lieutenant Governor or Administrator of the Government for the time being, and the Executive Council, and such person as may be appointed by either House of the Legislature to examine the same.

Furnishing provisions;

Enforcement of regulations.

[Five Commissioners to be present at appointments, &c.]

Record of proceedings.

Commissioners to receive no compensation.

VI. And be it enacted, That neither of the said Commissioners shall receive any compensation or allowance directly or indirectly for his services as such, nor shall either of them be capable of holding any office, place or employment in, about, connected with, or arising from the said Provincial Lunatic Asylum, for or by means of which any salary, fee, emolument, compensation or perquisite can be derived, nor shall any Commissioner be engaged or interested in any way whatever, either as security or otherwise in any contract for or on account of the Provincial Lunatic Asylum.

A monthly, semi-annual, and annual visitation to be made and reported.

VII. And be it enacted, That there shall be a monthly visitation of the said Asylum by one or more of the said Commissioners, and a semi-annual visitation by a majority of the said Board, and annually by the whole Board; and a Report of each such visitation be made in writing, and be transmitted by the Secretary of the said Board to the Lieutenant Governor or Administrator of the Government for the time being, in Council, for their information.

Statement of condition of Asylum, and Accounts to be annually rendered.

VIII. And be it enacted, That the said Board of Commissioners shall annually before the first day of January in each and every year, cause a full, complete and perfect statement of the state and condition of the said Provincial Lunatic Asylum, and also a just and detailed account of all receipts and expenditures for and on account of the said Provincial Lunatic Asylum, to be transmitted in triplicate to the Lieutenant Governor or Administrator of the Government for the time being, for his information and for the information of the Legislature; which statement and accounts shall be certified by the said Commissioners that the same are correct and true according to the best of their knowledge and belief.

Exemption of Officers from Militia and Jury services.

IX. And be it enacted, That the Medical Officer, Keeper, Under Keeper and Servants employed in the said Lunatic Asylum, shall be exempt from Militia Duty and from serving on Juries.

CAP. XXIX.

An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province, so far as relates to the definition of certain indictable offences, and the punishment thereof.

Passed 27th March 1849.

‘ **W**HEREAS it is expedient that the several Acts of the Legislature now in force in this Province relating to Felonies and Misdemeanors, should be amended, arranged and consolidated in one Act, defining the said offences, and specifying the punishment due to the same, to the end that the Laws against crime may be the better understood, the more fully obeyed, and the more completely enforced ;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth and seventh sections of an Act made and passed in the twenty sixth year of the Reign of His late Majesty George the Third, intituled *An Act to prevent Gaming* ; also, an Act passed in the same year of the same Reign, intituled *An Act against tumults and disorders, upon pretence of preparing or presenting public Petitions or other Addresses to the Governor or General Assembly* ; also, the eighth section of another Act made and passed in the thirty first year of the same Reign, intituled *An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication* ; also, another Act made and passed in the thirty fourth year of the same Reign, intituled *An Act for apprehending persons in any County or place upon Warrants granted by Justices of the Peace of any other County* ; also, another Act made and passed in the forty first year of the same Reign, intituled *An Act for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their Warrants* ; also, another Act made and passed in the forty seventh year of the same Reign, intituled *An Act to prevent divers misdemeanors in idle and disorderly persons* ; also, another Act made and passed in the ninth and tenth years of the Reign of His late Majesty George the Fourth, intituled *An Act for the more speedy and effectual punishment of persons keeping disorderly Houses* ; also, the second section of another Act made and passed in the same year of the same last mentioned Reign, intituled *An Act for amending the Laws of Evidence in certain cases* ; also, another Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences* ; also, another Act made and passed in the tenth and eleventh years of the same last mentioned Reign, intituled *An Act to provide for the conveyance of Criminals from County to County within the Province* ; also, another Act made and passed in the said last mentioned year, intituled *An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle* ; also, another Act made and passed in the said last mentioned year, intituled *An Act in addition to and explanatory of an Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences* ; also, another Act made and passed in the first year of the Reign of His late Majesty William the Fourth, intituled *An Act for improving the administration of Justice in Criminal cases* ; also, another Act made and passed in the same year of the same last mentioned Reign, intituled *An Act for consolidating and amending the Laws relative to Larceny, and other offences connected therewith* ; also, another Act made and passed in the same last mentioned year, intituled *An Act for amending the Laws relative to malicious injuries to property* ; also, another Act made and passed in the same last mentioned

Repealing clause.

26 G 3, c 26, s 6, 7.

26 G 3, c 58.

31 G 3, c 5, s 8.

34 G 3, c 2.

41 G 3, c 2.

47 G 3, c 7.

9 & 10 G 4, c 8.

9 & 10 G 4, c 9, s 2.

9 & 10 G 4, c 21.

10 & 11 G 4, c 19.

10 & 11 G 4, c 22.

10 & 11 G 4, c 32.

1 W 4, c 14.

1 W 4, c 15.

1 W 4, c 16.

tioned

- tioned year, intituled *An Act further to amend the Laws relative to offences against the person*; also, another Act made and passed in the same last mentioned year, intituled *An Act to provide for setting and keeping to hard labour persons adjudged to that punishment*; also, another Act made and passed in the same last mentioned year, intituled *An Act for further improving the administration of Justice in Criminal cases*; also, another Act made and passed in the same last mentioned year, intituled *An Act to repeal the Act now in force against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of immorality, and to make other provisions in lieu thereof*; also, another Act made and passed in the third year of the said last mentioned Reign, intituled *An Act to explain an Act, intituled 'An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle*; also, another Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to provide for the punishment of cruelty to animals*; also, another Act made and passed in the same last mentioned year, intituled *An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables*; also, another Act made and passed in the said last mentioned year, intituled *An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters*; also, another Act made and passed in the said last mentioned year, intituled *An Act more effectually to punish the crime of Forgery*; also, another Act made and passed in the said last mentioned year, intituled *An Act for further improving the administration of Justice in Criminal cases*; also, another Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act for prohibiting and suppressing of Lotteries in this Province*; also, another Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to define the crime of Forgery*; also, another Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in addition to the Act for defining the crime of Forgery*; also, another Act made and passed in the third year of Her present Majesty's Reign, intituled *An Act for enabling persons indicted of Felony to make their defence by Counsel*; also, another Act made and passed in the said last mentioned year, intituled *An Act in addition to the Acts for the amendment of the Criminal Law*; also, the thirteenth and fourteenth sections of another Act made and passed in the said last mentioned year, intituled *An Act relating to wrecked property*; also, another Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to amend the Law relating to the punishment of offences*; also, another Act made and passed in the said last mentioned year, intituled *An Act to amend the Law relating to Burglary*; also, another Act made and passed in the said last mentioned year, intituled *An Act further to amend the Law relating to offences against the person*; also, another Act made and passed in the said last mentioned year, intituled *An Act to amend the Law relating to Robbery*; also, another Act made and passed in the said last mentioned year, intituled *An Act to amend the Laws relating to burning or destroying Buildings and Ships*; also, another Act made and passed in the sixth year of Her present Majesty's Reign, intituled *An Act in further amendment of the Criminal Law*; also, another Act made and passed in the said last mentioned year, intituled *An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act further to amend the Law relating to offences against the person,"* also, another Act made and passed in the said last mentioned year, intituled *An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Burglary,"* also, another Act made and passed in the said last mentioned
- 1 W 4, c 17.
1 W 4, c 18.
1 W 4, c 29.
1 W 4, c 38.
3 W 4, c 33.
4 W 4, c 13.
4 W 4, c 17.
4 W 4, c 18.
4 W 4, c 23.
4 W 4, c 29.
5 W 4, c 12.
5 W 4, c 35.
1 V c 10.
3 V c 40.
3 V c 64.
3 V c 68, s 13, 14.
5 V c 31.
5 V c 32.
5 V c 33.
5 V c 34.
5 V c 35.
6 V c 28.
6 V c 29.
6 V c 30.

mentioned year, intituled *An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Robbery;"* also, another Act made and passed in the said last mentioned year, intituled *An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws relating to burning or destroying Ships;"* also, another Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act to facilitate the carrying into effect conditional pardons granted by the Crown;* also, another Act made and passed in the said last mentioned year, intituled *An Act relating to the crime of Manslaughter;* also, another Act made and passed in the tenth year of Her present Majesty's Reign, intituled *An Act for the safe custody of insane persons charged with offences, and for the confinement of insane prisoners;* also, another Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled "An Act for improving the administration of Justice in Criminal cases;"* be and the same are hereby repealed, except so far as the said Acts, or any of them, may repeal the whole or any part of any other Act not hereby repealed.

II. And be it enacted, That the Schedule to this Act annexed, shall be deemed and taken to be parcel of this Act, and that the Analysis, and all the Chapters of such Schedule, and all the Sections of such Chapters, and all the Articles of such Sections, and the Headings, Summaries of Contents, and Numbers thereof respectively, shall all be deemed and taken to be enacted by this present Act, as if such Analysis, and every of such Chapters, Sections, Articles, Headings and Numbers, had been expressly and in terms herein recited with the usual words and in the usual forms of enactment or declaration or provisoe as the case may be; and that from the time of this Act taking effect, every one guilty of any offence described in or defined by the said Schedule, shall be liable to such punishment as is therein appointed in respect of such offence.

The Schedule to this Act annexed to be deemed part thereof.

III. Provided always, and be it enacted, That as regards any offence perpetrated before the first day of April in the present year of our Lord one thousand eight hundred and forty nine, and also as regards any offence in part perpetrated by any act done before that day, and which offence shall be completed or consummated on or after that day, the offender shall be punishable as if this Act had not been passed, and this Act shall only commence and take effect from the said first day of April next.

Offences committed before 1st April, 1849, punished as if this Act had not been passed.

IV. Provided also, That nothing in this Act contained shall extend or be construed to extend to affect or annul any conviction, judgment, sentence or commutation of punishment heretofore or which before the first day of April next, may be had, made, passed or allowed, under and by virtue of any Act or Acts hereby repealed, but that all such convictions, judgments, sentences and commutations of punishment, shall be as valid and effectual as if the Acts hereby repealed, continued and remained in full force and effect.

Nothing in this Act to affect or annul former convictions, &c.

V. And be it enacted, That this Act may be repealed, altered or varied at any time during the present Session.

Act may be amended.

ANALYSIS OF THE FOLLOWING SCHEDULE.

Analysis of
Schedule.CHAPTER I.—*Offences against the Government.*

Section 1.—Illegal Petitioning.

2.—Offences relating to the Army.

CHAPTER II.—*Offences against Religion.*

Section 1.—Disturbing Religious Assemblies.

2.—Profaning the Lord's Day.

CHAPTER III.—*Offences against Public Morals and Decency.*CHAPTER IV.—*Offences against the Law of Marriage.*CHAPTER V.—*Offences against the Public Peace.*CHAPTER VI.—*Offences against the administration of Justice.*CHAPTER VII.—*Homicide, and other offences against the Person.*CHAPTER VIII.—*Offences against the Habitation.*

Section 1.—Burglary and Breaking.

2.—Arson.

CHAPTER IX.—*Fraudulent Appropriations.*

Section 1.—Robbery and Theft, and other offences connected therewith.

2.—Obtaining by false pretences.

3.—Embezzlement.

4.—Receiving stolen or other Goods.

CHAPTER X.—*Forgery and offences relating to the Coin.*CHAPTER XI.—*Malicious Injuries to Property.*CHAPTER XII.—*Definitions of Terms, and Explanations.*

SCHEDULE TO WHICH THIS ACT REFERS.

CHAPTER I.

CAP. I.

OFFENCES AGAINST THE GOVERNMENT.

SUMMARY OF CONTENTS.

SECTION 1.—*Illegal Petitioning.*SECTION 2.—*Offences relating to the Army.*

SECTION 1.

Illegal Petitioning.

ART. 1.

Whosoever shall solicit, labour or procure the getting of hands, or other consent of any persons, above the number of twenty, or more, to any petition, complaint, remonstrance, declaration, or other address to the Legislative Assembly, or either Branch of it, for alteration of matters established by Law, unless the matter thereof have been first consented unto and ordered by three or more of the Justices of the County, or by the majority of the Grand Jury of the County where the same matter shall arise, at their public Assizes or General Quarter Sessions: And whosoever shall repair to the Legislature, or either Branch of it, upon pretence of presenting or delivering any petition, complaint, remonstrance, or declaration, or other addresses, accompanied with excessive number of people, or at any other time, with more than the number of ten persons, shall be guilty of a Misdemeanor, and upon conviction thereof, within six months after the offence committed, and by the oaths of two or more credible witnesses, forfeit and pay a fine not exceeding one hundred pounds, and be imprisoned for the term of three months.

ART. 2.

Provided that nothing in the preceding Article contained shall be construed to extend to debar or hinder any person or persons, not exceeding the number of twenty, to present any public or private grievance or complaint to any Member or Members of the Legislative Council or Assembly during the sitting of the General Assembly, or to the Lieutenant Governor or the Administrator of the Government for the time being, for any remedy to be thereupon had; nor to extend to any address whatsoever to the Lieutenant Governor or Administrator of the Government for the time being, by all or any of the Members of the Legislative Council and Assembly, or either of them, during the sitting of the General Assembly, but that they may enjoy their freedom of access to His Excellency as heretofore has been used.

SECTION 2.

Offences relating to the Army.

ART. 1.

Whosoever shall directly or indirectly procure, persuade or solicit any Soldier to desert Her Majesty's Service, or shall assist any Deserter from Her Majesty's Service, knowing him to be such, in deserting or in concealing himself from such service, shall be guilty of a Misdemeanor, and shall, on conviction, be liable to pay a fine of twenty pounds, or in default of payment, be imprisoned for a term not exceeding six months.

Persuading Soldiers
to desert or conceal-
ing Deserters.

ART. 2.

Buying from Soldiers or Deserters any Arms, &c.

Whosoever shall buy, exchange, or detain, or otherwise receive from any Soldier or Deserter, upon any account whatever, any arms, clothing, caps, or other furniture belonging to Her Majesty, or any such articles belonging to any Soldier or Deserter as are generally deemed regimental necessaries according to the custom of the Army, or shall exchange, buy or receive from any Soldier any provisions, unless by consent of the Officer Commanding the Regiment or Detachment to which such Soldier shall belong, shall be guilty of a Misdemeanor, and on conviction, shall pay a fine of five pounds, or be imprisoned for a term not exceeding six months.

CAP. II.

CHAPTER II.

OFFENCES AGAINST RELIGION.

SUMMARY OF CONTENTS.

SECTION 1.—*Disturbing Religious Assemblies.*SECTION 2.—*Profaning the Lord's Day.*

SECTION 1.

Disturbing Religious Assemblies.

Disturbing Religious Assemblies.

Whosoever shall maliciously or contemptuously disquiet or disturb any meeting, assembly, or congregation whatsoever of persons, assembled for Religious worship, or shall in any wise disturb, molest, or misuse any Preacher, Teacher, or person officiating at such meeting, assembly, or congregation, or any person or persons there assembled, and shall be convicted thereof, by the oath of one or more credible witnesses, before any one of Her Majesty's Justices of the Peace in any County within this Province, shall, for every such offence, forfeit and pay a sum of not less than ten shillings nor more than forty shillings, at the discretion of such Justice, and in default of payment, shall be committed to the Common Gaol of the County where the offence may be committed, for any term not less than twenty four hours nor more than ten days, at the discretion of the said Justice.

SECTION 2.

Profaning the Lord's Day.

Profaning the Lord's Day.

Any person who shall be convicted, by the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace in any County within this Province, of shooting, gaming, sporting, playing, hunting, drinking, or frequenting tippling houses, or of servile labour, (works of necessity and mercy excepted,) on the Lord's Day, commonly called Sunday, shall for every such offence, forfeit and pay a sum not less than five shillings nor more than forty shillings, at the discretion of such Justice, and on default of payment, shall be committed to the Common Gaol of the County where the offence may be committed, for a term not less than twelve hours nor more than four days, at the discretion of such Justice.

CAP. III.

CHAPTER III.

OFFENCES AGAINST PUBLIC MORALS AND DECENCY.

SUMMARY OF CONTENTS.

Article 1, Drunkenness; Art. 2, Incest, Adultery and Fornication; Art. 3, Gaming House, Bawdy House, and other disorderly House; Art. 4, Who Master or Mistress of Gaming House, &c.; Art. 5 and 6, Lotteries.

ART. 1.

ART. 1.

Any person who shall be convicted of Drunkenness, either on view or by the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace, shall, for every such offence, forfeit and pay a sum not less than five shillings nor more than twenty shillings, at the discretion of such Justice, and in default of payment, shall be committed to the Common Gaol of the County where the offence may be committed, for a term not less than twelve hours nor more than four days, at the discretion of such Justice.

Drunkenness.

ART. 2.

Any person who shall be lawfully convicted of incest, adultery, or fornication, by any Court of Oyer and Terminer or General Gaol Delivery in this Province, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Incest, Adultery and Fornication.

ART. 3.

Any person who shall keep any common gaming house, bawdy house, or other disorderly house, room, or place, and being thereof lawfully convicted before any Court of Oyer and Terminer or General Gaol Delivery, or General Sessions of the Peace, shall be liable to be imprisoned for any term not exceeding two years.

Gaming house, bawdy house, or other disorderly house.

ART. 4.

Any person who shall appear, act, or behave himself or herself as Master or Mistress, or as the person having the care, government or management of any gaming house, bawdy house, or other disorderly house, shall be deemed and taken to be the keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real owner or keeper thereof.

Who master or mistress of gaming house, &c.

ART. 5.

Whosoever shall set up, or shall by writing or printing, publish the setting up of any Lottery with intent to have such Lottery drawn, or to induce persons to purchase tickets for any such Lottery, or shall play, throw or draw at any such Lottery, or shall purchase any lot, card or ticket for any such Lottery, shall be guilty of a Misdemeanor, and shall be liable to be fined or imprisoned, or both, at the discretion of the Court.

Publishing or drawing Lotteries.

ART. 6.

Nothing in the last preceding Article shall extend or be construed to extend to affect the disposal or allotment of Fishing Lots or Drafts in the City of Saint John, under the direction of the Mayor, Aldermen and Commonalty of the said City, in manner heretofore accustomed.

Exceptions.

CHAPTER IV.

CAP. IV.

OFFENCES AGAINST THE LAW OF MARRIAGE.

SUMMARY OF CONTENTS.

Article 1, Bigamy; Art. 2, Exceptions; Art. 3, Persons not authorized celebrating or assisting at a Marriage; Art. 4, Celebrating Marriage without Bans or Licence; Art. 5, Limitation.

ART. 1.

Whosoever being married shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Province or elsewhere, shall be guilty of Felony, and being convicted thereof, shall

Bigamy.

shall be liable to be imprisoned for any term not exceeding two years, and also fined, if the Court should so award.

ART. 2.

Exceptions.

Provided that nothing in the last preceding Article contained, shall extend to any second marriage contracted out of this Province by any other than a subject of Her Majesty, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

ART. 3.

Person not authorized, celebrating or assisting at a marriage.

Whosoever not being first thereto duly authorized, shall presume to solemnize or celebrate marriage, or shall officiate or assist in solemnizing or celebrating or making any [marriage, or contract of present marriage, between any persons whomsoever, any such offender being thereof convicted upon indictment or information of Her Majesty's Attorney General before any Court of Oyer and Terminer and General Gaol Delivery, shall for every such offence forfeit and pay a fine to the use of Her Majesty, not exceeding one hundred pounds nor less than fifty pounds, and suffer twelve months imprisonment.

ART. 4.

Celebrating Marriage without Bans or Licence.

Whosoever being duly authorized to solemnize marriage, shall presume to solemnize or celebrate marriage between any persons whomsoever, before proclamation or notification of Bans of Matrimony between them first made according to Law, except a Licence be first had and obtained therefor by and under the Hand and Seal of the Lieutenant Governor or Administrator of the Government for the time being, shall be guilty of a Misdemeanor, and shall be liable on conviction, to pay a fine of twenty pounds.

ART. 5.

Limitation.

Provided that any prosecution for any offence or penalty under the last preceding Article, shall be commenced within twelve months after such offence committed, and not afterwards.

CAP. V.

CHAPTER V.

OFFENCES AGAINST THE PUBLIC PEACE.

SUMMARY OF CONTENTS.

Article 1, Unlawful Assemblies continuing together after Proclamation; Art. 2, Order and Form of Proclamation; Art. 3, Obstructing persons making Proclamation; Art. 4, Not dispersing after Proclamation; Art. 5, Unlawful Assembly; Art. 6, Riotously pulling down Buildings, &c.; Art. 7, Riot; Art. 8 and 9, Affray; Art. 10, Rout.

ART. 1.

Unlawful Assemblies continuing together after Proclamation to disperse.

If any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, and being required or commanded by the Sheriff or his Under Sheriff, or any Justice of the Peace of the County, or by the Mayor or other head Officer for the time being, or any Justice of the Peace of any City or Town Corporate, where such assembly shall be, by Proclamation to be made in the form hereinafter in the

the next succeeding Article, directed to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall to the number of twelve or more, (notwithstanding such Proclamation made,) unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such Proclamation shall have been made, every such offender shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding four years.

ART. 2.

The order and form of such Proclamation as is mentioned in the last preceding Article shall be as follows, (that is to say,) the person authorized by that Article to make such Proclamation shall, among the rioters, or as near as he can safely come, with a loud voice, command or cause to be commanded silence while Proclamation is making, and immediately after that shall openly and with a loud voice make or cause to be made Proclamation in the words following, or to the like effect:—‘Our Sovereign Lady the Queen charges and commands all persons being here assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, or they will incur the penalty of the Law against unlawful assemblies.—GOD SAVE THE QUEEN.’

Order and form of Proclamation.

ART. 3.

Whosoever shall forcibly oppose or hurt, or in any manner hinder or obstruct any person lawfully making or endeavouring to make such Proclamation, as in the last two preceding Articles is mentioned, whereby such Proclamation shall not be made, shall be liable to be imprisoned for any term not exceeding two years.

Obstructing persons making Proclamation.

ART. 4.

If any persons, to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together, to whom Proclamation should or ought to have been made if the same had not been obstructed or hindered, as in the last preceding Article is mentioned, shall, knowing of such obstruction and hindrance, continue together and not disperse themselves within one hour after such obstruction and hindrance made, any such offender shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Not dispersing after Proclamation obstructed.

ART. 5.

If three or more persons shall assemble, or having assembled, shall continue together with intent, without lawful authority, to execute any common purpose with force and violence, or in so violent and tumultuous a manner, and under such circumstances as are calculated to create terror and alarm amongst Her Majesty's subjects, such persons shall be deemed to be guilty of an unlawful assembly, and each of them shall be liable to be imprisoned for a term not exceeding two years.

Unlawful Assembly.

ART. 6.

If any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force, demolish, pull down or destroy, or begin to demolish, pull down, or destroy any church, chapel, or meeting house, for the exercise of any mode or form of Religious worship, or any house, stable, coach house, out house, warehouse, office, shop, mill, malt house, barn, or granary, or any building or erection used in carrying on any trade or manufacture or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, any such offender

Riotously pulling down Buildings, &c.

offender shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

ART. 7.

Riot. If three or more persons shall assemble, or being assembled, shall continue together with such intent, to execute any common purpose, as is essential to constitute an unlawful assembly, within the meaning of Article 5 of this Chapter, and shall wholly, or in part, execute such purpose with force and violence, or in so violent and tumultuous a manner, and under such circumstances as are calculated to create terror and alarm amongst Her Majesty's subjects, such persons shall be deemed to be guilty of a Riot, and each of them shall be liable to be imprisoned for any term not exceeding two years.

ART. 8.

Affray by fighting ; If two or more persons shall fight together in a public place, in such a manner and under such circumstances as are calculated to create terror and alarm amongst Her Majesty's subjects, such persons shall be deemed to be guilty of an Affray, and each of them shall be liable to be imprisoned for any term not exceeding two years.

ART. 9.

By carrying weapons. If two or more persons shall openly carry dangerous and unusual weapons in any public place, in such a manner and under such circumstances as are calculated to create terror and alarm amongst Her Majesty's subjects, such persons shall be deemed to be guilty of an Affray, and each of them shall be liable to be imprisoned for any term not exceeding twelve months.

ART. 10.

Rout. If three or more persons shall assemble, or being assembled, shall continue together with such intent, to execute any common purpose as is essential to constitute an unlawful assembly, within the meaning of Article 5 of this Chapter, and shall use any endeavour to execute such purpose, such persons, although such purpose shall not be executed, either wholly or in part, shall be deemed to be guilty of a Rout, and each of them shall be liable to be imprisoned for any term not exceeding two years.

CAP. VI.

CHAPTER VI.

OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE.

SUMMARY OF CONTENTS.

Article 1, Assault upon Peace Officers, &c. ; Art. 2, Assault to resist apprehension for Offence ; Art. 3, Shooting, Stabbing, Wounding, &c., to resist or prevent apprehension ; Art 4, Perjury or subornation of Perjury ; Art. 5, Rescue or breach of Prison ; Art 6, False copy of Order or Certificate of Indictment, &c. ; Art. 7, Stealing or injuring Instruments of Justice ; Art. 8, Not to affect civil remedy ; Art. 9, Taking reward for helping to stolen goods.

ART. 1.

Assault upon Peace Officer, Revenue Officer, &c. Whosoever shall be charged with and convicted of any assault upon any Peace Officer, Constable, Marshal, or Revenue Officer, in the due execution of his duty, or upon any person acting in aid of such Officer, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years, and fined if the Court shall so direct.

ART. 2.

Assault to resist apprehension for offence. Whosoever shall assault any person with intent to resist the lawful apprehension or detainer of the party so assaulting, or of any other person for any offence for

for which he or they may be liable by Law to be apprehended or detained, shall in such case be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years, and fined if the Court shall so direct.

ART. 3.

Whosoever shall maliciously shoot at any other person, or shall, by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any other person, or shall maliciously stab, cut or wound any other person, with intent, in any of the cases aforesaid, to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may be respectively liable by Law to be apprehended or detained, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Shooting, stabbing, &c.; to resist or prevent apprehension.

ART. 4.

Whosoever shall be charged with and convicted of Perjury or subornation of Perjury, shall be guilty of a Misdemeanor, and shall be liable in any such case to be imprisoned for any term not exceeding two years.

Perjury or subornation of Perjury.

ART. 5.

Whosoever shall be charged with and convicted of any rescue or breach of Prison, shall be guilty of a Misdemeanor, and shall be liable in any such case to be imprisoned for any term not exceeding two years.

Rescue or breach of Prison.

ART. 6.

Whosoever being Clerk of any Court of Justice, or other Officer having the custody of the Records of such Court, or being the Deputy of such Clerk or Officer, shall certify an order as true, knowing the same to be false, any false copy or certificate of any Indictment or Conviction, or shall utter any such copy or certificate with a false or forged signature thereto, knowing the same to be false or forged, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding three years.

False copy of Order or Certificate of Indictment, &c.

ART. 7.

Whosoever shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall maliciously obliterate, injure or destroy any written instrument of justice, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years, and fined at the discretion of the Court.

Stealing or injuring Instruments of Justice.

ART. 8.

Nothing in the last preceding Article contained shall in any wise affect any civil remedy of any parties.

Not to affect civil remedy.

ART. 9.

Whosoever shall corruptly take any money, or receive directly or indirectly, under pretence or upon account of helping any person, to any chattel, money, valuable security, or moveable thing, which shall by any felony or misdemeanor have been stolen, taken, detained, or converted, shall (unless the person so taking, agreeing, or consenting to take such money or reward, shall cause the offender to be apprehended and brought to trial for the same,) be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Taking reward for helping to stolen goods.

CHAPTER VII.

HOMICIDE AND OTHER OFFENCES AGAINST THE PERSON.

SUMMARY OF CONTENTS.

SECTION 1.—*Homicide.*

Article 1, Murder; Art. 2, Petit Treason, Murder; Art. 3, Manslaughter; Art. 4, When no forfeiture, &c.

SECTION 2.

Article 1, Administering Poison, or by means manifesting a design to kill, causing bodily harm, with intent to kill; Art. 2, Attempt to kill, although no bodily harm be caused; Art. 3, Grievous bodily harm; Art. 4, By means manifesting a design to do grievous bodily harm, attempting to cause such harm; Art. 5, Setting fire to, casting away, or destroying Ship, with intent to murder, or put life in danger; Art. 6, Hindering person from saving his life from Vessel in distress; Art. 7, Attempting to procure Abortion; Art. 8, Exception; Art. 9, Secreting dead body of child with intent to conceal birth; Art. 10, Rape; Art. 11, Carnally knowing girl under ten years of age; Art. 12, Carnally knowing girl above ten and under twelve years of age; Art. 13, Buggery; Art. 14, What constitutes carnal knowledge; Art. 15, Unlawful abduction of girl under sixteen years of age; Art. 16, Assault with intent to commit Felony; Art. 17, On trial for Felony may convict for Assault.

SECTION 1.

Homicide.

ART. 1.

Murder.

Every person who shall be convicted of Murder, or being an accessory before the fact to Murder, shall suffer death as a Felon; and being an accessory after the fact to Murder, shall be liable to be imprisoned for any term not exceeding four years, and fined if the Court shall so direct.

ART. 2.

Petit Treason made Murder.

Every offence which, before the ninth and tenth years of the Reign of King George the Fourth, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be punished as principals and accessories in Murder.

ART. 3.

Manslaughter.

Any person convicted of Manslaughter shall be liable to be imprisoned for any term not exceeding fourteen years.

ART. 4.

No punishment or forfeiture when by misfortune, &c.

Provided that no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without Felony.

SECTION 2.

Other Offences against the Person.

ART. 1.

Administering poison, or by means manifesting a design to kill, causing bodily harm, with intent to kill.

Whosoever shall administer to or cause to be taken by any other person any poison, or other destructive thing, or shall by any means manifesting a design to kill, cause bodily harm to any other person, with intent, in any of such cases, to kill, shall be guilty of Felony; and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

ART. 2.

ART. 2.

Whosoever shall by any means, manifesting a design to kill, other than the actually administering or causing to be taken poison, or any other destructive thing, attempt to kill, shall, although no bodily harm be caused, be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Attempt to kill, although no bodily harm be caused.

ART. 3.

Whosoever shall maliciously cause to any other person any grievous bodily harm, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Grievous bodily harm.

ART. 4.

Whosoever shall maliciously, by any means manifesting a design to cause grievous bodily harm, attempt to cause grievous bodily harm, to any other person, shall, whether any bodily harm be caused to such person or not, be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding four years.

By means manifesting a design to cause grievous bodily harm, attempting to cause such harm.

ART. 5.

Whosoever shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, either with intent to murder any other person, or whereby the life of any person shall be put in danger, shall be guilty of Felony, and shall suffer death.

Setting fire to, casting away, or destroying ships, with intent to murder or put life in danger.

ART. 6.

Whosoever shall maliciously prevent or impede any person being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded or cast on shore, in his endeavour to save his life, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years nor less than three years.

Hindering person saving his life from vessel in distress.

ART. 7.

Every woman being with child, who, with intent to procure her own miscarriage, shall maliciously administer to herself any poison or other noxious thing, or use any instrument or other means whatever; and every person who, with intent to procure the miscarriage of any woman, shall maliciously administer to or cause to be taken by her, any poison or other noxious thing, or using any instrument or other means whatsoever, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Attempting to procure abortion.

ART. 8.

Provided that no person, by reason of any act specified in the last preceding Article, shall be punishable when such act is done in good faith, with the intention of saving the life of the woman whose miscarriage is intended to be procured.

Exception.

ART. 9.

Where any woman shall have been delivered of a child, any person who shall by any secret disposition of the dead body of such child, whether such child died before, at, or after its birth, endeavour to conceal the birth of such child, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Secreting dead body of child with intent to conceal birth.

ART. 10.

Whosoever shall unlawfully and carnally know any woman against her will, and by force, or whilst she is insensible, shall be guilty of Rape, and shall suffer death as a felon.

Rape.

ART. 11.

Carnally knowing girl under ten years of age.

Whosoever shall unlawfully and carnally know and abuse any girl under the age of ten years, shall be guilty of Felony, and shall suffer death as a felon.

ART. 12.

Carnally knowing girl above ten and under twelve years of age.

Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for such term as the Court shall award.

ART. 13.

Buggery.

Whosoever shall commit the crime of Buggery, either with mankind or with a brute animal, shall be guilty of Felony, and shall suffer death as a felon.

ART. 14.

What sufficient to constitute carnal knowledge.

Any the least degree of penetration, although there be no emission of seed, shall be sufficient to constitute carnal knowledge, as regards the crimes mentioned in Articles 10, 11, 12 and 13 of this Section.

ART. 15.

Unlawful abduction of girl under sixteen years of age.

Whosoever shall unlawfully take or cause to be taken, whether with or without her consent, any unmarried girl, being under the age of sixteen years, out of the possession or against the will of her father or mother, or of any other person having the lawful care or charge of her, shall be guilty of a Misdemeanor, and shall be liable to suffer such punishment by fine or imprisonment, or both, as the Court shall award.

ART. 16.

Assault with intent to commit felony.

Whosoever shall assault any other person with intent to commit a felony, shall be liable to be imprisoned for any term not exceeding two years, and fined if the Court shall so direct.

ART. 17.

On trial for felony may convict of assault.

Whosoever on a trial for any felony whatever, and which shall include an assault, shall be convicted of assault, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding three years.

CAP. VIII.

CHAPTER VIII.

OFFENCES AGAINST THE HABITATION.

SUMMARY OF CONTENTS.

SECTION 1.—*Burglary and Breaking.*

Article 1, Burglary and Breaking; Art. 2, Entering House with felonious intent, and breaking out in night time; Art. 3, What buildings part of House for Burglary; Art. 4, Burglar using violence; Art. 5, Breaking into other buildings than dwelling Houses in night time; Art. 6, Definition of "night;" Art. 7, Breaking into House, &c., in day time; Art. 8, On verdict for Burglary may be convicted of Misdemeanor under Art. 7; Art. 9, No defence on trial for Misdemeanor, that offence Burglary.

SECTION 2.—*Arson.*

Article 1, Arson; Art. 2, Destroying Dwelling House by explosive substance.

SECTION 1.

Burglary and Breaking.

ART. 1.

Burglary.

Whosoever shall commit the crime of Burglary, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

ART. 2.

ART. 2.

If any person shall enter the dwelling house of another with intent to commit Felony, or being in such dwelling house, shall commit any felony, and shall in either case break out of the said house in the night time, such person shall be deemed guilty of Burglary, and liable to the punishment prescribed therefor in the last preceding Article.

Entering house with felonious intent, and breaking out in night time.

ART. 3.

Provided always, that no building, although within the same curtilage with the dwelling house, and occupied therewith, shall be deemed to be part of such dwelling house, for the purpose of Burglary, unless there shall be a communication between such building and dwelling house, either immediately or by means of a covered and enclosed passage leading from one to the other.

What buildings part of house for Burglary.

ART. 4.

Whosoever shall burglariously break and enter into any dwelling house, or any inner part thereof, and shall assault with intent to murder any person being therein, or shall cause any bodily harm, or do any personal violence to such person, shall be guilty of Felony, and shall suffer death.

Burglar using violence.

ART. 5.

If any person shall, in the night time, break and enter any building, being within the curtilage of a dwelling house, and occupied therewith, but not being part thereof, according to the provisions in the third Article of this Chapter mentioned, or any public office, or other public building, or any shop, warehouse, counting house, bank, office, or other building used or occupied for carrying on any trade or business, such public office, public building, shop, warehouse, counting house, bank, office, or other building, not being a dwelling house, for the purpose of Burglary, with intent in such any case to commit felony, every such offender shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Breaking into other buildings than dwelling houses in night time.

ART. 6.

So far as the same is essential to the offence of Burglary, the night shall be considered, and is hereby declared to commence at nine of the clock of the evening of each day, and to conclude at six o'clock in the morning of the next succeeding day.

Definition of night.

ART. 7.

Whosoever shall, in the day time, wrongfully and unlawfully break and enter any dwelling house, or building within the curtilage of a dwelling house, or any public office, or other public building, or any shop, warehouse, counting house, banking house, office, or other building, used or occupied for carrying on any trade or business, or any stable, barn, or store house, or into any Church, Chapel, or Meeting House, for the exercise of any mode or form of Religious Worship whatever, with intent in any such case to commit felony, every such offender shall be guilty of a Misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, such imprisonment not to exceed three years.

Breaking into house, &c. in day time.

ART. 8.

Whosoever shall be indicted for any burglary, may, where the breaking and entering shall be proved at the trial to have been made in the day time, and not in the night time, and no breaking out shall appear to have been made in the night time, or where it shall be left doubtful whether such breaking and entering,

Indicted for burglary may be convicted of misdemeanor.

or

or breaking out, took place in the day time or night time, be acquitted of the felony, and convicted of the offence specified in Article 7 of this Section.

ART. 9.

No defence for
misdemeanor that
offence was
Burglary.

It shall not be available, by way of defence, to a person charged with the offence specified in Article 7 of this Section, that the breaking and entering were such as to amount in Law to Burglary, provided that the offence shall not be afterwards prosecuted for Burglary upon the same facts; but it shall be open to the Court or Judge before whom the trial for such offence shall take place, upon the application of the Officer conducting the prosecution, to allow an acquittal for the misdemeanor, on the ground that the offence, as proved, amounts to Burglary; and if an acquittal takes place on such ground, and be so returned by the Jury, in delivering their verdict, the same shall be recorded, together with the verdict, and such acquittal shall not then avail as a bar or defence upon any indictment for such Burglary.

SECTION 2.

Arson.

ART. 1.

Arson.

Whosoever shall maliciously set fire to any dwelling house, any person being therein, shall be guilty of Felony, and shall suffer death.

ART. 2.

Destroying
dwelling house by
explosive sub-
stances.

Whosoever shall maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling house, any person being therein, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years nor less than three years.

CAP. IX.

CHAPTER IX.

FRAUDULENT APPROPRIATIONS.

SUMMARY OF CONTENTS.

SECTION 1.—*Robbery and Theft, and other offences connected therewith.*

Article 1, Robbery; Art. 2, Assault with intent to Rob; Art. 3, Robbery with grievous bodily harm; Art. 4, Being armed with offensive weapon shall rob or attempt to rob and do grievous bodily harm; Art. 5, Demanding property with menaces with intent to steal; Art. 6, Plundering Vessel in distress; Art. 7, Accusing or threatening to accuse of abominable crime, &c., with intent to extort gain; Art. 8, Theft when possession of thing stolen obtained by means of accusing of certain crimes; Art. 9, Definition of infamous crime; Art. 10, Attempts to commit theft by accusing of certain crimes; Art. 11, What is a sending of a letter; Art. 12, Larceny under forty shillings before three Justices; Art. 13, Larceny; Art. 14, Stealing or destroying Testamentary Instrument; Art. 15, Stealing Muniment of Title; Art. 16, Stealing valuable security; Art. 17, Stealing Cattle, or killing with intent to steal carcass or skin; Art. 18, Not to affect civil remedy; Art. 19, Stealing by Clerks or Servants.

SECTION 2.—*Obtaining by false pretences.*

Article 1, Obtaining by false pretences; Art. 2, Definition of false pretences; Art. 3, Cheating at games, &c.

SECTION 3.—*Embezzlement.*SECTION 4.—*Receiving or otherwise unlawfully dealing with property stolen, embezzled or wrongfully detained.*

SECTION

SECTION 1.

Theft and other offences connected therewith.

ART. 1.

Whosoever shall rob any person shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years nor less than three years.

Robbery.

ART. 2.

Whosoever shall assault any person with intent to rob shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding three years.

Assault with intent to rob.

ART. 3.

Whosoever shall rob any person, and at the time of, or immediately before, or immediately after such robbery, shall cause any grievous bodily harm to any person, shall be guilty of Felony, and shall suffer death.

Robbery with grievous bodily harm.

ART. 4.

Whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall, together with one or more person or persons, rob or assault, with intent to rob any person, and at the time of, or immediately before, or immediately after such robbery, shall cause any bodily harm, or do any violence to the person of another, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Being armed with offensive weapon; shall rob or attempt to rob and do bodily harm.

ART. 5.

Whosoever shall with menaces or by force, demand any property of any person, with intent to steal the same, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding three years.

Demanding property with menaces with intent to steal.

ART. 6.

Whosoever shall plunder or steal any part of any ship or vessel wrecked, stranded or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years, nor less than three years.

Plundering vessel in distress.

ART. 7.

Whosoever shall accuse or threaten to accuse any person of the abominable crime of Buggery, committed either with mankind or beast, or with any assault with intent to commit the said abominable crime, or of any attempt to endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise or threat to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Accusing or threatening to accuse of abominable crime, &c. with intent to extort gain.

ART. 8.

Whosoever shall commit any theft, where the means by which possession is obtained of the thing stolen, are either the accusing or threatening to accuse, or the knowingly sending, delivering or uttering any letter or writing, accusing or threatening to accuse any person of any treason or felony, or of any assault, with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime, as hereafter in Article 9 of this Section defined, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Theft where possession of thing stolen obtained by means of accusing of certain crimes.

ART. 9.

ART. 9.

Definition of
" Infamous crime."

The term " Infamous Crime " shall include the abominable crime of Buggery, committed either with mankind or beast, and any assault with intent to commit the said abominable crime, and any attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise or threat offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime.

ART. 10.

Attempt to commit
theft by accusing
of certain crimes.

Whosoever shall by any of the means specified in Article 8 of this Section, attempt to commit any theft, or shall knowingly send, deliver, or utter any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any thing, being the subject of theft, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

ART. 11.

What is a sending
of a letter.

Every species of parting with, placing or disposing of any such letter or writing as in the last preceding Article and Articles of this Section is mentioned, to the end that the same may be carried to, or otherwise reach or come into the possession of the person for whom it is intended, shall be deemed to be a sending of such letter within the meaning of those Articles.

ART. 12.

Conviction for
Larceny under 40s.
before Justices.

Whosoever shall be convicted before any three Justices of the Peace, or before the Mayor, Recorder and Aldermen of the City of Saint John, or any three of them, of any Larceny wherein the value of the property stolen shall not exceed forty shillings, shall be imprisoned for any term not exceeding six months.

ART. 13.

Larceny.

Whosoever shall be convicted of Larceny before any Court of Oyer and Terminer and General Gaol Delivery, or before any Court of General Sessions, shall be liable to be imprisoned for any term not exceeding seven years.

ART. 14.

Stealing or destroy-
ing testamentary
instrument.

Whosoever shall steal, or for any fraudulent purpose destroy or conceal, any testamentary instrument, shall be guilty of a Misdemeanor, and shall be liable to suffer such punishment by fine or imprisonment, or by both, as the Court shall direct.

ART. 15.

Stealing muniments
of title.

Whosoever shall steal any muniment of title shall be deemed guilty of a Misdemeanor, and shall suffer such punishment by fine or imprisonment, or by both, as the Court shall direct.

ART. 16.

Stealing valuable
security.

Whosoever shall steal any valuable security, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years nor less than one year.

ART. 17.

Stealing cattle, or
killing with intent
to steal carcass or
skin.

Whosoever shall steal any Cattle, or shall wilfully kill any Cattle with intent to steal the carcass or skin, or any part of the Cattle so killed, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

ART. 18.

Not to affect
civil remedy.

Nothing in the four last preceding Articles of this Section contained shall in any wise affect any civil remedy of any parties.

ART. 19.

ART. 19.

Whosoever being a Clerk or servant, shall steal any thing belonging to, or in the possession, or under the power of his Master, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Stealing by Clerks or servants.

SECTION II.

Obtaining by false pretences.

ART. 1.

Whosoever with intent to defraud any other person of any thing which is the subject of theft, shall obtain such thing from any other person by any false pretence, by which the owner or other person authorized is induced to part with the entire property in such thing, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Obtaining by false pretences.

ART. 2.

A false pretence within the meaning of Article 1 of this Section, is a false representation of some state of things past or present.

Definition of "false pretence."

ART. 3.

Any fraud or unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or on betting on the sides or hands of those who do play, or in wagering on the event of any game, sport, pastime, or exercise, shall be deemed to be a false pretence within the meaning of Article 1 of this Section.

Cheating at games.

ART. 4.

It shall not be available, by way of defence, to a person charged with the offence specified in Article 1 of this Section, that the property in question was so obtained, as to amount in Law to Larceny, provided that the offender shall not be afterwards prosecuted for Larceny upon the same facts.

False pretence amounting to Larceny.

SECTION 3.

Embezzlement.

Whosoever being a Clerk or servant, or person employed for the purpose in the capacity of a Clerk or servant, shall embezzle any thing, being the property of his employer, received or taken into possession by him, by virtue of such employment, shall be deemed to have stolen the same from his Master or employer, and shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Embezzlement by Clerks or servants.

SECTION 4.

Receiving or otherwise unlawfully dealing with property stolen, embezzled, or wrongfully detained.

Whosoever shall wilfully and unlawfully receive or have in his possession or keeping, any thing which shall have been stolen or obtained by any false pretence, or which shall have been embezzled, knowing the same to have been so stolen, detained or embezzled, shall, in case the stealing, obtaining or embezzling of such thing shall amount to Felony, be liable to be imprisoned for any term not exceeding seven years, and in all other cases shall be liable to be imprisoned for any term not exceeding two years.

Receiving goods stolen, &c.

CAP. X.

CHAPTER X.

FORGERY AND OFFENCES RELATING TO THE COIN.

SUMMARY OF CONTENTS.

SECTION 1.—*Forgery.*

Article 1, Forgery; Art. 2, Definition of "Writing;" Art. 3, Definition of "Person" in Art. 1; Art. 4, Forging Muniment of Title and Testamentary Instrument.

SECTION 2.—*Offences relating the Coin.*

SECTION 1.

Forgery.

ART. 1.

Forgery.

Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged, or alter any writing with intent to defraud any person whomsoever, shall be deemed to have committed the crime of Forgery, and shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

ART. 2.

Definition of "writing."

The term "writing," as used in the last preceding Article, shall be deemed to apply, whether the words or figures of the forged instrument, or any of them, are expressed at length, or abridged, and whether they be so expressed by means of writing, printing or otherwise.

ART. 3.

Definition of "person" in Article 1.

The term "person" in Article 1 of this Chapter, shall be deemed to include Her Majesty, any body corporate, company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded, whether such body corporate, company, society, person, or number of persons, shall reside or carry on business in this Province or elsewhere, in any place or country, whether under the dominion of Her Majesty or not.

ART. 4.

Forging muniments of titles and testamentary instruments.

Whosoever with intent to defraud any other person, shall forge any muniment of title, or testamentary instrument, shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

SECTION 2.

Offences relating to the Coin.

False making or uttering counterfeit Coin.

Whosoever shall be charged with and convicted of the false making or counterfeiting of any Coin, or of uttering any counterfeited Coin, knowing the same to be counterfeit, shall be guilty of a Misdemeanor, and shall be liable in any such case to be imprisoned for any term not exceeding two years.

CAP. XI.

CHAPTER XI.

MALICIOUS INJURIES TO PROPERTY.

SUMMARY OF CONTENTS.

Article 1, Setting fire to Churches and other buildings; Art. 2, Setting fire to or casting away Ships to injure owners, &c.; Art. 3, Exhibiting false lights or signals; Art. 4, Destroying wrecks; Art. 5, Damaging Ships otherwise than by fire; Art. 6, Setting fire to Coal Mines; Art. 7, Setting fire to Agricultural produce; Art. 8, Attempting to blow up Buildings, &c.; Art. 9, Destroying Sea Banks, Dykes, Mill Dams, Bridges, &c.; Art. 10, Destroying ornamental Trees; Art. 11, Cutting Grain, and breaking down Fences,

Fences, &c. ; Art. 12, Destroying fixtures in public places ; Art. 13, Killing or attempting to kill any Cattle ; Art. 14, Cruelty to Cattle ; Art. 15, Setting fire to certain Crops ; Art. 16, Malicious injury to Works of Art, &c. ; Art. 17, Drowning Mines ; Art. 18, Provisoe ; Art. 19, Second conviction for Felony ; Art. 20, Principals in second degree, and accessories before and after the fact.

ART. 1.

Whosoever shall maliciously set fire to any Church, Chapel, or Meeting House, for the exercise of any mode or form of Religious Worship whatever, or shall maliciously set fire to any house, stable, coach house, out house, warehouse, office, shop, mill, malt house, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Setting fire to Churches and other buildings.

ART. 2.

Whosoever shall maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be completed, or in an unfinished state, or shall maliciously set fire to, cast away, or in anywise destroy any such ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board of the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board of the same, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Setting fire to or cutting away Ships to injure owners.

ART. 3.

Whosoever shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of Felony, and shall suffer death.

Exhibiting false lights or signals.

ART. 4.

Whosoever shall maliciously destroy any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Destroying wrecks.

ART. 5.

Whosoever shall maliciously damage otherwise than by fire, any ship or vessel, whether completed or in an unfinished state, with intent to destroy the same, or to render the same useless, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Damaging Ships otherwise than by fire.

ART. 6.

Whosoever shall maliciously set fire to any mine of coal, or cannel coal, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Setting fire to Coal Mines.

ART. 7.

Whosoever shall maliciously set fire to any stack of grain, hay, straw, coals, charcoal, or pile of cordwood, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

Setting fire to Agricultural produce, &c.

ART. 8.

Whosoever shall maliciously place or throw in, into, upon, against, or near any building or vessel, any gunpowder, or other explosive substance, with intent to

Attempting to blow up Buildings, &c.

destroy or damage any building or vessel, or any machinery, fixtures, or chattels personal, shall, whether or not any explosion takes place, and whether or not any damage is effected to any building, vessel, machinery, fixtures, or chattels personal, be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding three years.

ART. 9.

Destroying sea banks, dykes, mill dams, bridges, &c.

Whosoever shall maliciously break down or cut down any sea bank or sea wall, or any dyke or aboideau, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall maliciously cut down, break down, or otherwise destroy any mill dam, or shall maliciously pull down, or in any wise destroy any public bridge, or do any injury with the intent, and so as thereby to render such bridge, or any part thereof, dangerous or impassable, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding seven years.

ART. 10.

Destroying ornamental trees.

Whosoever shall maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, shrub or plant growing in any park, pleasure ground, garden, orchard, field, pasture, square, avenue, or street, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, or fined in a sum not exceeding ten pounds.

ART. 11.

Cutting grain, and robbing orchards and gardens.

Whosoever shall unlawfully cut and take away any corn or grain of any kind whatsoever growing, or shall rob any orchard, garden, or other plantation, of any fruit, vegetables, or other things therein growing, or wilfully break down, cut, or remove any part of any hedge, fence, or other enclosure, or shall remove from the premises, or injure any vehicle, sleigh, or article, belonging to any person and on his premises, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding six months, or fined in a sum not exceeding five pounds.

ART. 12.

Destroying fixtures in public places.

Whosoever shall maliciously rip, cut, break, or otherwise destroy or damage any glass or wood work, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, fixed in any square, street, or other place, dedicated to public use or ornament, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, or fined in a sum not exceeding ten pounds.

ART. 13.

Killing or attempting to kill, &c. cattle.

Whosoever shall maliciously kill any cattle, or cause any harm to any cattle, with intent to kill such cattle, or render the same useless to the owner, either permanently or for a time, shall be guilty of a Misdemeanor, and shall be liable to be fined not exceeding ten pounds, or imprisoned for a term not exceeding six months.

ART. 14.

Cruelty to cattle.

Whosoever shall wantonly and cruelly beat, abuse, or ill-treat any cattle shall be guilty of a Misdemeanor, and when convicted thereof before any Court of Oyer and Terminer or Gaol Delivery or General Sessions of the Peace, shall be liable to be punished by fine and imprisonment.

ART. 15.

Setting fire to certain crops.

Whosoever shall maliciously set fire to any crop of corn, grain or hay, whether standing or cut down, wheresoever the same may be growing, shall be guilty of a Misdemeanor,

Misdemeanor, and shall be liable to be imprisoned for any term not exceeding three years.

ART. 16.

Whosoever shall maliciously destroy or damage any thing kept for the purposes of art, science, or literature, or as an object of curiosity in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library, or other repository is either at all times or from time to time open for the admission of the public, or of any considerable number of persons to view the same, either by permission of the proprietor thereof or by the payment of money before entering the same, shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for a term not exceeding six months, or fined not exceeding one hundred pounds.

Malicious injury to Works of Art, &c.

ART. 17.

Whosoever shall maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent maliciously pull down, fill up or obstruct any air way, water way, drain, pit, level or shaft of or belonging to any mine, shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding two years.

Drowning Mines.

ART. 18.

The provision contained in the last preceding Article shall not extend to any damage committed under ground by any owner of an adjoining mine in working the same, or by any person duly employed in such working.

Proviso.

ART. 19.

Whosoever shall be convicted of any Felony not punishable with death, committed after a previous conviction for Felony, shall on such subsequent conviction be imprisoned for any term not exceeding four years.

Second conviction for Felony.

ART. 20.

In the case of any Felony punishable under and by virtue of this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any Felony punishable by this Act, (except only a receiver of stolen property,) shall be liable to be imprisoned for any term not exceeding two years.

Principals in second degree, and accessories before and after the fact.

CHAPTER XII.

CAP. XII.

DEFINITION OF TERMS, AND EXPLANATIONS.

SUMMARY OF CONTENTS.

Article 1, Rule as to the definition of the following Terms; Art. 2, "Officer;" Art. 3, "Woman;" Art. 4, "Grievous bodily harm;" Art. 5, "Writing;" Art. 6, "Testamentary Instrument;" Art. 7, "Moveable thing;" Art. 8, "Valuable Security;" Art. 9, "Muniment of Title;" Arts. 10 and 11, "Cattle;" Art. 12, "Night time;" Art. 13, "Imprisoned" and "Imprisonment;" Art. 14, Rules of interpretation as to criminal possession; Art. 15, Other general rules of interpretation.

ART. 1.

The terms following, wheresoever occurring throughout this Act, shall be understood as hereinafter defined, unless it be otherwise specially provided, or there be something in the subject or context repugnant thereto.

Rule as to the definition of the following terms.

ART. 2.

ART. 2.

"Officer."

The term "Officer" shall be deemed to signify any person invested with authority to execute and legally bound to execute any public duties.

ART. 3.

"Woman."

The term "Woman" shall be deemed to signify any female human being, whatsoever may be her age.

ART. 4.

"Grievous
bodily harm."

The term "Grievous bodily harm" shall be deemed to signify any bodily harm from which danger to life may reasonably be apprehended, or whereby any limb, member, organ of sense, or mental faculty is permanently disabled, weakened or impaired; the mutilation of any part of the body, whereby permanent disfigurement is caused; the fracture or dislocation of any bone; or any bodily harm whereby the person to whom it is caused is during the space of twenty days, at the least, in bodily pain, diseased, or unable to follow his ordinary calling or pursuits.

ART. 5.

"Writing."

The term "Writing" shall be deemed to include any material on which any words or figures, at length or abridged, are written, printed, or otherwise expressed, or any map or plan is described.

ART. 6.

"Testamentary
Instrument."

The term "Testamentary Instrument" shall be deemed to include any Will, codicil, or other testamentary writing or appointment, as well during the life of the Testator whose testamentary disposition it purports to be, as after his death, whether the same shall relate to real or personal estate, or to both.

ART. 7.

"Moveable thing."

The term "Moveable thing" as used in defining Theft, and other offences concerning property, shall be deemed to include money, valuable securities, muniments of title, written instruments of justice, testamentary instruments, and all domestic animals; also the bodies, and all parts of the bodies of dead animals, and all other chattels personal.

ART. 8.

"Valuable
Security."

The term "Valuable security" shall be deemed to include any unsatisfied debenture and bond, bill, note, warrant, order, or other security for money, or for the payment of money of this or any other Country; any instrument for the delivery or transfer of any chattel personal; any tally, order or other security entitling or evidencing title to any share or interest in any public stock or fund of any State or Country; or in any fund of any body corporate, company, or society; or to any deposit in any Savings' Bank; and any other writing which secures or evidences title to or interest in any chattel personal; or any release, receipt, discharge, or other instrument evidencing payment of money, or the delivery of any chattel personal; and every such valuable security shall, where value is material, be deemed to be of value equal to that of such unsatisfied money, chattel personal, share, interest, or deposit for the securing or payment of which, or delivery or transfer or sale of which, or for the entitling to or evidencing title to which such valuable security shall be applicable, or to that of such money or chattel personal, the payment or delivery of which shall be evidenced by such valuable security.

ART. 9.

ART. 9.

The term "Muniment of Title" shall be deemed to include any writing as before defined in Article 5 of this Chapter, which is or shall be evidence of the title, or of any part of the title to any real estate, or to any interest therein; and any memorial, or any entry of the acknowledgment of any memorial already or hereafter to be registered of any such writing, or of any judgment or recognizance of or concerning any real estate, or any interest therein, under the provisions of any Act of Assembly of this Province.

"Muniment of Title."

ART. 10.

The term "Cattle" shall be deemed to include any horse, mule, ass, sheep, pig, or goat, whatsoever be the age or sex of the animal; and also every bull, cow, calf, or ox; the term "cow," shall be deemed to include a heifer.

"Cattle."

ART. 11.

When the term "Cattle" is used, or any particular animal is mentioned by name, the term shall, unless it be otherwise provided, be deemed to signify living cattle, or cattle, or a living animal so named.

ART. 12.

When the term "Night time" is used, that time shall be deemed to commence at nine of the clock in the evening of each day, and to conclude at six o'clock in the morning of the next succeeding day; and when the term "Day time" is used, that time shall be deemed to commence at six o'clock in the morning, and to conclude at nine o'clock in the evening of each day.

"Night time,"

"Day time,"

ART. 13.

The terms "Imprisoned" and "Imprisonment," wheresoever they occur in this Act, shall be respectively deemed and taken to mean and include imprisonment with or without hard labour, either in the Provincial Penitentiary or in the Common Gaol of the County where the offender may be tried, in the discretion of the Court before whom the offender may be tried, unless it be otherwise specially provided, either in the Act or sentence, or there be something in the subject or context repugnant to such construction.

"Imprisoned" and "Imprisonment."

ART. 14.

When the having any matter or thing in the custody or possession of any person is in any Article of this Act expressed to be an offence, if any person shall have any such matter or thing in his personal custody or possession, or shall knowingly or wilfully have any such matter or thing in any dwelling house or other building, lodging, apartment, field, or other place open or enclosed, whether belonging to, or occupied by himself or not, and whether such matter or thing shall be so had for his own use or benefit, or for that of another, any such person shall be deemed and taken to have such matter or thing in his custody or possession within the meaning of such Article, and where one, two or more persons, any one or more shall, with the knowledge and consent of the rest, having any such matter or thing in his or their custody or possession, shall be deemed and taken to be in the custody or possession of all such persons.

Rules of interpretation as to criminal possession.

ART. 15.

Throughout this Act, in describing any offence, or the subject matter on or with respect to which it shall be committed, or the offender, or the parties affected or intended to be affected by the offence, wheresoever words are used importing the singular number, or the masculine gender only, yet they shall be understood to include several matters as well as one matter, and several persons

Other general rules of interpretation.

Number, Gender,

as

Inhabitants of
Counties, &c.

as well as one person, and females as well as males, and the inhabitants of Counties, Parishes, Cities and other Districts, and Bodies Corporate as well as individuals; and wheresoever words are used importing the plural number, yet they shall be understood to apply to one matter as well as more than one, and to one person as well as more than one, as though the words had been used in the singular number, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

ART. 16.

Defined
Terms.

All terms defined in any part of this Act shall, when they occur in any other part thereof, be understood in their defined sense, unless it be otherwise provided, or the Article or Articles for the purposes of which any such term or terms is or are defined, be particularly specified.

CAP. XXX.

An Act to consolidate and improve the Laws relative to the administration of Criminal Justice.

Passed 27th March 1849.

PROCEEDINGS BEFORE INDICTMENT.

For what offences
a Justice of the
Peace may grant
a Warrant or Sum-
mons to cause a
person charged
therewith to be
brought before him.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where a charge or complaint (A) shall be made before any one or more of Her Majesty's Justices of the Peace for any County in this Province, that any person has committed or is suspected to have committed any Treason, Felony, or indictable Misdemeanor, or other indictable offence whatsoever, within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere, out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then and in every such case, if the person so charged or complained against shall not then be in custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant, (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, to answer to such charge or complaint, and to be further dealt with according to law; provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge or complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the person so charged or complained against, to issue his or their Summons (C) directed to such person, requiring him to appear before the said Justice or Justices at a time and place to be therein mentioned, or before such other Justice or Justices for the same County as may then be there; and if, after being served with such Summons in manner hereinafter mentioned, he shall fail to appear at such time and place, in obedience to such Summons, then and in every such case the said Justice or Justices, or any other Justice or Justices of the Peace for the same County, may issue his or their Warrant (D) to apprehend such person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same County, to answer to the said charge or complaint, and to be further dealt with according to law; provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant hereinbefore first mentioned at any time before or after the time mentioned in such Summons for the appearance of the said accused party.

In what cases the
party may be sum-
moned instead of
issuing a Warrant
in the first instance.

If the Summons be
not obeyed, then a
Warrant may be
issued.

II. And be it enacted, That it shall and may be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day.

Justice may issue any Warrant on Sunday.

III. And be it enacted, That in all cases where a charge or complaint for any indictable offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the party or parties so charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice or Justices; provided always, that in all cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or be sworn to or affirmed in manner aforesaid; but in every such case such information or complaint may be by parol merely, and without any oath or affirmation whatsoever to support or substantiate the same; provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examination of witnesses in that behalf, as hereinafter mentioned.

When charge, &c. is made, if a Warrant is to be issued, information, &c. on oath to be laid before Justices.

If Summons to be issued instead, information, &c. not necessary to be on oath.

No objection allowed for alleged defect in form.

IV. And be it enacted, That upon such information and complaint being so laid as aforesaid, the Justice or Justices receiving the same, may, if he or they shall think fit, issue his or their Summons or Warrant respectively, as hereinbefore is directed, to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, to be dealt with according to law; and every such Summons (C) shall be directed to the party so charged in and by such information, and shall require the party to whom it is so directed to be and appear, at a certain time and place therein mentioned, before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County as may then be there, to answer to the said charge, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, upon the person to whom it is so directed, by delivering the same to the party personally, or if he cannot conveniently be met with, then by leaving the same with some person for him at his last or more usual place of abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid, shall attend at the time and place and before the Justice or Justices in the said Summons mentioned, to depose, if necessary, to the service of such Summons; and if the person so served shall not be and appear before the Justice or Justices at the time and place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law; provided always, that no objection shall be taken or allowed to any such Summons or Warrant for any alleged defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examination of the witnesses in that behalf, as hereinafter mentioned; but if any such variance shall appear to such Justice or Justices to be such, that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

Upon complaint being laid, Justices receiving the same may issue Summons or Warrant for appearance of person charged.

How Summons to be served.

If party summoned do not attend, Justice may issue a Warrant to compel attendance.

No objection allowed for alleged defect in form, &c.

V.

Warrant to apprehend parties to be under hand and seal of Justice.

How and to whom directed.

No objection allowed for alleged defect in form, &c.

Regulations as to the backing of Warrants.

Proviso.

V. And be it enacted, That every Warrant (B) hereafter to be issued by any Justice or Justices of the Peace, to apprehend any person charged with any indictable offence, shall be under the hand and seal or hands and seals of the Justice or Justices issuing the same, and may be directed either to any Constable, or other person by name, or generally to the Constable of the Parish within which the same is to be executed, without naming him, or to such Constable and all other Constables or Peace Officers in the County within which the Justice or Justices issuing such Warrant has or have jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned County; and it shall state shortly the offence on which it is founded, and shall name or therein describe the offender; and it shall order the person or persons to whom it is directed to apprehend the offender and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in force until it shall be executed; provided always, that no objection shall be taken or allowed to any such Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice or Justices who shall take the examinations of the witnesses in that behalf, as hereinafter mentioned; but if any such variance shall appear to such Justice or Justices to be such, that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged, or to admit him to bail in manner hereinafter mentioned.

VI. And be it enacted, That if the person against whom any such Warrant shall be issued as aforesaid, shall not be found within the jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any part of this Province, out of the jurisdiction of the Justice or Justices issuing such Warrant, it shall and may be lawful for any Justice of the Peace of the County into which such person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon proof alone being made on oath of the hand writing of the Justice or Justices, or either of them, issuing such Warrant, to make an endorsement (E) on such Warrant, signed with his name, authorizing the execution of such Warrant within the jurisdiction of the Justice making such endorsement, and which endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County where such Warrant shall be so endorsed, to execute the same in such other County, and to carry the person against whom such Warrant shall have issued, when apprehended, before the Justice or Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County where the offence in the said Warrant mentioned appears therein to have been committed; provided always, that if the prosecutor, or any of the witnesses on the part of the prosecution, shall then be in the County where such person shall have been so apprehended, the Constable or other person or persons who shall have so apprehended such person, may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County; and the

the said Justice or Justices may thereupon take the examinations of such prosecutor or witnesses, and proceed in every respect in manner hereinafter directed, with respect to persons charged before a Justice or Justices of the Peace with an offence alleged to have been committed in another County than that in which such persons have been apprehended.

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice may and is hereby required to issue his Summons (F) to such person, under his hand and seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same County as shall then be there, to testify what he shall know concerning the charge made against such accused party; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode,) it shall be lawful for the Justice or Justices before whom such person should have appeared, to issue a Warrant (G) under his or their hands and seals, to bring and have such person at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, as shall then be there, to testify as aforesaid; and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such Summons, it shall be lawful for him to issue his Warrant (H) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said Summons, or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined on oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation, shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present, and having there jurisdiction, may by Warrant (I) under his hand and seal, commit the person so refusing to the Common Gaol for the County where such person so refusing shall then be, there to remain and be imprisoned for any time not exceeding seven days, unless he shall in the meantime consent to be examined, and to answer concerning the premises.

Power to Justices to summon Witnesses to attend and give evidence.

If Summons be not obeyed, Warrant may be issued to compel attendance.

In certain cases Warrant may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

As to examination of Witnesses.

VIII. And be it enacted, That in all cases where any person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable offence, or whether such person shall appear voluntarily upon Summons, or have been apprehended with or without Warrant, or be in custody for the same or any other offence, such Justice or Justices, before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall, in the presence of such accused person, who shall be at liberty to put questions

questions to any witness produced against him, take the statement (K) on oath or affirmation of those who know the facts and circumstances of the case, and shall put the same into writing, and such deposition shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid, shall before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices shall have full power and authority to do; and if upon the trial of the person so accused as first aforesaid, it shall be proved by the oath or affirmation of any credible witness, that any person whose deposition shall have been taken as aforesaid, is dead or so ill as not to be able to travel, and if also it be proved that such deposition was taken in the presence of the person so accused, and that he had a full opportunity of cross-examining the witness, then if such deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution, without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

Justice to administer oath or affirmation.

Depositions of persons who have died, or who are absent, may in certain cases be read in evidence.

After examination of the accused, Justice to read depositions taken against him, and caution him as to any statement he may make;

and inform him that he has nothing to hope or fear from either promise or threat.

Place where examination taken not to be deemed an open Court, and no person to remain without consent.

IX. And be it enacted, That after the examinations of all the witnesses on the part of the prosecution as aforesaid, shall have been completed, the Justice of the Peace, or one of the Justices by or before whom such examination shall have been so completed as aforesaid, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial:" and whatever the prisoner shall then say in answer thereto, shall be taken down in writing, (L) and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned; and afterwards, upon the trial of the said accused person, the same may, if necessary, be given in evidence against him, without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same; provided always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been holden out to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat; provided nevertheless, that nothing herein enacted or contained shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged, made at any time, which by law would be admissible as evidence against such person.

X. And be it declared and enacted, That the room or building in which such Justice or Justices shall take such examinations and statement as aforesaid, shall not be deemed an open Court for that purpose; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to, or be or remain in such room or building, without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be best answered by so doing.

XI. And be it enacted, That it shall be lawful for the Justice or Justices before whom any such witness shall be examined as aforesaid, to bind by recognizance (M) the prosecutor and every such witness to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Court of General Sessions of the Peace, at which the accused is to be tried, then and there to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, against the party accused; and the said recognizance being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged; and the several recognizances so taken, together with the written information, (if any,) the depositions, the statement of the accused, and the recognizance of Bail, (if any,) in every such case, shall be forthwith delivered or transmitted by the said Justice or Justices to the proper officer of the Court in which the trial is to be had; provided always, that if any such witness shall refuse to enter into or acknowledge such recognizance as aforesaid, it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (N) to commit him to the Common Gaol of the County in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the meantime such witness shall duly enter into such recognizance as aforesaid, before some one Justice of the Peace for the County in which such Gaol shall be situate; provided nevertheless, that if afterwards, from want of sufficient evidence in that behalf, or other cause, the Justice or Justices before whom such accused party shall have been brought, shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, by his or their order (O) in that behalf, to order and direct the keeper of such Common Gaol, where such witness shall be so in custody, to discharge him from the same, and such keeper shall thereupon forthwith discharge him accordingly.

XII. And be it enacted, That if from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination of the witnesses, for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought by his or their Warrant (P) from time to time to remand the party accused, for such time as by such Justice or Justices, in their discretion, shall be deemed reasonable, not exceeding eight clear days, to the Common Gaol or other prison, or place of security, in the County for which such Justice or Justices shall then be acting; or if the remand shall be for a time not exceeding three clear days, it shall be lawful for such Justice or Justices verbally to order the Constable, or other person in whose custody such party accused may then be, or any other Constable or person to be named by the Justice or Justices in that behalf, to continue or keep such party accused in his custody, and to bring him before the same, or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination; provided always, that any such Justice or Justices may order such accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, at any time before the expiration of the time for which such accused party shall be so remanded, and the gaoler or officer in whose custody he shall then be, shall duly obey such order; provided also, that instead of detaining the accused party in custody during the period for which he shall be so remanded, any one Justice of the Peace before whom such accused party shall appear or be brought, as aforesaid, may discharge him upon his entering into a recognizance (Q)

with

Power to Justice to bind over the prosecutors and witnesses by recognizance.

Recognizances, depositions, &c. to be transmitted to the Court in which the trial is to be had.

Witnesses refusing to enter into recognizances may be committed.

Power to Justice to remand the accused from time to time, not exceeding eight days, by Warrant.

If remand be for three days only, by verbal order.

Party accused may be admitted to bail, on the examination being adjourned.

If party does not appear upon recognizance, Justice may transmit the same to the Clerk of the Crown.

with or without a surety or sureties, at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination; and if such accused party shall not afterwards appear at the time and place mentioned in such recognizance, then the said Justice or any other Justices of the Peace who may then and there be present, upon certifying (R) on the back of the recognizance the non-appearance of such accused party, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said accused party.

If a person be apprehended in one County on charge of an offence committed in another, he may be examined in the former;

XIII. 'And whereas it often happens that a person is charged before a Justice of the Peace with an offence alleged to have been committed in another County than that in which such person has been apprehended, or in which such Justice has jurisdiction, and it is necessary to make provision as to the manner of taking the examinations of the witnesses, and of committing the party accused, or admitting him to bail in such case;' Be it therefore enacted, That whenever a person shall appear or shall be brought before a Justice or Justices of the Peace in the County wherein such Justice or Justices shall have jurisdiction, charged with an offence alleged to have been committed by him in any County within this Province wherein such Justice or Justices shall not have jurisdiction, it shall be lawful for such Justice or Justices, and he and they are hereby required to examine such witnesses, and receive such evidence in proof of such charge as shall be produced before him or them, within his or their jurisdiction; and if in his or their opinion such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice or Justices shall thereupon commit him to the Common Gaol for the County where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned, and shall bind over the prosecutor (if he have appeared before him or them) and the witnesses by recognizance, accordingly as is hereinbefore mentioned; but if such testimony and evidence shall not in the opinion of such Justice or Justices be sufficient to put the accused party upon his trial for the offence with which he is so charged, then such Justice or Justices shall bind over such witnesses as he shall have examined, by recognizance, to give evidence as hereinbefore is mentioned; and such Justice or Justices shall by Warrant (S) under his or their hand and seal, or hands and seals, order such accused party to be taken before some Justice or Justices of the Peace in and for the County where and near unto the place where the offence is alleged to have been committed, and shall at the same time deliver the information and complaint, and also the depositions and recognizances so taken by him or them to the Constable who shall have the execution of such last mentioned Warrant, to be by him delivered to the Justice or Justices, before whom he shall take the accused in obedience to the said Warrant, and which said depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the said last mentioned Justice or Justices, and shall, together with such depositions and recognizances as such last mentioned Justice or Justices shall take in the matter of such charge against the accused party, be transmitted to the Clerk of the Court where the said accused party is to be tried, in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be admitted to bail; provided always, that if such last mentioned Justice or Justices shall not think the evidence against such accused party sufficient to put him upon his trial, and shall discharge him without holding him to bail, every such recognizance

and if evidence be deemed sufficient, may be committed to prison.

If insufficient, to be brought before some Justice in the latter County.

so taken by the said first mentioned Justice or Justices, as aforesaid, shall be null and void.

XIV. And be it enacted, That when all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order such accused party, if in custody, to be discharged as to the information then under inquiry; but if, in the opinion of such Justice or Justices, such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such Justice or Justices shall, by his or their Warrant (T), commit him to the Common Gaol for the County or place to which by law he may now be committed, to be there safely kept until he shall be thence delivered by due course of law, or admit him to bail as hereinafter mentioned; provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any party so accused, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same, in which case the evidence so taken in behalf of the accused, shall be transmitted, together with the other depositions in the case, but it shall not be necessary to recognize the witnesses giving such evidence.

If after hearing evidence against the accused, it is not thought sufficient to warrant commitment, he shall be discharged; but if evidence considered sufficient, Justice shall, by Warrant, commit the accused for trial.

XV. And be it enacted, That when in any charge of felony such evidence shall not warrant the Justice or Justices before whom the same may be taken to dismiss the complaint, the accused party shall be committed to prison by such Justice or Justices, except in cases where authority may be expressly given to such Justice or Justices to admit to bail by any Act or Statute.

In felony, accused to be committed, if evidence be not sufficient for dismissal of the complaint. Exception.

XVI. And be it enacted, That any person charged with felony, or suspicion of felony, may be admitted to bail by order of the Supreme Court, or any one of the Judges of the same Court, without bringing the body of the person charged before such Court or Judge; and such Court or Judge may order to be transmitted to them or him the evidence taken before the Justice or Justices of the Peace against such accused party, for the purpose of considering an application for bail, without a Writ of certiorari being issued for that purpose; and any order for bailment to be made by such Court or Judge, shall specify the number of sureties, and the amount in which security is to be taken; and bailment (U) by virtue of such order may be made by any Justice or Justices of the Peace of the County where the accused party may be in custody; which Justice or Justices shall require good and sufficient bail, to the number and amount specified in the order, and shall certify the bailment in writing, and subscribe the same, and shall forthwith transmit the same, together with the order for bailment, to the proper officer of the Court at which the trial is to be.

Judges of the Supreme Court may order bail in cases of Felony; the evidence to be transmitted without a certiorari.

Bail ordered may be taken by a Justice of the Peace.

XVII. And be it enacted, That where any person shall be charged before any Justice of the Peace with any indictable misdemeanor, such Justice, after taking the examinations in writing as aforesaid, instead of committing him to prison for such offence, shall admit the person so charged to bail (U) upon his procuring and producing such surety or sureties as, in the opinion of such Justice, will be sufficient to secure the appearance of such accused person at the time and place when and where he is to be tried for such offence; and thereupon such Justice shall take the recognizance (U) of the said accused person, and his surety or sureties, conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial, and not depart the Court without leave; and in all cases where a person charged with any indictable

Justice may admit to bail persons charged with indictable misdemeanors.

indictable misdemeanor shall be committed to prison to take his trial for the same, it shall be lawful at any time afterwards, and before the first day of the Sitting or Session at which he is to be tried, for the Justice of the Peace who shall have signed the Warrant for his commitment, or any other Justice of the Peace in case of his absence, illness, or other preventing cause, to admit such accused party to bail in manner aforesaid, and such Justice shall forthwith transmit the recognizance of bail in every such case to the proper officer of the Court where such trial is to take place.

After examinations are completed, defendant entitled to copies of the depositions.

XVIII. And be it enacted, That at any time after all the examinations aforesaid shall have been completed, and before the first day of the Assizes or Sessions or other first Sittings of the Court at which the person so committed to prison, or admitted to bail as aforesaid, is to be tried, such person may require, and shall be entitled to have, of and from the officer or person having the custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding six pence for each folio of one hundred words.

Clerks of the Peace to assist Justices in felony cases.

XIX. And be it enacted, That it shall be the duty of the Clerk of the Peace in each and every County in this Province, to advise and assist any Justice or Justices of the Peace in such County, when required by such Justice or Justices, in any examination or other proceedings had before such Justice or Justices in regard to any person arrested on a charge of felony or suspicion of felony, and to attend every such examination where the same shall take place within the distance of forty five miles from the Court House of the County; and that a reasonable compensation for such services performed by any Clerk of the Peace shall be made out of the funds of the County, in like manner with other County charges, by order of the Justices of the Peace at any General Sessions.

Judge of Supreme Court to issue Warrant on indictment or information, not treason or felony.

XX. And be it enacted, That whenever any person shall be charged with any offence for which he may be prosecuted by indictment or information in Her Majesty's Supreme Court, not being Treason or Felony, and the same shall be made to appear to any Judge of the same Court, by affidavit or by certificate of an indictment or information being filed against such person in the said Court for such offence, it shall and may be lawful for such Judge to issue his Warrant, under his hand and seal, and thereby to cause such person to be apprehended and brought before him or some other Judge of the same Court, or before some one of Her Majesty's Justices of the Peace, in order to his being bound to the Queen's Majesty, with two sufficient sureties, in such sum as in the said Warrant shall be expressed, with condition to appear in the said Court at the time mentioned in such Warrant, and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively, to commit such person to the Common Gaol of the County, City or place where the offence shall have been committed, or where he shall have been apprehended, there to remain until he shall become bound as aforesaid, or shall be discharged by order of the said Court in Term time, or of one of the Judges of the said Court in Vacation; and the recognizance to be thereupon taken, shall be returned and filed in the said Court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction, shall have received judgment for the same, unless sooner ordered by the said Court to be discharged.

Persons found stealing, &c. may be arrested without Warrant.

XXI. And be it enacted, That any person found stealing or embezzling any property, or receiving any property, knowing the same to have been stolen, or committing

committing any other offence with respect to property for which he may be liable to be indicted, may be immediately apprehended without a Warrant, by any Peace Officer, or by the owner of the property upon or with respect to which the offence shall be committed, or by his servant, or any person authorized by him, and forthwith take him before a Justice of the Peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession or on his premises, any property whatsoever, on or with respect to which any such offence shall have been committed, the Justice may grant a Warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power, is required to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law.

Search Warrant may be issued.

XXII. And be it enacted, That it shall and may be lawful for any one of Her Majesty's Justices of the Peace, upon the complaint of any two inhabitants and householders of any City, Town or Parish within this Province, upon oath, of any person keeping a bawdy house, gaming house, or disorderly house, in such City, Town or Parish, to issue his Warrant to bring such person before him; and such Justice shall thereupon bind him over to appear at the next General Sessions of the Peace, or at the next Court of Oyer and Terminer or General Gaol Delivery, to be holden in and for the County in which such place shall be, as to the said Justice shall seem meet, there to answer to such Bill of Indictment as shall be found against him for such offence; and such Justice shall and may, if in his discretion he thinks fit, likewise demand and take security for such person's good behaviour in the meantime; provided always, that before any such Warrant shall be issued by a Justice of the Peace, he shall require the two inhabitants so making complaint to him as aforesaid, to enter into a recognizance in the penal sum of twenty pounds each, to give or produce material evidence against the person complained of at the next Sessions, or Court of Oyer and Terminer or General Gaol Delivery, as the case may be.

Justice on complaint may issue Warrant to bring before him any keeper of a disorderly house, and bind over to appear at next Sessions.

May require security for good behaviour.

Complainants to enter into recognizance to produce evidence.

PROCEEDINGS RELATIVE TO INDICTMENT.

XXIII. And be it enacted, That every offence which before the commencement of this Act would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater offence, and all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, indicted, tried and determined as principals and accessories in Murder.

Petit treason to be dealt with as murder.

XXIV. And be it enacted, That every crime of felony, incest, adultery, and all acts of lewdness, shall be dealt with, indicted, tried and determined in the Supreme Court, or Court of Oyer and Terminer and General Gaol Delivery, except in cases where power may be specially given by Act or Statute to any other Court to try and determine any of the said offences.

Felony, &c. to be dealt with in Supreme Court, &c.

XXV. 'And for the more effectual prosecution of accessories before the fact to Felony;' Be it enacted, That if any person shall counsel, procure or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any Statute or Act of Assembly made or to be made, the person so counselling, procuring or commanding, shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction

Accessory before the fact may be tried as such, or as a substantive felon, by any Court which has jurisdiction to try the principal felon, although the offence may be committed on the high seas or abroad.

of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and the offence of the person so counselling, procuring or commanding, howsoever indicted, may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal felon; in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas or at any place on land, whether within Her Majesty's Dominions or without; and that in case the principal felony shall have been committed within the body of any County, and the offence of counselling, procuring or commanding shall have been committed within the body of any other County, the last mentioned offence may be inquired of, tried, determined and punished in either of such Counties; provided always, that no person who shall have been once duly tried for any such offence, whether as an accessory before the fact, or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

If the offences be committed in different Counties, accessory may be tried in either.

Accessory to be indicted, &c. as if principal attained.

XXVI. And in order that all accessories may be convicted and punished in cases where the principal felon is not attained; Be it enacted, That if any principal offender shall be in any wise convicted of any felony, it shall be lawful to proceed against any accessory either before or after the fact, in the same manner as if such principal felon had been attained thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he be in any wise convicted, as he should have suffered if the principal had been attained.

Accessory before the fact may be indicted as if principal.

XXVII. And be it enacted, That if any person shall become an accessory before the fact to any felony, whether the same be a felony at common law, or by virtue of any Act or Statute made or to be made, such person may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

Accessory after the fact may be indicted at any time.

XXVIII. And be it enacted, That if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any Act or Statute made or to be made, he may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished; and the offence of such person, howsoever indicted, may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act, by reason of which such person shall have become an accessory, had been committed at the same place as the principal felony; provided always, that no person who shall be once duly tried for any such offence, whether as an accessory after the fact, or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

Mode of stating felony after previous conviction.

XXIX. And be it enacted, That in any indictment for any felony, not punishable with death, committed after a previous conviction for a felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony.

Bigamy may be indicted where party apprehended.

XXX. And be it enacted, That in every case of Bigamy, the said offence may be dealt with, inquired of, indicted, tried, determined and punished in the County where the offender shall be apprehended, or be in custody, as if the offence had been actually committed in that County.

XXXI.

XXXI. And be it enacted, That in every indictment for feloniously stealing property, it shall be lawful to add a count for feloniously receiving the same property, knowing it to have been stolen; and in any indictment for feloniously receiving property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same property; and where any such indictment shall have been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the Jury who shall try the same, to find a verdict of guilty, either of stealing the property, or of receiving it, knowing it to have been stolen; and if such indictment shall have been preferred and found against two or more persons, it shall be lawful for the Jury who shall try the same, to find all or any of the said persons guilty either of stealing the property, or of receiving it, knowing it to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving it, knowing it to have been stolen.

Feloniously stealing and receiving property &c. may be included in one indictment.

XXXII. 'And in order to provide for trial for Murder and Manslaughter where the death only happens in this Province;' Be it enacted, That where any person being feloniously stricken, poisoned or otherwise hurt upon the sea or at any place out of this Province, shall die of such stroke, poisoning or hurt in this Province, every offence committed in such case, whether the same shall amount to the offence of murder or manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the County in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County.

Trial for murder or manslaughter where death only happens in this Province, may be had in the County where the death takes place.

XXXIII. 'And for the more effectual prosecution of offences committed near the boundaries of Counties, or partly in one County and partly in another, or in places with respect to which it may be uncertain within which of two or more Counties they are situate;' Be it enacted, That when any felony or misdemeanor shall be committed on the boundary or boundaries of two or more Counties, or within the distance of one mile from any such boundary or boundaries, or in any place or places with respect to which it may be uncertain within which of two or more Counties they may be situate, or when any felony or misdemeanor shall be begun in one County and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in any of the said Counties, in the same manner as if it had been actually and wholly committed therein.

Offences committed on the boundaries of Counties, &c. may be tried in either County.

XXXIV. 'And for the more effectual prosecution of offences committed during journees from place to place;' Be it enacted, That when any felony or misdemeanor shall be committed on any person, or on or in respect of any property, or in or upon any coach, wagon, cart, sleigh, sled, or other carriage whatever, employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel or boat whatsoever, employed on any voyage or journey upon any navigable river, canal, or inland navigation, or on or in respect of any property in, upon, or forming part of any raft whatever, passing in or upon any such navigable river, canal, or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in any County through any part whereof such coach, wagon, cart, sleigh, sled, carriage, vessel, boat or raft shall have passed in the course of the journey, voyage or passage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County; and in all cases where the side, centre, or other part of any highway, or the side, bank,

Offences committed during a journey or voyage, may be tried in any County through which the Coach, &c. passed.

centre, or other part of any such river, canal, or navigation, shall constitute the boundary of any two Counties, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said Counties through, or adjoining to, or by the boundary of any part whereof, such coach, wagon, cart, sleigh, sled, carriage, vessel, boat or raft shall have passed in the course of the journey, voyage or passage during which such felony or misdemeanor shall have been committed, in the same manner as if it had actually been committed in such County.

Cases of forgery may be tried in the County where offender is apprehended.

XXXV. 'And to remedy the difficulties which sometimes arise in prosecutions for Forgery;' Be it enacted, That if any person shall commit any offence of forging, or altering any deed, writing, instrument, or other matter whatsoever, or of offering, uttering, disposing of, or putting off, any deed, writing, instrument, or other matter whatever, knowing the same to be forged or altered, with intent to defraud any person whomsoever, whether the offence in any such case shall be indictable at common law or by virtue of any Act or Acts now in force or hereafter to be made, the offence of every such offender may be dealt with, indicted, tried and punished, and laid and charged to have been committed in any County or place in which he shall be apprehended, or in custody, as if his offence had been actually committed in that County or place; and every principal in the second degree, and every accessory before the fact, and every accessory after the fact, may be dealt with, indicted, tried and punished, and his offence laid and charged to have been committed in any County or place in which the principal offender may be tried.

Accessories in the same place as the principals.

In indictments for forgery, copy not necessary.

XXXVI. 'And in order to prevent justice from being defeated by clerical or verbal inaccuracies in prosecutions for Forgery;' Be it enacted, That in all informations or indictments for Forgery, or in any manner altering any deed, writing, instrument, or other matter whatever, it shall not be necessary to set forth any copy or fac simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same, any law, usage or custom to the contrary notwithstanding.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.

XXXVII. 'And in order to remove the difficulty of stating the names of all the owners of the property in the case of partners and other joint owners;' Be it enacted, That in any indictment or information for any felony or misdemeanor, whenever it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be; and whenever in any indictment or information for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid, and this provision shall be construed to extend to all Joint Stock Companies and Trustees.

Property belonging to Counties may be laid in the inhabitants of the County.

XXXVIII. 'And with respect to the property of Counties;' Be it enacted, That in any indictment or information for any felony or misdemeanor committed in, upon, or with respect to any Bridge, Court House, Gaol, House of Correction, Infirmary, Asylum, or other building erected or maintained, in whole or in part, at the expense of any County, or on or with respect to any goods or chattels whatsoever, provided for or at the expense of any County, to be used for building, altering or repairing any Bridge, Court House, or other building as aforesaid, or to be used in or with any such Bridge, Court House, or other building, it shall be

be sufficient to state any such property, real or personal, to belong to the inhabitants of such County, and it shall not be necessary to specify the names of any such inhabitants.

XXXIX. 'And with respect to property under the management of Public Officers;' Be it enacted, That in any indictment or information for any felony or misdemeanor committed on or with respect to any buildings, or any goods or chattels, or any other property, real or personal, whatsoever, in the occupation or under the superintendance, charge or management of any Public Officer or Commissioner whatsoever, or any County or Parish Officer or Commissioner whomsoever, it shall be sufficient to state any such property to belong to the Officer or Commissioner in whose occupation, or within or under whose superintendance, charge or management such property shall be, and it shall not be necessary to specify the names of any such Officers or Commissioners.

Property under the management of public officers may be laid in the public officer.

XL. 'And for the preventing abuses from dilatory pleas;' Be it enacted, That no indictment or information shall be abated by reason of any dilatory plea or misnomer, or of want of addition or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise, of the truth of such plea; but in such cases the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Indictment not to abate for dilatory plea.

XLI. And be it enacted, That if any person being arraigned upon any indictment for treason or felony, shall plead thereto a plea "not guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall, in the usual manner, order a Jury for the trial of such person accordingly.

Plea of 'not guilty' to put a party on his trial.

XLII. And be it enacted, That if any person being arraigned upon or charged with any indictment or information for treason, felony, or misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

If prisoner stand mute of malice, Court may order plea of 'not guilty' to be entered.

XLIII. And be it enacted, That no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

Attainder of another crime not pleadable.

XLIV. And be it enacted, That in any indictment for any offence within the meaning of the fourteenth Article of the first Section of Chapter Nine of an Act made and passed during the present Session of the Assembly, intituled *An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province, so far as relates to the definition of certain indictable offences, and the punishment thereof*, it shall not be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

In indictment for offence against art. 14, sec. 1, cap. 9 of 12 V. c. 29, not necessary to allege property, &c.

XLV. And be it enacted, That in any indictment for any offence within the meaning of the fifteenth Article of the first Section of Chapter Nine in the said last mentioned Act, it shall be sufficient to allege the thing stolen to be evidence of the title or part of the title of the person or some one of the persons having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

In same against art. 15 of same Act, only necessary to allege the thing stolen to be evidence of title.

Distinct acts of embezzlement may be charged in the same indictment.

XLVI. 'And for preventing the difficulties that have been experienced in the prosecution of embezzlements committed by clerks and servants;' Be it enacted, That it shall be lawful to charge in the indictment and proceed against such offenders for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master, within the space of six calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed, shall not be proved; or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Where original offence is a misdemeanor, receivers of articles may be indicted for a misdemeanor.

XLVII. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof, is made an indictable misdemeanor, such person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall, on conviction, be liable to be punished in the manner provided for the person guilty of the principal misdemeanor.

All receivers may be dealt with where the principal offender is triable.

XLVIII. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried and punished in any County or place in which he shall have or shall have had any such property in his possession, or in any County or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished in the County or place where he actually received such property.

The owner of stolen property prosecuting thief or receiver to conviction, shall have restitution of property.

XLIX. 'And to encourage the prosecution of offenders;' Be it enacted, That if any person guilty of any felony or misdemeanor, in stealing, taking, obtaining or converting, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence, by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the Court before whom any such person shall be so convicted, shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner; and the Court may in like manner, if it shall see fit, order the restitution of property in cases where the party so indicted as aforesaid may not be convicted, if it shall clearly appear that the property had been stolen, or taken or obtained from the owner by felony or misdemeanor aforesaid; provided always, that if it shall appear, before any award or order made, that any valuable security shall have been *bona fide* paid or discharged by some person or Body Corporate liable to the

Restitution where party not convicted.

Exception.

the payment thereof, or being a negotiable instrument, shall have been *bona fide* taken, or received by transfer or delivery, by some person or Body Corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained or converted as aforesaid; in such case the Court shall not award or order the restitution of such security.

L. And be it enacted, That all Lotteries which by law are taken and adjudged to be common and public nuisances, may be dealt with, indicted, tried and determined in any Court of Oyer and Terminer or Gaol Delivery, or Court of General Sessions of the Peace for any County in this Province.

Lotteries may be indicted at Oyer and Terminer, &c.

LI. And be it enacted, That the Court of General Sessions of the Peace shall have power to deal with, try, and determine any larceny, or any accessories thereto, or any offence of receiving stolen goods, in which the value of the property on or with respect to which the offence shall be committed, shall not exceed the sum of five pounds; provided always, that the said Court of General Sessions of the Peace, in any case of difficulty, in which a party may be indicted before such Court for any offence under this Act, triable by such Court, whether it be a felony or misdemeanor, either before or after the party has pleaded may cause the indictment to be handed over by the Clerk of the Peace to the next Supreme Court, or Court of Oyer and Terminer held in the County, to be therein dealt with, tried and determined, and shall in such case bind by recognizance all witnesses to appear before such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, and give evidence upon the trial of such indictment; and if it be a case of misdemeanor, and the party indicted can find good and sufficient bail, shall also take bail from such party to appear in such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, and plead or take his trial upon such indictment as the case may be; and if it be a case of felony, the said Court of General Sessions of the Peace may, if it so think fit, admit the party indicted to bail, upon his giving good and sufficient bail in like manner to appear and plead, or take his trial upon such indictment as the case may be, in such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery.

General Sessions to deal with larceny where value shall not exceed £5;

In difficult cases may hand over indictment to the Supreme Court or Court of Oyer and Terminer, and bind witnesses, &c;

And bail the party.

EVIDENCE.

LII. And be it enacted, That on any prosecution by indictment or information against any person for forging any deed, writing, instrument or other matter whatsoever, knowing the same to be forged, no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have or be supposed to have in respect of such deed, writing, instrument or other matter.

In forgery, person not to be deemed incompetent for interest in instrument.

LIII. And whereas it is expedient to prevent all doubt respecting the civil rights of persons convicted of felonies not capital, who have undergone the punishment to which they were adjudged; Be it therefore enacted, That when any offender hath been or shall be convicted of any felony not punishable with death, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured shall have the like effect and consequence as a pardon under the Great Seal, as to the felony whereof the offender was so convicted; provided always, that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

Every punishment for felony, after it has been endured, shall have the effect of a pardon under the Great Seal.

No misdemeanor, except perjury, shall render a party an incompetent witness after he has undergone the punishment.

LIV. ' And whereas there are certain misdemeanors which render the parties ' convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties after they have undergone their punishment; ' Be it enacted, That when any offender hath been or shall be convicted of any such misdemeanor, except perjury, or subornation of perjury, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be, by reason of such misdemeanor, an incompetent witness in any Court or proceeding, civil or criminal.

In indictments for second felonies not punishable with death, certificate of first conviction to be evidence.

LV. And be it enacted, That in any indictment for a felony not punishable with death, committed after a previous conviction of felony, a certificate containing the substance and effect, omitting the formal part of the indictment and conviction for the previous felony, purporting to be signed by the Clerk of the Court or other Officer having the custody of the Records of the Court where the offender was first convicted, or by the Deputy of such Clerk or Officer, shall upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any such Clerk, Officer or Deputy, shall utter a false certificate of any indictment and conviction for a previous felony, or if any person other than such Clerk, Officer or Deputy, shall sign any such certificate, as such Clerk, Officer or Deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony.

False certificate made felony.

Quakers, &c. to be permitted to affirm in giving evidence in criminal cases.

LVI. And be it enacted, That any Quaker or Moravian who shall be required to give evidence in any criminal case, shall, instead of taking an oath in the usual form, be permitted to take his solemn affirmation or declaration in the words following, that is to say :—' I, A. B., do solemnly, sincerely and truly declare and ' affirm; ' which said affirmation or declaration shall be of the same force and effect in all Courts of Justice and other places, where by law an oath is required, as if such Quaker or Moravian had taken an oath in the usual form.

PROCEEDINGS RELATIVE TO TRIAL.

Every peremptory challenge to Jurors above twenty, to be void.

LVII. And be it enacted, That no person arraigned for any felony shall be admitted to any peremptory challenge above the number of twenty, and if any person indicted for any treason or felony shall challenge peremptorily a greater number of the men returned to be of the Jury, than such person is entitled by law so to challenge, every peremptory challenge beyond the number allowed by law, in the case then in hand, shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

Jury not to inquire as to lands, &c.

LVIII. And be it enacted, That when any person shall be indicted for treason or felony, the Jury empannelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

Right of traverse in misdemeanors abolished.

LIX. ' And whereas the practice of defendants who are indicted for misdemeanors at any Court of Oyer and Terminer, traversing, without cause shewn ' therefor, to a following Court, is found from the length of time intervening between ' the several Courts, and the difficulty of securing the attendance of witnesses, to ' obstruct the due administration of justice; ' Be it enacted, That the right of traverse by persons indicted for any misdemeanor or misdemeanors at any Court of Oyer and Terminer or General Gaol Delivery, or General Sessions of the Peace, shall be and the same is hereby taken away and abolished, and that hereafter every

every indictment against any person or persons for any misdemeanor or misdemeanors shall be heard, tried and finally determined at the same Court of Oyer and Terminer or General Gaol Delivery, or General Sessions of the Peace, at which such indictment shall have been preferred, unless the Court shall think proper, upon cause shewn, to adjourn the same to the next or any subsequent Court of Oyer and Terminer or General Gaol Delivery, or General Sessions of the Peace.

LX. 'And whereas a failure of justice frequently takes place in criminal trials by reason of variances between writings produced in evidence and the recital or setting forth thereof in the indictment or information, and the same cannot now be amended at the trial, except in cases of misdemeanor; for remedy thereof;' Be it enacted, That it shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the indictment or information for any offence whatever, when any variance shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof in the indictment or information whereon the trial is pending, to be forthwith amended in such particular or particulars, by some officer of the Court, and after such amendment; the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared.

Courts of Oyer and Terminer may cause indictments to be amended in certain cases.

LXI. And be it enacted, That if no demand of a copy of the depositions taken on the examination of any party accused shall be made before the day appointed for the opening of the Assizes or Sessions at which the trial of such accused party is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge or other person to preside at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent for such Judge or other person so to preside at such trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged; and all persons shall be entitled at the time of their trial to inspect, without fee or reward, all depositions or copies thereof which shall have been taken against them or on their behalf, and returned into the Court before which such trial shall be had.

Accused not entitled to copy of depositions if not demanded before opening of Assizes or Sessions.

Judge may order copy or postpone trial.

Inspection allowed.

LXII. And be it enacted, That all persons tried for any felonies shall be admitted after the close of the case for the prosecution to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Court where Attornies practise as Counsel; and that in all cases of summary proceedings before Justices, persons accused shall be admitted to make their full defence and answer, and to have witnesses examined and cross-examined by Counsel or Attorney as aforesaid.

In felony and summary conviction cases, accused may defend by Counsel.

LXIII. And be it enacted, That on the trial of any person for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding.

Verdict of guilty of assault may be found when party is acquitted of felony.

LXIV. And be it enacted, That if upon the trial of any person indicted for obtaining any property, money or valuable security, by false pretence, contrary to law, it shall be proved that he obtained the same in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

No acquittal if on trial for false pretence the offence shall amount to larceny.

LXV. And be it enacted, That any Court that has power to try the principal felon in any case of stolen property, may also try the receiver, howsoever indicted;

Same Court may try receiver and principal.

provided

provided always, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

On trial of a woman for child murder, Jury may find guilty of concealing birth.

LXVI. And be it enacted, That if on the trial of any woman for the murder of her child, she shall be acquitted thereof, it shall be lawful for the Jury by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

Questions of law may be reserved for the decision of the Supreme Court.

LXVII. ' And whereas it is expedient to provide a better mode than that now ' in use, of deciding any difficult question of law which may arise in criminal trials ' in any Court of Oyer and Terminer and Gaol Delivery ; ' Be it therefore enacted, That when any person shall have been convicted of any treason, felony or misdemeanor, before any Court of Oyer and Terminer or Gaol Delivery, the Judge or Commissioner before whom the case shall have been tried, may, in his discretion, reserve any question of law which shall have arisen on the trial for the consideration of the Supreme Court, and thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment until such question shall be considered and decided, as he may think fit ; and in either case the said Court of Oyer and Terminer or Gaol Delivery, in its discretion, shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties, and in such sum as the said Court shall think fit, conditioned to appear at such time or times as the said Court shall direct, and receive judgment, or to render himself into custody as the case may be.

Supreme Court to have power to affirm or reverse any verdict of a Court of Oyer and Terminer, &c. on a statement of the reserved questions of law, made by a Judge.

LXVIII. And be it enacted, That the Judge or Commissioner of the said Court of Oyer and Terminer and Gaol Delivery, shall thereupon state, in a case to be signed by him, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen, and such case shall be transmitted to the said Supreme Court, and the said Supreme Court shall thereupon have full power and authority to hear and finally determine the said question or questions, and thereupon to reverse, affirm or amend any judgment which shall have been given on the indictment or inquisition on the trial whereof such question or questions have arisen, or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Supreme Court, the party convicted ought not to have been convicted, or to arrest the judgment, or order judgment to be given thereon at some other Session of Oyer and Terminer or Gaol Delivery, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require ; and such judgment and order (if any) of the said Supreme Court, shall be certified under the hand of the chief or presiding Justice of the said Supreme Court to the Clerk of the Circuits, or his Deputy, who shall enter the same on the original record in proper form ; and a certificate of such entry, under the hand of the Clerk of the Circuits, or his Deputy, in the form, as near as may be, or to the effect mentioned in the Schedule annexed to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Sheriff or Gaoler in whose custody the person convicted shall be, and the said certificate shall be a sufficient warrant to such Sheriff or Gaoler, and all other persons, for the execution of the judgment, as the same shall be so certified to have been affirmed or amended, and execution shall be thereupon executed on such judgment, and for the discharge of the person

person convicted from further imprisonment, if the judgment shall be reversed, avoided or arrested; and in that case such Sheriff or Gaoler shall forthwith discharge him, and also the next Court of Oyer and Terminer and Gaol Delivery shall vacate the recognizance of bail, (if any,) and if the Court of Oyer and Terminer and Gaol Delivery shall be directed to give judgment, the said Court shall proceed to give judgment at the next Session.

LXIX. And be it enacted, That the said Supreme Court, when a case has been reserved for their opinion, shall have power, if they think fit, to cause the case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

Supreme Court may send back case for amendment.

LXX. And be it enacted, That in all cases where it shall be given in evidence upon the trial of any person charged with treason, murder, felony, or any misdemeanor, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the Jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity; and if they shall find that such person was insane at the time of the committing such offence, the Court before whom such trial shall be had, shall order such person to be kept in strict custody, in such place and in such manner as to the Court shall seem fit, until the pleasure of the Lieutenant Governor or Administrator of the Government for the time being shall be made known; and it shall thereupon be lawful for the said Lieutenant Governor or Administrator of the Government, to give such order for the safe custody of such person during his pleasure, in such place and in such manner as to the said Lieutenant Governor or Administrator of the Government for the time being shall seem fit; and in all cases where any person, before the passing of this Act, has been acquitted of any such offences on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person has been tried, and still remains in custody, it shall be lawful for the said Lieutenant Governor or Administrator of the Government, to give the like order for the safe custody of such person during his pleasure, as the said Lieutenant Governor or Administrator of the Government is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

Prisoners charged with treason, murder, &c. and proved insane, to be acquitted, but kept in custody.

LXXI. And be it enacted, That if any person indicted for any offence shall be insane, and shall upon arraignment be found to be so by a Jury lawfully empannelled for that purpose, so that such person cannot be tried upon such indictment, or if upon the trial of any person so indicted such person shall appear to the Jury charged with such indictment to be insane, it shall be lawful for the Court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody, until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known; and if any person charged with any offence shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a Jury to be empannelled to try the sanity of such person, and if the Jury so empannelled shall find such person to be insane, it shall be lawful for such Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit, until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known;

Person found insane upon arraignment, to be confined.

and in all cases of insanity so found, it shall be lawful for the said Lieutenant Governor or Administrator of the Government to give such order for the safe custody of such person so found to be insane, during his pleasure, in such place and in such manner as to the said Lieutenant Governor or Administrator of the Government shall seem fit.

Inquiry with medical aid to be made respecting prisoners becoming insane.

If certified to be insane, may be removed to Lunatic Asylum.

Removal back to prison, &c. on recovery.

LXXII. 'And whereas it is expedient that provision should be made for the confinement of insane prisoners;' Be it therefore enacted, That if any person, while imprisoned in any prison or other place of confinement, under any sentence of death or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour, or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any Justice or Justices of the Peace, or under any other than civil process, shall appear to be insane, it shall be lawful for any two Justices of the Peace of the County or place where such person is imprisoned, to inquire, with the aid of two Physicians or Surgeons, as to the insanity of such person; and if it shall be duly certified by such Justices and such Physicians or Surgeons that such person is insane, it shall be lawful for the said Lieutenant Governor or Administrator of the Government, upon receipt of such certificate, to direct, by Warrant under his hand, that such person shall be removed to such County Lunatic Asylum, or other proper receptacle for insane persons, as the said Lieutenant Governor or Administrator of the Government may judge proper and appoint; and every person so removed under this Act, or already removed or in custody under any former Act relating to insane prisoners, shall remain under confinement in such County Asylum or other proper receptacle as aforesaid, or in any other County Lunatic Asylum or other proper receptacle to which such persons may be removed, or may have been already removed, or in which he may be in custody by virtue of like order, until it shall be duly certified to the said Lieutenant Governor or Administrator of the Government, by two Physicians or Surgeons, that such person has become of sound mind; whereupon the said Lieutenant Governor or Administrator of the Government is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his Warrant or Order to the keeper or other person or persons having the care of any such Asylum or receptacle as aforesaid, directing that such person shall be removed back from thence to the prison or other place of confinement from whence he shall have been taken; or if the period of imprisonment or custody of such person shall have expired, that he shall be discharged.

SUMMARY TRIALS FOR LARCENY.

Persons charged with larceny of property not exceeding in value 40s., may be tried summarily.

LXXIII. And be it enacted, That any person charged with any larceny or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed forty shillings, may be admitted to bail by any Justice of the Peace before whom such person may be so charged; and in case of any such offender being committed to prison, and not giving sufficient bail for his appearance at the next General Sessions of the Peace for the County where the offence may be triable, within forty eight hours after such commitment, it shall and may be lawful for any three Justices of the Peace of the County where the offender may be committed, or if in the City of Saint John, for the Mayor, Recorder and Aldermen, or any three of them, (the Mayor or Recorder always being one,) forthwith to hear and determine such offence, and on conviction, either by confession or on testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to proceed according to the twelfth

twelfth Article of the first Section of the Act made and passed during the present Session of the Assembly, intituled *An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province, so far as relates to the definition of certain indictable offences, and the punishment thereof.* C. 29.

SUMMARY PROCEEDINGS FOR ASSAULT.

LXXIV. 'And whereas it is expedient that a summary power of punishing persons for common assaults and batteries should be provided, under the limitations hereinafter mentioned; Be it therefore enacted, That where any person shall unlawfully assault or beat any other person, it shall be lawful for two Justices of the Peace, upon complaint of the party aggrieved, to hear and determine such offence; and the offender, upon conviction thereof before them, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs, if ordered, the sum of five pounds; which fine shall be paid to the Overseers of the Poor, some or one of them, of the City or Parish, or the Commissioners of the Alms House of the County in which the offence shall have been committed, to be by them applied to the support of the Poor of such City or Parish, or of such County; and the evidence of any inhabitants of the City, or Parish, or County, shall be admitted in proof of the offence, notwithstanding such application of the fine incurred thereby; and if such fine as shall be awarded by the said Justices, together with the costs, if ordered, shall not be paid either immediately after the conviction, or within such period as the said Justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to the Common Gaol, there to be imprisoned for any term not exceeding one calendar month, unless such fine and costs be sooner paid; but if the Justices, upon the hearing of any such case of assault or battery, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

Assaults may be tried before two Justices in a summary manner.

Application of fine.

Certificate to be given if complaint be dismissed.

LXXV. And be it enacted, That if any person against whom any such complaint shall have been preferred for any common assault or battery, shall have obtained such certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

A certificate from the Justices to be a discharge from further proceedings.

LXXVI. Provided always, and be it enacted, That in case the Justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is from any other circumstance a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act; provided also, that nothing herein contained shall authorize any Justices of the Peace to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein or accruing therefrom, or any execution under the process of any Court of Justice.

Cases of difficulty to be handed over to another Court.

LXXVII. 'And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act; Be it enacted, That where any person shall be charged on the oath of a credible witness before any Justice of the Peace

Justices may issue Summons or Warrant in cases punishable by summary conviction.

Peace with any such offence, the Justice may summon the person charged to appear before any two Justices of the Peace, at a time and place to be named in such Summons, and if he shall not appear accordingly, then (upon proof of the due service of the Summons upon such person, by delivering the same to him,) the Justices may either proceed to hear and determine the case ex parte, or may issue their Warrant for apprehending such person and bringing him before them, or the Justice before whom the charge shall be made, may (if he shall so think fit) issue such Warrant in the first instance, without any previous Summons.

Prosecution to be within one calendar month.

LXXVIII. Provided always, and be it enacted, That the prosecution for every offence punishable on summary conviction by virtue of this Act, shall be commenced within one calendar month after the commission of the offence, and not otherwise.

Form of conviction.

LXXIX. And be it enacted, That the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or any other form of words to the same effect, as the case shall require, (that is to say):—

‘ Be it remembered, That in the day of in the year of our Lord
 ‘ at in the County of A. B. is convicted before us, [*naming the*
 ‘ Justices,] two of Her Majesty’s Justices of the Peace for the said County, [*or*
 ‘ City and County, *as the case may be,*] for that he the said A. B. did [*specify*
 ‘ the offence, and the time and place when and where the same was committed, as the
 ‘ case may be,] and we the said Justices adjudge the said A. B. for his said offence
 ‘ to forfeit and pay the sum of [*here state the amount of the fine imposed,*] and
 ‘ also to pay the sum of for costs; and in default of immediate payment of
 ‘ the said sums, to be imprisoned in the for the space of unless the said
 ‘ sums shall be sooner paid, [*or we order that the said sums shall be paid by the*
 ‘ said A. B. on or before the day of] and we direct that the said sum
 ‘ of [*i. e. the amount of the fine*] shall be paid to the Overseers of the Poor of
 ‘ aforesaid, in which the said offence was committed, or some one of them, to be
 ‘ by them applied to the support of the Poor of the said and we order that
 ‘ the said sum of for costs, shall be paid to C. D., [*the party aggrieved*].—
 ‘ Given under our hands the day and year first above mentioned.’

PROCEEDINGS AFTER CONVICTION.

On Writ of Error, if judgment reversed, Court may give a proper judgment, or remit the Record.

LXXX. And be it enacted, That whenever any Writ of Error shall be brought upon any judgment on any indictment, information, presentment, or inquisition, in any criminal case, and the Court of Error shall reverse the judgment, it shall be competent for such Court of Error either to pronounce the proper judgment or to remit the Record to the Court below, in order that such Court may pronounce the proper judgment upon such indictment, information, presentment, or inquisition.

On notice of a commutation of capital punishment, order to be made for the imprisonment of offender on prescribed conditions.

LXXXI. And be it enacted, That whenever the Lieutenant Governor or Administrator of the Government for the time being, shall exercise the prerogative of the Crown by extending mercy to any offender convicted of any crime punishable with death, upon condition of imprisonment with hard labour in the Provincial Penitentiary, either for the term of life or for any number of years, and shall make the same known to the Court before which such offender hath been or shall be convicted, such Court shall allow to such offender the benefit of a conditional pardon, and make an order for the immediate imprisonment of such offender, under and upon the terms and conditions therein expressed; and in case such intention

of mercy shall be made known to any Judge of the Supreme Court, such Judge shall allow to such offender the benefit of a conditional pardon, and make an order for the immediate imprisonment, with hard labour, of such offender in the Provincial Penitentiary, in the same manner as if such intention of mercy had been signified to any such Court as aforesaid; and such allowance and order shall be considered an allowance and order made by the Court before which such offender was convicted, and shall be entered on the Records of the same Court by the proper officer thereof, and shall be as effectual, to all intents and purposes, and have the same consequences, as if such allowance and order had been made by the same Court during the continuance thereof; and every such order, whether made by the Court, or any Judge of the Supreme Court, as aforesaid, shall subject the offender to be conveyed to the Provincial Penitentiary, and there kept to hard labour during the term of imprisonment mentioned therein, in like manner as if such imprisonment had been imposed as a punishment by the sentence of any Court by authority of law.

Order to have the effect of a sentence by a Court.

LXXXII. And be it enacted, That no judgment shall be given or awarded against any person or persons convicted of any offence, that such person or persons do stand in or upon the Pillory, any law, statute or usage to the contrary notwithstanding.

Pillory abolished.

LXXXIII. And be it declared and enacted, That benefit of Clergy, with respect to persons convicted of felony, is and hereby shall be abolished.

Benefit of Clergy abolished.

LXXXIV. And be it enacted, That no person convicted of felony shall suffer death, unless it be for felony which was excluded from the benefit of Clergy before or on the first day of the Session of the Assembly held in the first year of His late Majesty's Reign, or which hath been or shall be made punishable with death by some Act or Statute passed after that day.

Persons convicted of felony not to suffer death unless expressly mentioned.

LXXXV. 'And that the punishment of offenders may be less frequently inter-
'cepted, in consequence of technical niceties;' Be it enacted, That no judgment upon any indictment or information for any felony or misdemeanor, whether upon demurrer, or after verdict, or outlawry, or by confession, default, or otherwise, shall be given in favour of any prisoner or defendant, or stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the words "as appears by the Record," or of the words "with force and arms," or of the words "against the Peace," nor for the insertion of the words "against the form of the Statute or Act of Assembly," instead of the words "against the form of the Statutes or Acts of Assembly," or vice versa, nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office, or other descriptive appellation, instead of his, her or their proper name or names, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, when the Court shall appear by the indictment or information to have had jurisdiction over the offence.

Judgment not to be disturbed for specified technical niceties.

LXXXVI. And be it enacted, That no judgment after verdict upon any indictment or information for any felony or misdemeanor, shall be stayed or reversed for want of a similitur, nor by reason that the Jury process has been awarded to a wrong officer upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the Jurors, nor because any person has served upon the Jury who has not been returned as

Judgment not to be reversed for other enumerated technicalities.

a Juror by the Sheriff or other officer; and that where the offence charged has been created by an Act or Statute, or subjected to a greater degree of punishment by any Act or Statute, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the Act or Statute, if it describe the offence in the words of the Act or Statute.

LXXXVII. And be it enacted, That whenever sentence shall be passed for any offence on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which either of those punishments could be otherwise awarded; and that in case any person imprisoned for any offence shall escape from the Gaol or the Provincial Penitentiary, such person, on being retaken, shall undergo in the Prison from which he shall have escaped, the remainder of his time of imprisonment which was unexpired at the time of such escape, in addition to any penalty, forfeiture or punishment he may incur by reason of such escape.

LXXXVIII. And whereas it is expedient to make provision for setting and keeping to hard labour persons who may be adjudged to that punishment; Be it enacted, That the Justices of the Peace in the several Counties in this Province, at their General Sessions, or at any Special Session to be for that purpose expressly convened and holden, shall be and they are hereby required and empowered to make orders, rules and regulations for setting and keeping to hard labour all persons who may be adjudged to hard labour, or who may be imprisoned for any offence by any Court, or Justice or Justices of the Peace, having competent jurisdiction therefor, and for securing, governing and managing such persons while employed at such hard labour; and in all such cases the work shall be of such kind as the said Justices shall prescribe, and may be performed at any place within the County which the Justices may direct, as well without as within the Prison or House of Correction in which the offender may be imprisoned; and the said Justices at such Sessions as aforesaid, may from time to time appoint one or more fit person or persons to superintend and oversee all such offenders so set to hard labour, and may remove such persons so appointed and appoint others in their stead, and also may revoke, alter and amend any such orders, rules and regulations, as occasion may require; provided always, that in cases where it may be thought expedient that offenders should be set to hard labour within the Common Gaol of the County, the concurrence of the Sheriff of the County shall be previously had to the orders, rules and regulations of the Justices, and the appointment of any such overseer.

LXXXIX. And be it enacted, That the proceeds arising from the work and labour of all offenders so adjudged to hard labour, shall be applied by the said Justices at such Sessions as aforesaid, in the first place to the support and clothing of such offenders, and the overplus (if any) shall be paid to the County Treasurer for the use of the County.

XC. And be it enacted, That if any person so adjudged and set to hard labour as aforesaid, shall refuse to perform any labour lawfully required of him, or shall be guilty of any misbehaviour or disorderly conduct, such Justices of the Peace at any such General or Special Sessions as aforesaid, shall be and they are hereby authorized and empowered, for any such refusal, or misbehaviour, or disorderly conduct, to order such offender into solitary confinement for such time as they may think fit, not exceeding the term of the offender's imprisonment.

A second sentence may pass while person already under sentence of imprisonment.

Justices to make regulations, and set to work persons sentenced to hard labour.

Application of proceeds arising from the labour.

Persons refusing to work, to be put in solitary confinement.

EXPENSES OF CRIMINAL PROCEEDINGS.

XCI. ' And whereas it is necessary to make some provision for the conveyance of criminals from the County or places where found and arrested to the Gaol of the County where the offence may have been committed; Be it enacted, That whenever it may become necessary to convey any criminal or person arrested under any criminal charge from the Gaol of any County or place where so arrested to the Gaol of the County within which the offence may have been committed, it shall and may be lawful for any two Justices of the Peace of the County where the offence may have been committed, to agree upon, order and allow such reasonable sum as may be considered sufficient for the charge and expense of the conveyance of such criminal to the place of commitment; and the sum so agreed upon, ordered and allowed, the Treasurer of the County to which such criminal may be sent or conveyed, shall be and is hereby authorized and directed to pay upon the production of the order of such Justices in favour of the person or persons therein named.

Expenses of conveying prisoners to be allowed by Justices.

XCII. ' And with regard to the payment of the expenses of prosecutions for felony or misdemeanor; Be it enacted, That the Court before which any person shall be prosecuted or tried for any felony or misdemeanor, is hereby authorized and empowered, at the request of the prosecutor, or any other person who shall appear on recognizance or subpoena to prosecute or give evidence against any person accused of any felony or misdemeanor, to order payment to the said prosecutor or other person appearing as aforesaid, of such sum of money as to the Court shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for their travel to and from, and their attendance at such Court; which said order for payment to any prosecutor or other person as aforesaid, shall be forthwith made out and delivered by the proper officer of the Court unto such prosecutor or other person, and shall be made upon the Treasurer of the County in which the offence shall have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any person duly authorized to receive the same on his behalf, the money in such order mentioned, out of any monies then in or which may thereafter come into his hands as fines collected for the non-attendance of Jurors, or belonging to the said County.

The Court may allow witnesses expenses on criminal prosecutions, payable from County funds.

PROTECTION OF JUSTICES AND CONSTABLES.

XCIII. ' And for the protection of persons acting in the execution of this Act; Be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall be made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suited or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney

Actions to be commenced within six months.

Notice.

General issue.

Tender.

Costs.

attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

No action to be brought against any Constable, &c., until demand made of the perusal and copy of the Warrant, and refusal of the same, nor without making Justice a defendant.

XCIV. And be it enacted, That no action shall be brought against any Constable or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any Warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his, her or their attorney or agent in writing, signed by the party demanding the same, of the perusal and copy of such Warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case, after such demand and compliance therewith, by shewing the said Warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such Constable or other officer, or against such person or persons acting in his aid, for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said Warrant, defendant or defendants, that on producing or proving such Warrant at the trial of such action, the Jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such Justice or Justices; and if such action be brought jointly against such Justice or Justices, and also against such Constable or other officer, or person or persons acting in his or their aid as aforesaid, then, on proof of such Warrant, the Jury shall find for such Constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the Justice or Justices, that in such case the plaintiff or plaintiffs shall recover his, her or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

If action brought against Justice and Constable jointly, and verdict given for Constable on production of Warrant, and against the Justice, the costs against Justice to include Plaintiff's costs to Constable.

Actions against officers to be commenced within six months.

XCV. And be it enacted, That no action shall be brought against any Constable, or other officer or person acting as aforesaid, unless commenced within six calendar months after the act committed.

CONSTRUCTION OF TERMS.

XCVI. And be it enacted, That wherever in this Act in describing or referring to the offence, or the subject matter in or with respect to which it shall be committed, or the offender, or the party affected or intended to be affected by the offence, or with respect to place, words have been or shall be used importing one matter, the singular number, or the masculine gender, or the County only, this Act shall be understood to include several matters as well as one matter, several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and City and County as well as the County, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and whenever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved; and the word "property" shall be deemed to denote every thing included under the words "chattels, money or valuable security;" and in all cases where by this or any other Act or Statute the word "affirmation" is used, such affirmation shall be construed to mean such affirmation as is by law allowed.

Construction of terms.

Number. Gender. County.

Penalty to party aggrieved.

Property.

Affirmation instead of Oath.

AS TO FORMS.

XCVII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like effect, shall be deemed good, valid and sufficient in law. Forms.

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

SCHEDULE.

(A)

Information and Complaint for an Indictable Offence.

To-wit. } The information and complaint of C. D. of [Yeoman,] taken before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said [County] of who saith that [&c. stating the offence.]—Sworn before [me] the day and year first above mentioned, at Information or Complaint.

J. S.

(B)

Warrant to apprehend a Person charged with an Indictable Offence.

To the Constable of and to all other Peace Officers in the said [County] of Warrant to apprehend.

Whereas A. B. of [Labourer] hath this day been charged upon oath before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said [County] of for that he on at did [&c. stating shortly the offence]: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before [me] or some other of Her Majesty's Justices of the Peace in and for the said [County] to answer unto the said charge, and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. S.]

(C)

Summons to a Person charged with an Indictable Offence.

To A. B. of [Labourer.] Summons to accused.

Whereas you have this day been charged before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said [County] of for that you on at [&c. stating shortly the offence]: These are therefore to command you, in Her Majesty's name, to be and appear before me on at o'clock in the forenoon at or before such other Justice or Justices of the Peace for the same [County] as may then be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. S.]

(D)

*Warrant where the Summons is disobeyed.*Warrant on
disobedience of
Summons.

To the Constable of and to all other Peace Officers in the said [County] of

Whereas on the last past, A. B. of [Labourer,] was charged before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of for that [&c. as in the Summons]; and whereas [I] then issued [my] Summons to the said A. B., commanding him, in Her Majesty's name, to be and appear before [me] on at o'clock in the forenoon, at or before such other Justice or Justices of the Peace for the same [County,] as might then be there, to answer to the said charge, and to be further dealt with according to law: and whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons was duly served upon the said A. B.; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before me, or some other of Her Majesty's Justices of the Peace in and for the said [County,] to answer to the said charge, and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(E)

Endorsement in backing a Warrant.

Backing a Warrant.

To-wit. } Whereas proof upon oath hath this day been made before me, one of
 } Her Majesty's Justices of the Peace for the said [County] of
that the name of J. S. to the within Warrant subscribed, is of the handwriting of the Justice of the Peace within mentioned; I do therefore hereby authorize W. T. who bringeth to me this Warrant, and all other persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [County] of to execute the same within the said last mentioned [County], and to bring the said A. B., if apprehended within the same [County], before me, or before some other Justice or Justices of the Peace of the same County, to be dealt with according to law.—Given under my hand this day of 184 .

J. S.

(F)

*Summons of a Witness.*Summons of a
Witness.

To G. F. of [Labourer.]

Whereas information hath been laid before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of that A. B. [&c. as in the Summons or Warrant against the accused,] and it hath been made to appear to me upon [oath] that you are likely to give material evidence for the [prosecution]; These are therefore to require you to be and to appear before me on next, at o'clock in the forenoon, at or before such other Justice or Justices of the Peace for the same County as may then be there, to testify

testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(G)

*Warrant where a Witness has not obeyed a Summons.*Warrant for a
Witness on
disobedience.

To the Constable of and to all other Peace Officers in the said [County] of

Whereas information having been laid before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of that A. B. [&c. as in the Summons]; and it having been made appear to [me] upon oath, that E. F. of [Labourer] was likely to give material evidence for the prosecution, I did duly issue my Summons to the said E. F. requiring him to be and appear before me on at or before such other Justice or Justices of the Peace for the same County as might be then there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; and whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect: These are therefore to command you to bring and have the said E. F. before me, on at o'clock in the forenoon, at or before such other Justice or Justices of the Peace for the same [County] as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(H)

*Warrant for a Witness in the first instance.*Warrant for a
Witness in first
instance.

To the Constable of and to all other Peace Officers in the said [County] of

Whereas information hath been laid before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of that [&c. as in Summons]; and it having been made to appear to [me] upon oath, that E. F. of [Labourer] is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said E. F. before me, on at o'clock in the forenoon, at or before such other Justice or Justices of the Peace for the same [County] as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(I)

(I)

Commitment of a
Witness.

Warrant for Commitment of a Witness for refusing to be sworn or to give evidence.

To the Constable of _____ and to the Keeper of the [Gaol] at _____ in the said
[County] of _____

Whereas A. B. was lately charged before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of _____ for that [&c. as in the Summons ;] and it having been made to appear to [me] upon oath, that E. F. of _____ was likely to give material evidence for the prosecution, I duly issued my Summons to the said E. F. requiring him to be and appear before me on _____ at _____ or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid ; and the said E. F. now appearing before me, [or being brought before me by virtue of a Warrant in that behalf, to testify as aforesaid,] and being required to make oath or affirmation as a witness in that behalf, hath now refused so to do, [or being duly sworn as a witness, doth now refuse to answer certain questions concerning the premises which are here put to him,] without offering any just excuse for such his refusal : These are therefore to command you the said Constable, to take the said E. F. and him safely to convey to the [Gaol] at _____ in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept ; and I do hereby command you the said Keeper of the said [Gaol,] to receive the said E. F. into your custody in the said [Gaol,] and him there safely keep for the space of _____ day for said contempt, unless he shall in the meantime consent to be examined, and to answer concerning the premises ; and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the [County] aforesaid.

J. S. [L. S.]

(K)

*Deposition of Witnesses.*Depositions of
Witnesses.

To-wit. } The examination of C. D. of [Farmer] and E. F. of
 } [Labourer] taken on [oath] this _____ day of _____ in the year of our
Lord _____ at _____ in the [County] aforesaid, before the undersigned [one] of
Her Majesty's Justices of the Peace for the said [County] in the presence and
hearing of A. B. who is charged this day before [me] for that, he the said A. B. on
at _____ [&c. describing the offence as in a Warrant of Commitment.]

This deponent C. D. on his [oath] saith as follows : [&c., stating the deposition
of the witness as nearly as possible in the words he uses. When his deposition is
complete let him sign it.]

And this deponent E. F. upon his oath, saith as follows, &c.

The above depositions of C. D. and E. F. were taken and [sworn] before me
at _____ on the day and year first above mentioned.

J. S.

(L)

*Statement of the accused.*Statement of
accused.

A. B. stands charged before the undersigned [one] of Her Majesty's Justices
of the Peace in and for the [County] aforesaid, this _____ day of _____ in the
year of our Lord _____ for that he the said A. B. on _____ at _____ [&c. as in the
caption

caption of the depositions,] and the said charge being read to the said A. B., and the witnesses for the prosecution, C. D. and E. F. being severally examined in his presence, the said A. B. is now addressed by me as follows:—"Having heard the evidence, do you wish to say any thing in answer to the charge? You are not obliged to say any thing, unless you desire to do so; but whatever you say, will be taken down in writing, and may be given in evidence against you upon your trial:" whereupon the said A. B. saith as follows:—[*Here state whatever the Prisoner may say, and in his very words, as nearly as possible. Get him to sign it, if he will.*]

A. B.

Taken before me at the day and year first above mentioned.

J. S.

(M)

Recognizance to prosecute or give evidence.

Be it remembered, that on the day of in the year of our Lord C. D. of in the said County, *Farmer*, [or C. D. of the Parish of in the said County, *Surgeon*,] personally came before me, one of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen, the sum of good and lawful money of the Province of New Brunswick, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if the said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at before me.

J. S.

Condition to prosecute.

The condition of the within written recognizance is such, that whereas one A. B. was this day charged before me, J. S., Justice of the Peace within mentioned, for that [*&c. as in the caption of the depositions,*] if therefore he the said C. D. shall appear at the next Court of Oyer and Terminer or General Gaol Delivery, [or at the next Court of General Quarter Sessions of the Peace,] to be holden in and for the County of * and there prefer or cause to be preferred a bill of indictment for the offence aforesaid, against the said A. B., and there also duly prosecute such indictment, then the said recognizance to be void, or else to stand in full force and virtue.

Condition to prosecute and give evidence.

Same as the last form to the asterisk,* and then thus:—And there prefer or cause to be preferred a bill of indictment against the said A. B. for the offence aforesaid, and duly prosecute such indictment, and give evidence thereon, as well to the Jurors who shall then inquire of the said offence, as also to them who shall pass upon the trial of the said A. B., then the said recognizance to be void or else to stand in full force and virtue.

Condition to give evidence.

Same as the last form but one to the asterisk,* and then thus:—And there give such evidence as he knoweth upon a bill of indictment to be then and there preferred against the said A. B., for the offence aforesaid, as well to the Jurors who shall then inquire of the said offence, as also to the Jurors who shall pass upon the trial of the said A. B., if the said bill shall be found a true bill, then the said recognizance to be void, or else to stand in full force and virtue.

(N)

Recognizance to
prosecute or give
evidence.

(N)

Commitment of Witness for refusing to enter into the Recognizance.

Commitment of a
Witness for refus-
ing to enter into
the recognizance.

To the Constable of _____ and to the Keeper of the [Gaol] at _____ in the said
[County] of _____

Whereas A. B. was lately charged before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of _____ for that [&c. as in the Summons to the witness,] and it having been made to appear to [me] upon oath, that E. F. of _____ was likely to give material evidence for the prosecution, [I] duly issued [my Summons to the said E. F., requiring him to be and appear] before [me] on _____ at _____ or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before [me], [or being brought before [me] by virtue of a Warrant in that behalf to testify as aforesaid,] hath been now examined by [me] touching the premises, but being by [me] required to enter into a recognizance conditioned to give evidence against the said A. B., hath now refused so to do; these are therefore to command you, the said Constable, to take the said E. F., and him safely to convey to the Common Gaol of the said County, and there deliver him to the said Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said Gaol, to receive the said E. F. into your custody in the said Gaol, there to imprison and safely keep until after the trial of the said A. B. for the offence aforesaid, unless in the meantime such E. F. shall duly enter into such recognizance as aforesaid, in the sum of _____ pounds, before some one Justice of the Peace for the said [County] conditioned in the usual form to appear at the next Court of [Oyer and Terminer or General Gaol Delivery, or General Quarter Sessions of the Peace,] to be holden in and for the [County] of _____ and there to give evidence before the Grand Jury upon any bill of indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a true bill should be found against him for the same.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the [County] aforesaid.

J. S. [L. s.]

(O)

Subsequent Order to discharge the Witness.

Order to discharge
a Witness.

To the Keeper of the [Gaol] at _____ in the [County] of _____

Whereas by [my] order, dated the _____ day of _____ [instant], reciting that A. B. was lately before them, charged before [me] for a certain offence therein mentioned, and that E. F. having appeared before me, and being examined as a Witness for the prosecution in that behalf, refused to enter into a recognizance to give evidence against the said A. B.; and I thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid; and whereas for want of sufficient evidence against the said A. B. the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody; these are therefore to order and direct you, the said Keeper, to discharge the

the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.—Given under [my] hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(P)

Warrant remanding a Prisoner.

Warrant remanding a Prisoner.

To the Constable of and to the [Keeper of the Gaol] at in the said County of

Whereas A. B. was this day charged before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of for that [§c. as in the Warrant to apprehend,] and it appears to me to be necessary to remand the said A. B.: These are therefore to command you, the said Constable, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol of the said County, and there to deliver him to the Keeper thereof, together with this Precept: And I hereby command you, the said Keeper, to receive the said A. B. into your custody in the said Gaol, and there safely keep him until the day of instant, when I hereby command you to have him at at o'clock in the forenoon of the same day, before me, or before such other Justice or Justices of the Peace for the said [County] as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(Q)

Recognizance of Bail, instead of Remand, on an adjournment of Examination.

Recognizance of Bail instead of remand.

Be it remembered, that on the day of in the year of our Lord A. B. of Labourer, L. M. of Grocer, and N. O. of Butcher, personally came before me, one of Her Majesty's Justices of the Peace for the said [County], and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say, the said A. B. the sum of and the said L. M. and N. O. the sum of each, of good and lawful money of the Province of New Brunswick, to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if the said A. B. fail in the condition endorsed. Taken and acknowledged the day and year first above mentioned, at before me.

J. S.

Condition.

The condition of the within written recognizance is such, that whereas the within bounden A. B. was this day [or on last past] charged before me, for that [§c. as in the Warrant]; and whereas the examination of the witnesses for the prosecution in this behalf is adjourned until the day of instant; if, therefore, the said A. B. shall appear before me on the said day of instant, at o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said [County] as may then be there, to answer [further] to the said charge, and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

(R)

(R)

Certificate of non-
appearance.*Certificate of non-appearance to be endorsed on the Recognizance.*

I hereby certify that the said A. B. hath not appeared at the time and place in the above condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S.

(S)

Warrant to convey
accused before a
Justice of the
County in which
offence was com-
mitted.*Warrant to convey the accused before a Justice of the County, &c. in which the offence was committed.*

To W. T. Constable of and to all other Peace Officers in the said
[County] of

Whereas A. B. of [Labourer] hath this day been charged before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Warrant to apprehend*]; and whereas [I] have taken the deposition of C. D., a witness examined by me in this behalf; but inasmuch as [I] am informed that the principal witnesses to prove the said offence against the said A. B. reside in the [County] of C., where the said offence is alleged to have been committed; These are therefore to command you, the said Constable, in Her Majesty's name, forthwith to take and convey the said A. B. to the said County of C., and there carry him before some Justice or Justices of the Peace in and for that [County] and near unto the [Parish of D.] where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and [I] hereby further command you, the said Constable, to deliver to the said Justice or Justices, the information in this behalf; and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(T)

Warrant of
Commitment.*Warrant of Commitment.*

To the Constable of and to the Keeper of the Common Gaol of the
[County] of

Whereas A. B. was this day charged before me, J. S., one of Her Majesty's Justices of the Peace in and for the said [County] of on the oath of C. D. of [Farmer] and others, for that [*&c. stating shortly the offence*]: These are therefore to command you, the said Constable of to take the said A. B. and him safely convey to the [Common Gaol] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said [Common Gaol] to receive the said A. B. into your custody, in the said Common Gaol, and there safely keep him until he shall be thence delivered by due course of law.—Given under my hand and seal this day of in the year of our Lord at in the [County] aforesaid.

J. S. [L. s.]

(U)

(U)

*Recognizance of Bail.*Recognizance of
Bail.

Be it remembered, that on the day of in the year of our Lord
A. B. of *Labourer*, L. M. of *Grocer*, and N. O. of *Butcher*,
personally came before [us] the undersigned, two of Her Majesty's Justices of the
Peace for the said [County,] and severally acknowledged themselves to owe to our
Lady the Queen the several sums following, [*that is to say*] the said A. B. the
sum of and the said L. M. and N. O. the sum of each, of good and
lawful money of Great Britain, to be made and levied of their several goods and
chattels, lands and tenements, respectively, to the use of our said Lady the Queen,
Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.—
Taken and acknowledged the day and year first above mentioned, at before us.

J. S.
J. N.*Condition in ordinary cases.*

The condition of the within written recognizance is such, that whereas the said
A. B. was this day charged [*or brought*] before [*me or us*] the Justice or Justices
within mentioned, for that [*&c. as in the Warrant*]; if therefore the said A. B.
will appear at the next Court of Oyer and Terminer and General Gaol Delivery,
[*or Court of General Quarter Sessions of the Peace,*] to be holden in and for the
County of and there surrender himself into the custody of the Keeper of
the [*Common Gaol*] there, and plead to such indictment as may be found against
him by the Grand Jury for or in respect of the charge aforesaid, and take his
trial upon the same, and not depart the said Court without leave, then the said
recognizance to be void, or else to stand in full force and virtue.

(V)

Search Warrant.

Search Warrant.

ss.—To the Constable of

Whereas it appears to [*me*] J. P., Esquire, [*one*] of the Justices of the Peace
for the [County] of by the information on [*oath*] of A. B. of in the
[County] of that the following goods, to-wit: have within days
last past by some person or persons unknown been feloniously taken, stolen,
and carried away out of the house or from the possession of the said A. B. at
aforesaid, in the [County] aforesaid, and that the said A. B. hath reasonable
cause to suspect, and doth suspect, that the said goods, or part thereof, are con-
cealed in the dwelling house of C. D. of in the said [County] or are
otherwise in his possession: These are therefore to authorize and require you,
with necessary and proper assistants, to enter, in the day time, into the said
dwelling house, or upon the premises of the said C. D., and there diligently to
search for the said goods; and if the same, or any part thereof, shall be found on
search, that you bring the goods so found, and also the body of the said C. D.
before me, or some other of the Justices of the Peace for the said [County] to be
disposed of and dealt with according to law.—Given under my hand and seal at
in the said [County] the day of A. D. 184 .

CAP. XXXI.

An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within this Province, with respect to Summary Convictions and Orders.

Passed 27th March 1849.

PROCEEDINGS BEFORE TRIAL.

Preamble.

WHEREAS it would conduce much to the improvement of the administration of justice within this Province, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the duties of such Justices, in respect of such Summary Convictions and Orders, were clearly defined by positive enactment;

In all cases where information shall be laid or complaint made of offences committed, Justices may issue Summons to person to answer the same.

I. Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases whereon information shall be laid before one or more of Her Majesty's Justices of the Peace for any County in this Province, that any person has committed, or is suspected to have committed, any offence or act within the jurisdiction of such Justice or Justices, for which he is liable by law upon a summary conviction for the same before a Justice or Justices of the Peace, to be imprisoned, or fined, or otherwise punished; and also, in all cases where a complaint shall be made to any such Justice or Justices upon which he or they have or shall have authority by law to make any order for the payment of money, or otherwise; then and in every such case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A) directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place before the same Justice or Justices, or before such other Justice or Justices of the same County as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him at his last or most usual place of abode; and the Constable, Peace Officer, or person who shall serve the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of the said Summons; provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any order of Justices is by law to be made *ex parte*; provided also, that no objection shall be taken or allowed to any information, complaint, or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint, or summons, and the evidence adduced on the part of the informant or complainant, at the hearing of such information or complaint, as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing, to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

How Summons to be served.

Justices not obliged to issue Summons in certain cases.

No objection allowed for want of form.

If Summons be not obeyed, Justices may issue Warrant,

II. And be it enacted, That if the person so served with a Summons as afore-said shall not be and appear before the Justice or Justices at the time and place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by oath or affirmation, that such Summons was so served what shall be deemed by such Justice or Justices a reasonable time before the time therein appointed

appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon oath or affirmation being made before him or them, substantiating the matter of such information or complaint to his or their satisfaction, to issue his or their Warrant (B) to apprehend the party so summoned, and bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, to answer to the said information or complaint, and to be further dealt with according to law ; or upon such information being laid as aforesaid for any offence punishable on conviction, the Justice or Justices before whom such information shall have been laid, may, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information to his or their satisfaction, instead of issuing such Summons as aforesaid, issue, in the first instance, his or their Warrant (C) for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, to answer to the said information, and to be further dealt with according to law ; or if, where a Summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said Summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such Summons, then and in every such case, if it be proved upon oath or affirmation to the Justice or Justices then present, that such Summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed ex parte to the hearing of such information or complaint, and to adjudicate thereon as fully and effectually to all intents and purposes as if such party had personally appeared before him or them in obedience to the said Summons.

or issue Warrant in the first instance ;

or if Summons, having been duly served, be not obeyed, the Justices may proceed ex parte.

III. And be it enacted, That every such Warrant to apprehend a defendant, that he may answer to such information or complaint as aforesaid, shall be under the hand and seal or hands and seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other person by name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and to all other Constables within the County within which the Justice or Justices issuing such Warrant hath or have jurisdiction, or generally to all the Constables within such last mentioned County, and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constable or other person to whom it is directed to apprehend the said defendant, and to bring him before one or more Justice or Justices of the Peace (as the case may require) of the same County, to answer the said information or complaint, and to be further dealt with according to law, and that it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in full force until it shall be executed ; and such Warrant may be executed by apprehending the defendant at any place within the County ; and such of the provisions and enactments contained in a certain Act of Assembly made and passed in the present Session of Assembly, intituled *An Act to consolidate and improve the Laws relative to the administration of Criminal Justice*, as to the backing of any Warrant, and the endorsement thereon, by a Justice of the Peace or other officer, authorizing the person bringing such Warrant and all other persons to whom the same was originally directed to execute the same within the jurisdiction of the

Form of Warrant.

Certain provisions of 12 V. c. 30, as to backing Warrants, to extend to Warrants issued under this Act.

Justice

No objection allowed for want of form, or for any variance from evidence adduced.

Recognizance on adjournment.

Certificate of non-appearance.

Description of the property of partners, &c. ;

of the property of Counties ;

of the property in goods provided for the Poor ;

of the property in materials for Highways ;

Justice or officer so making such endorsement, as are applicable to the provisions of this Act, shall extend to all such Warrants and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a manner as if the said several provisions and enactments were here repeated and made parts of this Act ; provided always, that no objection shall be taken or allowed to any such Warrant to apprehend a defendant, so issued upon any such information or complaint as aforesaid, under or by virtue of this Act, for any alleged defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the informant or complainant as hereinafter mentioned ; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the mean time to commit (D) the said defendant to the Common Gaol, Lock-up House, or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned ; provided always, that in all cases where a defendant shall be discharged upon a recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said Justice who shall have taken the said recognizance, or any Justice or Justices who may then be there present, upon certifying (F) upon the back of the said recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said defendant.

IV. And be it enacted, That any information or complaint, or the proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named, and another or others, as the case may be ; and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in manner aforesaid ; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building made, maintained or repaired at the expense of any County, or of any materials for the making, altering or repairing of the same, they may be therein described as the property of the inhabitants of such County ; and all goods provided by Parish Officers for the use of the Poor, may in any such information or complaint, or the proceedings thereon, be described as the goods of the Overseers of the Poor of the Parish, or Commissioners of the Alms House to whom the same belong, without naming any of them ; and all materials and tools provided for the repair of Highways at the expense of Parishes or other Districts in which such Highways may be situate, may be therein described as the property of the Surveyor or Surveyors, Commissioner or Commissioners, Supervisor or Supervisors of such Highways respectively, without naming him or them ; and all materials or tools provided for making or repairing any public Road, and buildings, gates, lamps, boards, stones, posts, fences or other things erected or provided for

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the purpose of any such public Road, may be described as the property of the Commissioners or Supervisors of such public Road, without naming them; and all property of the Commissioners of Sewers of any District, may be described as the property of such Commissioners, without naming them.

of the property of Commissioners of Sewers.

V. And be it enacted, That every person who shall aid, abet, counsel or procure the commission of any offence which is or hereafter shall be punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable, and may be proceeded against and convicted either in the County where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling or procuring may have been committed.

Prosecution and punishment of aiders and abettors in the commission of offences.

VI. And be it enacted, That if it shall be made to appear to any Justice of the Peace by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence in behalf of the prosecutor, or complainant or defendant, and will not voluntarily appear for the purpose of being examined as a witness, at the time and place appointed for the hearing of such information or complaint, such Justice may and is hereby required to issue his Summons (G) to such person, under his hand and seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same County as shall then be there, to testify what he shall know concerning the matter of the said information or complaint; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode,) it shall be lawful for the Justice or Justices before whom such person should have appeared, to issue a Warrant (H) under his or their hands and seals to bring and have such person at a time and place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County as shall then be there, to testify as aforesaid; and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied, by evidence upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such Summons it shall be lawful for him to issue his Warrant (I) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction may by Warrant (K) under his hand and seal commit the person so refusing to the Common Gaol for the County where such person so refusing shall then be, there to remain and be imprisoned for any time not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises.

Power to Justice to summons Witnesses to attend and give evidence;

If Summons be not obeyed, Justice may issue Warrant;

In certain cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

VII.

Complaints for an order need not be in writing.

VII. And be it enacted, That in all cases of complaint upon which a Justice or Justices of the Peace may make an order for the payment of money or otherwise, it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular Act of Assembly upon which such complaint shall be framed.

As to proceedings upon informations for offences punishable on summary convictions.

VIII. And be it declared and enacted, That in all cases of informations for any offences or acts punishable upon summary conviction, any variance between such information and the evidence adduced in support thereof, as to the time at which such offence or act shall be alleged to have been committed, shall not be deemed material, if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between such information and the evidence adduced in support thereof, as to the Parish or Township in which the offence or act shall be alleged to have been committed, shall not be deemed material, provided that the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom such information shall be heard and determined; and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the hearing, to be such, that the party charged by such information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the mean time to commit (D) the said defendant to the Common Gaol, Lock-up House, or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; provided always, that in all cases where a defendant shall be discharged upon recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said Justice who shall have taken the said recognizance, or any Justice or Justices who may then be there present, upon certifying (F) upon the back of the said recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said defendant.

The party charged, if deceived by variation between information and evidence, may be committed, or discharged upon recognizance;

But if he fail to re-appear, the Justice may transmit the recognizance to the Clerk of the Crown.

Complaint need not be on oath.

IX. And be it enacted, That every such complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by law to make an order, and that every information for any offence or act punishable upon summary conviction, unless some particular Act or Statute shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the defendant as aforesaid, and in every such case where the Justice or Justices shall issue his or their Warrant in the first instance, the matter of such information shall be substantiated by oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such Warrant shall be issued; and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint; and every such information shall be for one offence only, and not for two or more offences; and every such complaint or information may be laid or made by the complainant or informant in person, or by his Counsel or Attorney, or other person authorized in that behalf.

Exception.

X. And be it enacted, That the several fines imposed in and by the first and second Articles of Section two, Chapter one, and by the tenth, eleventh, twelfth, and thirteenth Articles of the eleventh Chapter of an Act made and passed in the present Session of the Assembly, intituled *An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province, so far as relates to the definition of certain indictable offences, and the punishment thereof*, shall and may be recovered before any two of such Justices in the same manner in all respects as any other proceeding may be had under this Act for any fine or penalty.

Fines imposed by 1st & 2d arts. cap. 1, and 10th, 11th, 12th & 13th arts. cap. 11 of 12 V. c. 29, recoverable in same manner as fines under this Act.

XI. And be it enacted, That in all cases where no time is already or shall hereafter be specially limited for making any such complaint, or laying any such information, in the Act or Acts of Assembly relating to each particular case, such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

Complaint must be made within six calendar months.

TRIAL.

XII. And be it enacted, That every such complaint and information shall be heard, tried, determined and adjudged by one or two, or more Justice or Justices of the Peace as shall be directed by the Act of Assembly or Statute upon which such complaint or information shall be framed, or such other Act or Statute as there may be in that behalf; and if there be no such direction in any such Act or Statute, then such complaint or information may be heard, tried, determined and adjudged by any one Justice of the Peace for the County where the matter of such information shall have arisen; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information shall be deemed an open and public Court, to which the public generally may have access so far as the same can conveniently contain them; and the party against whom such complaint is made, or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf; and every complainant or informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf.

As to the hearing of complaints and informations.

Place where Justices shall sit to hear complaints, &c., to be deemed an open Court.

Parties allowed to plead by Counsel or Attorney.

XIII. And be it enacted, That if at the day and place appointed in and by the Summons aforesaid for hearing and determining such complaint or information, the defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other person who shall have served him with the Summons in that behalf, shall then declare upon oath in what manner he served the said Summons, and if it appear to the satisfaction of any Justice or Justices that he duly served the said Summons, in that case such Justice or Justices may proceed to hear and determine the case in the absence of such defendant; or the said Justice or Justices, upon the non-appearance of such defendant, as aforesaid, may, if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the hearing of the said complaint or information until the said defendant shall be apprehended; and when such defendant shall afterwards be apprehended under such Warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, who shall thereupon, either upon his or their Warrant (L) commit such defendant to the Common Gaol, or other Prison, Lock-up House, or place of security, or if he or they shall think fit, verbally to the custody of the Constable or other person who shall have apprehended him, or to such other safe custody

If defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the hearing till defendant is apprehended.

If defendant appear and complainant, &c. does not, Justice may dismiss the complaint, &c., or at discretion adjourn hearing, and commit or discharge defendant upon recognizance;

but if he fail to re-appear, the Justice may transmit the recognizance to the Clerk of the Crown.

If both parties appear, case to be proceeded with.

Proceedings on the hearing of complaints and informations.

as he or they shall deem fit, and order the said defendant to be brought up at a certain time and place before such Justice or Justices of the Peace as shall then be there, of which said order the complainant or informant shall have due notice; or if upon the day and at the place so appointed as aforesaid such defendant shall attend voluntarily, in obedience to the Summons in that behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the complainant or informant having had such notice as aforesaid, do not appear by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such complaint or information, unless for some reason he or they shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he or they shall think fit, in which case such Justice or Justices may commit (D) the defendant in the mean time to the Common Gaol, Lock-up House, or place of security, or to such other custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; and if such defendant shall not afterwards appear at the time and place mentioned in such recognizance, then the said Justice who shall have taken the said recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said defendant; but if both parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

XIV. And be it enacted, That where such defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he have any cause to shew why he should not be convicted, or why an order should not be made against him, as the case may be; and if he thereupon admit the truth of such information or complaint, and shew no cause or no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, then the Justice or Justices present at the said hearing shall convict him, or make an order against him accordingly; but if he do not admit the truth of such information or complaint as aforesaid, then the said Justice or Justices shall proceed to hear the prosecutor or complainant, and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the defendant, and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the prosecutor or complainant may examine in reply, if such defendant shall have examined any witness or given any evidence other than as to his the defendant's general character; but the prosecutor or complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the prosecutor or complainant in reply as aforesaid; and the said Justice or Justices having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make an order upon the defendant, or dismiss

dismiss the information or complaint, as the case may be; and if he or they convict or make an order against the defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the Conviction (M N O) or Order (P Q R) shall afterwards be drawn up by the said Justice or Justices in proper form, under his or their hand and seal or hands and seals; and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Sessions of the Peace; or if the said Justice or Justices shall dismiss such information or complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an order of dismissal of the same (S) and shall give the defendant in that behalf a certificate thereof, (T), which said certificate afterwards upon being produced without further proof shall be a bar to any subsequent information or complaint for the same matters respectively against the same party; provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso or condition in the Act on which the same shall be framed, it shall not be necessary for the prosecutor or complainant in that behalf to prove such negative, but the defendant may prove the affirmative thereof, in his defence, if he would have advantage of the same.

Order and certificate of dismissal.

XV. And be it enacted, That every prosecutor of any such information, not having any pecuniary interest in the result of the same, and every complainant in any such complaint as aforesaid, whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint respectively; and every witness at any such hearing as aforesaid, shall be examined upon oath or affirmation, and the Justice or Justices before whom any such witness shall appear for the purpose of being so examined, shall have full power and authority to administer to every such witness the usual oath or affirmation.

Prosecutors and complainants in certain cases to be deemed competent witnesses, and examined on oath, &c.

XVI. And be it enacted, That before or during such hearing of any such information or complaint, it shall be lawful for any one Justice, or for the Justices present, in their discretion, to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective attornies or agents then present, and in the mean time the said Justice or Justices may suffer the defendant to go at large, or may commit (D) him to the Common Gaol, Lock-up House, or place of security, in the County, or to such other safe custody as the said Justice or Justices shall think fit, or may discharge such defendant upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and if at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such hearing or further hearing as if such party or parties were present; or if the prosecutor or complainant shall not appear, the said Justice or Justices may dismiss such information or complaint, with or without costs, as to such Justices shall seem fit; provided always, that in all cases where a defendant shall be discharged on recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such recognizance, then the said Justice or Justices who shall have taken the said recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance

Power to Justices to adjourn the hearing of cases, and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance;

but if he fail to re-appear, the Justice may transmit the recognizance to the Clerk of the Crown.

the non-appearance of such accused party, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said defendant.

CONVICTION.

Forms of Convictions and Orders.

XVII. And be it enacted, That in all cases of conviction where no particular form of such conviction is or shall be given by the Act or Statute creating the offence or regulating the prosecution for the same, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their conviction on paper, in such one of the forms of conviction (M N O) in the Schedule to this Act contained, as shall be applicable to such case, or to the like effect; and where an order shall be made, and no particular form of order is or shall be given by the Act or Statute giving authority to make such order, it shall be lawful for the Justice or Justices by whom such order is to be made to draw up the same in such one of the forms of orders (P Q R) in the Schedule to this Act contained as may be applicable to such case, or to the like effect; and in all cases where by any Act or Statute authority is given to commit a person to Prison, or to levy any sum upon his goods or chattels by distress, for not obeying any order of a Justice or Justices, the defendant shall be served with a copy of the minute of such order before any Warrant of Commitment or of Distress shall issue in that behalf, and such order or minute shall not form any part of such Warrant of Commitment or of Distress.

PROCEEDINGS AFTER CONVICTION.

Power to Justice to issue Warrant of Distress.

XVIII. And be it enacted, That where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the Act or Statute authorizing such conviction or order, such penalty, compensation or sum of money is to be levied upon the goods and chattels of the defendant by distress and sale thereof, and also in cases where by the Act or Statute in that behalf no mode of raising or levying such penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such conviction or order, or for any Justice of the Peace for the same County, to issue his or their Warrant of Distress (U V) for the purpose of levying the same, which said Warrant of Distress shall be in writing, under the hand and seal of the Justice making the same; and if after delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed, sufficient distress shall not be found within the limits of the jurisdiction of the Justice granting such Warrant, then upon proof alone being made on oath of the handwriting of the Justice granting such Warrant, before any Justice of any other County, such Justice of such other County or place shall thereupon make an endorsement (W) on such Warrant signed with his hand, authorizing the execution of such Warrant within the limits of his jurisdiction, by virtue of which said Warrant and endorsement, the penalty or sum aforesaid, and costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the person bringing such Warrant, or by the person or persons to whom such Warrant was originally directed, or by any Constable or other peace officer of such last mentioned County, by distress and sale of the goods and chattels of the defendant in such other County; provided always, that whenever it shall appear to any Justice of the Peace to whom application shall be made for any such Warrant of Distress

How Warrant to be backed.

Where issuing a Warrant would be ruinous to

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as aforesaid, that the issuing thereof would be ruinous to the defendant and his family, or wherever it shall appear to such Justice, by the confession of the defendant or otherwise, that he hath no goods or chattels whereon to levy such distress, then and in every such case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such defendant to the Common Gaol, there to be imprisoned with or without hard labour, for such time and in such manner as by law such defendant might be so committed in case such Warrant of Distress had issued, and no goods or chattels could be found whereon to levy such penalty or sum and costs aforesaid.

defendant, or where there are no goods, Justice may commit him to prison.

XIX. And be it enacted, That in all cases where a Justice of the Peace shall issue any such Warrant of Distress, it shall be lawful for him to suffer the defendant to go at large, or verbally or by a written Warrant in that behalf, to order the defendant to be kept and detained in safe custody, until return shall be made to such Warrant of Distress, unless such defendant shall give sufficient security by recognizance or otherwise to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the return of such Warrant of Distress, or before such other Justice or Justices for the same County as may then be there; provided always, that in all cases where a defendant shall give security by recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then the said Justice who shall have taken the said recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance the non-appearance of the defendant, may transmit such recognizance to the Clerk of the Crown, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient prima facie evidence of such non-appearance of the said defendant.

Justice, after issuing Warrant, may suffer defendant to go at large, or order him into custody until return be made, unless he gives security by recognizance;

but if he fail to re-appear, Justice may transmit the recognizance to the Clerk of the Crown.

XX. And be it enacted, That at the time and place appointed for the return of any such Warrant of Distress, the Constable who shall have had the execution of the same, shall return (X) that he could find no goods or chattels, or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned, to issue his Warrant of Commitment (Y) under his hand and seal, directed to the same or any other Constable, reciting the conviction or order shortly, the issuing of the Warrant of Distress, and the return thereto, and requiring such Constable to convey such defendant to the Common Gaol of the County, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the defendant into such Gaol, and there to imprison him, or to imprison him and keep him to hard labour, in such manner and for such time as shall have been directed and appointed by the Act or Statute on which the conviction or order mentioned in such Warrant of Distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the defendant to Prison, if such Justice shall think fit so to order, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

In default of sufficiency of distress, Justice may commit defendant to prison.

XXI. And whereas by some Acts or Statutes Justices of the Peace are authorized to issue Warrants of Distress to levy penalties or other sums recovered by them by distress and sale of the offender's goods, but no further remedy is thereby provided in case no sufficient distress be found whereon to levy such penalties; Be it therefore enacted, That in all such cases, and in all cases of convictions or orders where the Act or Statute on which the same are respectively founded

In all cases of penalties, convictions or orders, where the Statute provides no remedy in default of distress, Justice may commit defendant to prison.

founded provides no remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient goods of the party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such return is made, or to any other Justice of the Peace for the same County, if he shall think fit, by his Warrant as aforesaid, to commit the defendant to the Common Gaol as aforesaid, for any term not exceeding three calendar months, unless the sum or sums adjudged to be paid, and all costs and charges of the distress and of the commitment and conveying of the defendant to Prison, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

Power to Justices to order commitment in the first instance for non-payment of a penalty, or of a sum ordered to be paid.

XXII. And be it enacted, That in all cases where the Act or Statute by virtue of which a conviction for a penalty or compensation, or an order for the payment of money is made, makes no provision for such penalty or compensation or sum being levied by distress, but directs that if the same be not paid forthwith, or within a certain time therein mentioned or to be mentioned in such conviction or order, the defendant shall be imprisoned, or imprisoned and kept to hard labour for a certain time, unless such penalty, compensation or sum shall be sooner paid, in every such case such penalty, compensation or sum shall not be levied by distress; but if the defendant do not pay the same, together with costs, if awarded, forthwith or at the time specified in such conviction or order for the payment of the same, it shall be lawful for the Justice or Justices making such conviction or order, or for any other Justice of the Peace for the same County, to issue his or their Warrant of Commitment (Z A a) under his or their hand and seal or hands and seals, requiring the Constable or Constables to whom the same shall be directed, to take and convey such defendant to the Common Gaol for the County, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such defendant into such Gaol, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as the Act or Statute on which such conviction or order is founded as aforesaid shall direct, unless the sum or sums adjudged to be paid, and also the costs and charges of taking and conveying the defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Power to Justices to order commitment where the conviction is not for a penalty, nor the order for payment of money, and the punishment is by imprisonment, &c.

XXIII. And be it enacted, That where a conviction does not order the payment of any penalty, but that the defendant be imprisoned, or imprisoned and kept to hard labour for his offence, or where an order is not for the payment of money, but for the doing of some other act, and directs that in case of the defendant's neglect or refusal to do such act, he shall be imprisoned, or imprisoned and kept to hard labour, and the defendant neglects or refuses to do such act, in every such case it shall be lawful for such Justice or Justices making such conviction or order, or for some other Justice of the Peace for the same County, to issue his or their Warrant of Commitment (B b C c) under his or their hand and seal or hands and seals, and requiring the Constable or Constables to whom the same shall be directed, to take and convey such defendant to the Common Gaol for the same County, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such defendant into such Gaol, and there to imprison him, or to imprison him and keep him to hard labour, as the case may be, for such time as the Act or Statute on which such conviction or order is founded as aforesaid shall direct; and in all such cases where by such conviction or order any sum for costs shall be adjudged to be paid by the defendant, such sum may if the Justice or Justices shall think fit, be levied by Warrant of Distress (D d E e) in manner aforesaid, and in default of distress the defendant may, if such Justice or Justices shall

Costs may be levied by distress, and in default defendant may be committed for a further term.

shall think fit, be committed (Ff) to the Common Gaol in manner aforesaid, there to be imprisoned for any time not exceeding one calendar month, to commence at the termination of the imprisonment he shall then be undergoing, unless such sum for costs, and all costs and charges of the said distress, and also the costs and charges of the commitment and conveying of the defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

XXIV. And be it enacted, That when a Justice or Justices of the Peace shall upon any such information or complaint as aforesaid, adjudge the defendant to be imprisoned, and such defendant shall then be in Prison undergoing imprisonment upon a conviction for any other offence, the Warrant of Commitment for such subsequent offence shall in every such case be forthwith delivered to the Gaoler to whom the same shall be directed ; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such defendant shall have been previously adjudged or sentenced.

Imprisonment for a subsequent offence to commence at expiration of that for previous offence.

XXV. And be it enacted, That where any information or complaint shall be dismissed with costs pursuant to the Act or Statute, the sum which shall be awarded for costs in the order for dismissal, may be levied by distress (Gg) on the goods and chattels of the prosecutor or complainant, in manner aforesaid ; and in default of distress or payment, such prosecutor or complainant may be committed (Hh) to the Common Gaol, in manner aforesaid, for any time not exceeding one calendar month, unless such sum and all costs and charges of the distress, and of the commitment and conveying of such prosecutor or complainant to Prison, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

If information be dismissed, costs may be recovered by distress upon prosecutor, &c., who, in default, may be committed.

XXVI. And be it enacted, That in all cases where any person against whom a Warrant of Distress shall issue as aforesaid, shall pay or tender to the Constable having the execution of the same, the sum or sums in such Warrant mentioned, together with the amount of the expenses of such distress up to the time of such payment or tender, such Constable shall cease to execute the same ; and in all cases in which any person shall be imprisoned as aforesaid for the non-payment of any penalty or other sum, he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned, the sum in the Warrant or Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the said Keeper shall receive the same and shall thereupon discharge such person if he be in his custody for no other matter.

On payment of penalty, &c., distress not to be levied, or the party if imprisoned for non-payment, shall be discharged.

GENERAL DIRECTIONS.

XXVII. And be it enacted, That in all cases of summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the attendance of any Witnesses, and to do all other necessary acts and matters preliminary to the hearing, even in cases where by the Act or Statute in that behalf such information or complaint must be heard and determined by two or more Justices ; and after the case shall have been so heard and determined, one Justice may issue all Warrants of Distress or Commitment thereon ; and it shall not be necessary that the Justice who so acts before or after such hearing shall be the Justice or one of the Justices by whom the said case shall be heard and determined ; provided always, that in all cases where

In cases of summary proceedings one Justice may issue Summons or Warrant, &c., and after conviction or order may issue Warrant of Distress, &c.

where by Act or Statute it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

PAYMENT OF PENALTIES.

Amount of distress
to be paid to
County Treasurer.

XXVIII. And be it enacted, That in every Warrant of Distress to be issued as aforesaid, the Constable or other person to whom the same shall be directed, shall be thereby ordered to pay the amount of the sum to be levied thereunder unto the County Treasurer; and if any person convicted of any penalty, or ordered by a Justice or Justices of the Peace to pay any sum of money, shall pay the same to any Constable or other person, such Constable or other person shall forthwith pay the same to such County Treasurer; and if any person committed to Prison upon any conviction or order as aforesaid for non-payment of any penalty, or of any sum thereby ordered to be paid, shall desire to pay the same and costs before the expiration of the time for which he shall be so ordered to be imprisoned by the Warrant for his commitment, he shall pay the same to the Gaoler or Keeper of the Prison in which he shall be so imprisoned, and such Gaoler or Keeper shall forthwith pay the same to the said County Treasurer; and all sums so received by the said County Treasurer shall belong to the contingent funds of the County for County purposes, except where any part thereof may be payable to any person informing or suing for the same, in which case such County Treasurer shall pay such portion to such party on demand, any thing in any Act to the contrary thereof in anywise notwithstanding.

PORTLAND POLICE ACT AND OTHER EXCEPTIONS.

This Act not to
affect the Portland
Police Act;

XXIX. And be it enacted, That nothing in this Act contained shall alter or affect in any manner whatsoever any of the powers, provisions or enactments contained in an Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Nor extend to,

Lunatics,

Revenue,

Post Office,

Bastardy.

XXX. And be it enacted, That nothing in this Act shall extend or be construed to extend to any complaints or orders made with respect to Lunatics, or expenses incurred for the lodging, maintenance, medicine, clothing or care of any Lunatic or insane person, nor to any information or complaint or other proceeding under or by virtue of any of the Acts or Statutes relating to Her Majesty's Revenue or Customs or Post Office; nor shall any thing in this Act extend or be construed to extend to any complaints, orders or warrants in matters of Bastardy made against the putative father of any bastard child, save and except such of the provisions aforesaid as relate to the backing of Warrants, for compelling the appearance of such putative father, or Warrants of Distress, or to the levying of sums ordered to be paid, or to the imprisonment of a defendant for non-payment of the same.

PROTECTION OF JUSTICES.

For an act by a
Justice of Peace
within his jurisdic-
tion, the action
shall be on the case,
and it shall be
alleged to have been
done maliciously
and without prob-
able cause.

XXXI. 'And whereas it is expedient to protect Justices of the Peace in the execution of their duty;' Be it therefore enacted, That every action hereafter to be brought against any Justice of the Peace for any act done by him in the execution of his duty as such Justice, with respect to any matter within his jurisdiction as such Justice, shall be an action on the case as for a wrong; and in the declaration it shall be expressly alleged that such act was done maliciously and without

without reasonable and probable cause; and if at the trial of any such action, upon the general issue being pleaded, the plaintiff shall fail to prove such allegation, he shall be non-suited or a verdict shall be given for the defendant.

XXXII. And be it enacted, That for any act done by a Justice of the Peace in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction or order made, or Warrant issued by such Justice in any such matter, may maintain an action against such Justice in the same form as in the last section mentioned, without making any allegation in his declaration that the act complained of was done maliciously and without reasonable or probable cause; provided nevertheless, that no such action shall be brought for any thing done under such conviction or order, until after such conviction shall have been quashed either upon appeal or upon application to the Supreme Court; nor shall any such action be brought for any thing done under any such Warrant which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed as aforesaid; or if such last mentioned Warrant shall not have been followed by any such conviction or order, or if it be a Warrant upon an information for an alleged indictable offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such Summons, in such case no such action shall be maintained against such Justice for any thing done under such Warrant.

XXXIII. And be it enacted, That where a conviction or order shall be made by one or more Justice or Justices of the Peace, and a Warrant of Distress or Commitment shall be granted thereon by some other Justice of the Peace, bona fide and without collusion, no action shall be brought against the Justice who so granted such Warrant, by reason of any defect in such conviction or order, or for any want of jurisdiction in the Justice or Justices who made the same, but the action (if any) shall be brought against the Justice or Justices who made such conviction or order.

XXXIV. And be it enacted, That where any rate shall be made, allowed and published, and a Warrant of Distress shall issue against any person named and rated therein, no action shall be brought against the Justice or Justices who shall have granted such Warrant, by reason of any irregularity or defect in the said rate, or by reason of such person not being liable to be rated therein; and that in all cases where a discretionary power shall be given to a Justice of the Peace by any Act or Statute, no action shall be brought against such Justice for or by reason of the manner in which he shall have exercised his discretion in the execution of such power.

XXXV. 'And whereas it would conduce to the advancement of justice and render more effective and certain the performance of the duties of Justices, and give them protection in the performance of the same, if some simple means not attended with much expense were devised by which the legality of any act to be done by such Justices might be considered and adjudged by a Court of competent jurisdiction, and such Justice enabled and directed to perform it without risk of any action or other proceeding being brought or had against him;' Be it therefore enacted, That in all cases where a Justice or Justices of the Peace shall refuse to do any act relating to the duties of his or their office as such Justice or Justices, it shall be lawful for the party requiring such act to be done to apply

For an act done by him without jurisdiction, or exceeding his jurisdiction, an action may be maintained without such allegation;

but not for an act done under a conviction or order, until after such conviction or order shall have been quashed;

nor for an act done under a Warrant to compel appearance, if a Summons were previously served and not obeyed.

If one Justice make a conviction or order and another grant a Warrant upon it, the action must be against the former, not the latter, for a defect in the conviction or order.

No action for issuing a distress warrant for rates by reason of any defect or that the party is not rateable.

No action for acts in exercise of a discretionary power.

If a Justice refuse to do an act, the Supreme Court may by rule order him to do it, and no action shall be brought against him for doing it.

apply to the Supreme Court, upon an affidavit of the facts, for a Rule calling upon such Justice or Justices, and also the party to be affected by such act, to shew cause why such act should not be doné; and if after due service of such Rule good cause shall not be shewn against it, the said Court may make the same absolute, with or without or upon payment of costs, as to them shall seem meet; and the said Justice or Justices, upon being served with such Rule absolute, shall obey the same, and shall do the act required; and no action or proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such Rule and done such act so thereby required as aforesaid.

No action against Justices for defect in conviction or order confirmed on appeal.

XXXVI. And be it enacted, That in all cases where a Warrant of Distress or Warrant of Commitment shall be granted by a Justice of the Peace upon any conviction or order, which either before or after the granting of such Warrant shall have been or shall be confirmed upon appeal, no action shall be brought against such Justice who so granted such Warrant, for any thing which may have been done under the same by reason of any defect in such conviction or order.

Actions against Justices in defiance of this Act to be set aside.

XXXVII. And be it enacted, That in all cases where by this Act it is enacted that no action shall be brought under particular circumstances, if any such action shall be brought, it shall be lawful for a Judge of the Court in which the same shall be brought, upon application of the defendant, and upon an affidavit of facts, to set aside the proceedings in such action with or without costs as to him shall seem meet.

Limitation of action.

XXXVIII. And be it enacted, That no action shall be brought against any Justice of the Peace for any thing done by him in the execution of his office unless the same be commenced within six calendar months next after the act complained of shall have been committed.

Notice in writing of action to be the commencement.

XXXIX. And be it enacted, That no such action shall be commenced against any such Justice of the Peace until one calendar month at least after a notice in writing of such intended action shall have been delivered to him, or left for him at his usual place of abode by the party intending to commence such action, or his attorney or agent, in which said notice the cause of action and the Court in which the same is intended to be brought shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue and also the name and place of abode or of business of the said attorney or agent, if such notice have been served by such attorney or agent.

Venue.

XL. And be it enacted, That in every such action the venue shall be laid in the County where the act complained of was committed; and the defendant shall be allowed to plead the general issue therein, and to give any special matter of defence, excuse or justification under such plea at the trial of such action.

Tender and payment of money into Court.

XLI. And be it enacted, That in every such case after notice of action shall be so given as aforesaid, and before such action shall be commenced, such Justice to whom such notice shall be given, may tender to the party complaining or to his attorney or agent such sum of money as he may think fit as amends for the injury complained of in such notice; and after such action shall have been commenced and at any time before issue joined therein, such defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, and which said tender and payment of money into Court, or either of them, may afterwards be given in evidence by the defendant at the trial, under the general issue aforesaid; and if the Jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum or sums so tendered or paid into Court, then they shall give a verdict

verdict for the defendant, and the plaintiff shall not be at liberty to elect to be non-suit, and the sum of money (if any) so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue (if any) shall be paid to the plaintiff; or if where money is so paid into Court in any such action, the plaintiff shall elect to accept the same in satisfaction of his damages in the said action, he may obtain from any Judge of the Court in which such action shall be brought an order that such money shall be paid out of Court to him, and that the defendant shall pay him his costs to be taxed, and thereupon the said action shall be determined, and such order shall be a bar to any other action for the same cause.

XLII. And be it enacted, That if at the trial of any such action the plaintiff shall not prove that such action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given one calendar month before such action was commenced, or if he shall not prove the cause of action stated in such notice, or if he shall not prove that such cause of action arose in the County or place laid as venue in the margin of the declaration, then and in every such case such plaintiff shall be non-suit, or the Jury shall give a verdict for the defendant.

Plaintiff to be non-suit in certain cases.

XLIII. And be it enacted, That in all cases where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any conviction or order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such conviction or order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of two pence as damages for such imprisonment, or any costs of suit whatsoever, if it shall be proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay.

Plaintiff not to recover amount of penalty in certain cases.

XLIV. And be it enacted, That if the Plaintiff in any such action shall recover a verdict, or the defendant shall allow judgment to pass against him by default, such plaintiff shall be entitled to costs, in such manner as if this Act had not been passed; or if in such case it be stated in the declaration that the act complained of was done maliciously and without reasonable or probable cause, the plaintiff if he recover a verdict for any damages, or if the defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit; and in every action against a Justice of the Peace for anything done by him in the execution of his office, the defendant if he obtain judgment upon verdict, or otherwise, shall in all cases be entitled to his full costs in that behalf.

Costs.

CONSTRUCTION OF TERMS.

XLV. And be it enacted, That wherever in this Act in describing or referring to the offence, or the subject matter on or with respect to which it shall be committed, or the offender, or the party intended to be affected by the offence, words shall be used importing the singular number or masculine gender, yet this Act shall be understood to include several matters as well as one matter, several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something

Construction of Act.

Singular number. Masculine gender.

Corporate body
included in party
aggrieved.

Act or Statute.

County.

Property.

something in the subject or context repugnant to such construction; and whenever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved; and that the word 'Act or Statute' shall include any Act of Assembly or of Parliament; and the term 'County' shall include City and County, and the word 'Property' shall be deemed to denote every thing included under the words chattels, money, or valuable security.

Forms.

FORMS.

XLVI. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like effect, shall be deemed good, valid and sufficient in law; and that every information and complaint shall be according to the Form, or to the like effect, as set forth in the Schedule to the Act made and passed during the present Session of the Assembly, intituled *An Act to consolidate and improve the Law for the administration of Criminal Justice.*

Cap. 30.

SCHEDULE.

(A)

Summons to the Defendant upon an Information or Complaint.

Summons to
Defendant.

To A. B. of [Labourer.]

Whereas information hath this day been laid [or complaint hath this day been made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said [County] of for that you [here state shortly the matter of the information or complaint]; These are therefore to command you, in Her Majesty's name, to be and appear on at o'clock in the forenoon, at before such Justices of the Peace for the said County as may then be there, to answer to the said information [or complaint], and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. S.]

(B)

Warrant where the Summons is disobeyed.

Warrant where
Summons dis-
obeyed.

To the Constable of and to all other Peace Officers in the said County of

Whereas on last past information was laid [or complaint was made] before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said County of for that A. B. [&c. as in the Summons]; and whereas I then issued my Summons unto the said A. B., commanding him, in Her Majesty's name, to be and appear on at o'clock in the forenoon, at before such Justices of the Peace for the said County as might then be there, to answer to the said information [or complaint], and to be further dealt with according to law; and whereas the said A. B. hath neglected to be or appear at the time and place so appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath been duly served upon the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said information [or complaint], and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. S.]

(C)

Warrant in the first instance.

Warrant in first instance.

To the Constable of and to all other Peace Officers in the said County of

Whereas information hath this day been laid before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that A. B. [*here state shortly the matter of the information,*] and oath being now made before me substantiating the matter of such information: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said information, and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(D)

Warrant of committal for safe custody during an adjournment of the hearing.

Warrant of Committal during an adjournment of hearing.

To W. T., Constable of and to the Keeper of the Common Gaol at

Whereas on last past, information was laid [*or complaint was made*] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Summons*]; and whereas the hearing of the same is adjourned to the day of instant, at o'clock in the forenoon, at , and it is necessary that the said A. B. should in the meantime be kept in safe custody: These are therefore to command you the said Constable, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol at and there to deliver him into the custody of the Keeper thereof, together with the Precept; and I hereby command you the said Keeper, to receive the said A. B. into your custody in the said Common Gaol, and there safely keep him until the day of instant, when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said County, as may then be there, to answer further to the said information [*or complaint*], and to be further dealt with according to law.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(E)

Recognizance for the appearance of the Defendant where the case is adjourned, or not at once proceeded with.

Recognizance for appearance of Defendant in delayed cases.

Be it remembered, that on A. B. of *Labourer*, and L. M. of *Grocer*, personally came before one of the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, (that is to say): The said A. B. the sum of and the said L. M. of the sum of of good and lawful money of the Province of New Brunswick, to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.—Taken and acknowledged the day and year first above mentioned, at before me.

J. S.

The

The condition of the within written recognizance is such, that if the said A. B. shall personally appear on the _____ day of _____ instant, at _____ o'clock in the forenoon, at _____ before such Justices of the Peace for the said County as may then be there, to answer further to the information [or complaint] of C. D., exhibited against the said A. B., and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

(F)

Certificate of non-appearance.

Certificate of non-appearance to be endorsed on the Defendant's Recognizance.

I hereby certify that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S.

(G)

Summons of a Witness.

Summons of a Witness.

To E. F. of _____ in the said County of _____

Whereas information was laid [or complaint was made] before the undersigned [one] of Her Majesty's Justices of the Peace in and for the said County of _____ for that [&c. as in the Summons]; and it hath been made to appear to me upon [oath] that you are likely to give material evidence on behalf of the [prosecutor or complainant, or defendant] in this behalf: These are therefore to require you to be and appear on _____ at _____ o'clock in the forenoon, at _____ before such Justices of the Peace for the said County as may then be there, to testify what you shall know concerning the matter of the said information [or complaint]. — Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. [L. S.]

(H)

Warrant where Witness has not obeyed a Summons.

Warrant where a Witness has not obeyed a Summons.

To the Constable of _____ and to all other Peace Officers in the said County of _____

Whereas information was laid [or complaint was made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of _____ for that [&c. as in the Summons]; and it having been made to appear to me upon oath, that E. F., of _____ in the said County, [Labourer,] was likely to give material evidence on behalf of the prosecutor, I did duly issue my Summons to the said E. F., requiring him to be and appear on _____ at _____ o'clock in the forenoon of the same day, at _____ before such Justices of the Peace for the said County as might then be there, to testify what he should know concerning the said A. B., or the matter of such information [or complaint]; and whereas proof hath this day been made before me upon oath of such Summons having been duly served upon the said E. F., and of a reasonable sum having been paid [or tendered] to him for his costs and expenses in that behalf; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse hath been offered for such neglect: These are therefore to command you to take the said E. F., and to bring and have him on _____ at _____ o'clock in the forenoon at _____ before such Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the _____ matter

matter of the said information [or complaint].—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(I)

Warrant for a Witness in the first instance.

Warrant for
Witness in first
instance.

To the Constable of and to all other Peace Officers in the County of

Whereas information was laid [or complaint was made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Summons*]; and it being made to appear before me upon oath, that E. F. of [Labourer] is likely to give material evidence on behalf of the [prosecutor] in this matter, and it is probable that the said E. F. will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said E. F. before me, on at o'clock in the forenoon, at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the matter of the said information [or complaint].—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(K)

Commitment of a Witness for refusing to be sworn or to give evidence.

Commitment
of Witness.

To W. T., Constable of in the said County of and to the Keeper of the Common Gaol at

Whereas information was laid [or complaint was made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Summons*]; and one E. F. now appearing before me, such Justice as aforesaid, on at and being required by me to make oath or affirmation as a witness in that behalf, hath now refused so to do [or being now here duly sworn as a witness in the matter of the said information or complaint, doth refuse to answer certain questions concerning the premises which are now here put to him], without offering any just excuse for such his refusal: These are therefore to command you the said Constable, to take the said E. F. and him safely convey to the Common Gaol at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said E. F. into your custody in the said Common Gaol, and there imprison him for such his contempt for the space of days, unless he shall in the meantime consent to be examined, and to answer concerning the premises; and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(L)

Warrant to remand a Defendant when apprehended.

Warrant to remand
a Defendant.

To W. T., Constable of and to the Keeper of the Common Gaol at

Whereas information was laid [or complaint was made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Summons or Warrant*], and whereas the said hath been apprehended

apprehended under and by virtue of a Warrant upon such information [*or complaint*], and is now brought before me as such Justice as aforesaid: These are therefore to command you the said Constable, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol at _____ and there to deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper to receive the said A. B. into your custody in the said Common Gaol, and there safely keep him until _____ next the _____ day of _____ instant, when you are hereby commanded to convey and have him at _____ at _____ o'clock in the forenoon of the same day, before such Justices of the Peace of the said County as may then be there, to answer to the said information [*or complaint*], and to be further dealt with according to law.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. [L. s.]

(M)

Conviction for a penalty to be levied by distress, and on default, by imprisonment.

Conviction for a penalty to be levied by Distress, and in default of sufficient distress, imprisonment.

To-wit. } Be it remembered, that on the _____ day of _____ in the year of our Lord _____ at _____ in the said County, A. B. is convicted before the undersigned, [*one*] of Her Majesty's Justices of the Peace for the said County, for that [*he the said A. B. &c. stating the offence and the time and place when and where committed*]; and I adjudge the said A. B. for his said offence, to forfeit and pay the sum of _____ [*stating the penalty, and also the compensation, if any*] to be paid and applied according to law, and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith, [*on or before _____ next*], * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress * I adjudge the said A. B. to be imprisoned in the Common Gaol at _____ in the said County [*there to be kept to hard labour*] for the space of _____ unless the said several sums and all costs and charges of the said distress [*and of the commitment and conveying of the said A. B. to the said Common Gaol*] shall be sooner paid.—Given under my hand and seal the day and year first above mentioned, at _____ in the County aforesaid.

J. S. [L. s.]

* Or where the issuing of a Distress Warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks * *, say,—then inasmuch as it hath now been made to appear to me [*that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family, or that the said A. B. hath no goods or chattels whereon to levy the said sums by distress,*] I adjudge, &c. as above, to the end.

(N)

Conviction for a penalty, and in default of payment, imprisonment.

Conviction for a penalty, and in default of payment, imprisonment.

To-wit. } Be it remembered, that on the _____ day of _____ in the year of our Lord _____ at _____ in the said County, A. B. is convicted before the undersigned, [*one*] of Her Majesty's Justices of the Peace for the said County, for that [*he the said A. B., &c., stating the offence and the time and place when and where it was committed*]; and I adjudge the said A. B. for his said offence, to forfeit and pay _____

pay the sum of [stating the penalty and compensation if any] to be paid and applied according to law, and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith [or on or before next,] I adjudge the said A. B. to be imprisoned in the Common Gaol at in the said County, [and there to be kept to hard labour] for the space of unless the said several sums [and the costs and charges of conveying the said A. B. to the said Common Gaol,] shall be sooner paid.—Given under my hand and seal, the day and year first above mentioned, at in the County aforesaid.

J. S. [L. s.]

(O)

Conviction when the punishment is by imprisonment, &c.

Conviction when the punishment is by imprisonment, &c.

To-wit. { Be it remembered, that on the day of in the year of our Lord in the said County, A. B. is convicted before the undersigned, [one] of Her Majesty's Justices of the Peace for the said County, for that [he the said A. B., &c., stating the offence, and the time and place when and where committed]; and I adjudge the said A. B. for the said offence to be imprisoned in the Common Gaol at in the said County [and there kept to hard labour] for the space of ; and I also adjudge the said A. B. to pay the said C. D. the sum of for his costs in this behalf; and if the said sum for costs be not paid forthwith [or on or before next,] then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B. ; and in default of sufficient distress in that behalf,* I adjudge the said A. B. to be imprisoned in the said Common Gaol [and there kept to hard labour] for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.—Given under my hand and seal the day and year first above mentioned, at in the County aforesaid.

J. S. [L. s.]

* Or where the issuing of a Distress Warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks * * say,—inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family, or that the said A. B. hath no goods or chattels whereupon to levy the said sum for costs by distress) ; I adjudge, &c.

(P)

Order for payment of Money to be levied by Distress, and in default of distress, imprisonment.

Order for payment of money by distress, and in default, imprisonment.

To-wit. { Be it remembered, that on complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [stating the facts entitling the complainant to the order, with the time and place when and where they occurred]; and now, on this day, to-wit, on at the parties aforesaid appear before me the said Justice, [or the said C. D. appears before me the said Justice,] but the said A. B. although duly called doth not appear, by himself, his Counsel, or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the summons in this behalf, which required him to be and appear here at this day before such Justice of the Peace for this said County as should now be here, to answer

answer the said complaint, and to be further dealt with according to law, and now having heard the matter of the said complaint, I do adjudge the said A. B. [to pay to the said C. D. the sum of forthwith, *or on or before* next, *or as the Statute may require*]; and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, [*or on or before* next,] * I hereby order that the same be levied by sale and distress of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf,* I adjudge the said A. B. to be imprisoned in the Common Gaol at in the said County [*and there kept to hard labour*] for the space of unless the said several sums, and all costs and charges of the said distress, [*and of the commitment and conveying of the said A. B. to the said Common Gaol*], shall be sooner paid.—Given under my hand and seal the day of in the year of our Lord at in the County aforesaid.

J. S. (L. s.)

* Or where the issuing of a Distress Warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks, * * say,—then inasmuch as it hath now been made to appear to me [that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family, or that the said A. B. hath no goods or chattels whereon to levy the said sums by distress]; I adjudge, &c.

(Q)

Order for payment of Money, and in default of payment, imprisonment.

Order for payment of money, and in default of payment, imprisonment.

To-wit. } Be it remembered, that on complaint was made before the under-
signed, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the facts entitling the complainant to the Order, with the time and place and when and where they occurred,*] and now at this day, to-wit, on at the parties aforesaid appear before me the said Justice, [*or the said C. D. appears before me the said Justice, but the said A. B., although duly called doth not appear by himself, his Counsel, or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day, before such Justices of the Peace for the said County as should now be here, to answer the said complaint, and to be further dealt with according to law*]; and now, having heard the matter of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of forthwith, [*or on or before* next, *or as the Statute may require,*] and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, [*or on or before* next,] I adjudge the said A. B. to be imprisoned in the Common Gaol at in the said County, there to be kept to hard labour for the space of unless the said several sums, [*and the costs and charges of conveying the said A. B. to the said Common Gaol,*] shall be sooner paid.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. (L. s.)

(R)

(R)

Order for any other matter where the disobeying of it is punishable with imprisonment.

To-wit. } Be it remembered, that on complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [stating the facts entitling the complainant to the Order, with the time and place and when and where they occurred,] and now at this day, to-wit, on at the parties aforesaid appear before me the said Justice, [or the said C. D. appears before me the said Justice,] but the said A. B., although duly called, doth not appear by himself, his Counsel, or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here at this day, before such Justices of the Peace for the said County as shall now be here, to answer to the said complaint, and to be further dealt with according to law; and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to [here state the matter required to be done,] and if upon a copy of a minute of this Order being served upon the said A. B., either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B., for such his disobedience, to be imprisoned in the Common Gaol at in the said County, [there to be kept to hard labour,] for the space of [unless the said order be sooner obeyed if the Statute authorize this]; and I do also adjudge the said A. B. to pay to the said C. D. the sum of for the costs in this behalf; and if the said sum for costs be not paid forthwith, [or on or before next,] I do order the same to be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said House of Correction [and there kept to hard labour,] for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum of shall be sooner paid.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

Order for other matters where disobedience is punishable by imprisonment.

J. S. (L. s.)

(S)

Order of dismissal of an Information or Complaint.

To-wit. } Be it remembered, that on information was laid [or complaint was made] before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of for that [&c. as in the Summons to the defendant,] and now at this day, to-wit, on at both the said parties appear before me in order that I should hear and determine the said information [or complaint] [or the said A. B. appeareth before me, but the said C. D., although duly called, doth not appear,] whereupon the matter of the said information [or complaint] being by me duly considered, [it manifestly appears to me that the said information [or complaint] is not proved, and *] I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in his defence in this behalf; and if the said sum for costs be not paid forthwith, [or on or before] I order that the same be levied by distress and sale of the goods and chattels of the said C. D.; and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol at in the said County, [and there kept to hard labour] for the space of unless the said sum for costs, and all costs and charges of the

Order of dismissal of an information or complaint.

the said distress, [*and of the commitment and conveying of the said C. D. to the said Common Gaol,*] shall be sooner paid.—Given under my hand and seal this
day of in the year of our Lord at in the County aforesaid.

J. S. (L. S.)

* If the informant or complainant do not appear, these words may be omitted.

(T)

Certificate of Dismissal.

Certificate of
dismissal.

I hereby certify, that an information [*or complaint*] preferred by C. D. against A. B. for that [*&c. as in the Summons*], was this day considered by me, [*one*] of Her Majesty's Justices of the Peace in and for the County of and was by me dismissed [*with costs*].—Dated this day of 184 .

J. S.

(U)

Warrant of Distress upon a conviction for a penalty.

Warrant of distress
upon conviction
for a penalty.

To the Constable of and to all other Peace Officers in the said County of

Whereas A. B. late of *Labourer*, was on this day, [*or on* last past] duly convicted before the undersigned, [*one*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the offence as in the conviction,*] and it was thereby adjudged that the said A. B. should for such his offence forfeit and pay [*&c. as in the conviction,*] and should also pay to the said C. D. the sum of for his costs in that behalf, and it was thereby ordered that if the said several sums should not be paid [*forthwith*] the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was also thereby adjudged that in default of sufficient distress the said A. B. should be imprisoned in the Common Gaol at in the said County [*and there kept to hard labour*] for the space of unless the said several sums, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol, should be sooner paid *; and whereas the said A. B., being so convicted as aforesaid, and being [*now*] required to pay the said sums of and hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising by such sale unto the Treasurer of the said County, that he may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then that you certify the same unto me to the end that such further proceedings may be had thereon, as to the law doth appertain.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. (L. S.)

(V)

(V)

*Warrant of Distress upon an Order for the payment of money.*Warrant of distress
upon an order for
payment of money.

To the Constable of _____ and to all other Peace Officers in the County of _____

Whereas on _____ last past, a complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of _____ for that (&c. as in the Order,) and afterwards, to-wit, on _____ at _____ the said parties appeared before me (or as in the Order) and thereupon having considered the matter of the said complaint, I adjudged the said A. B. to (pay to the said C. D. the sum of _____ on or before the _____ then next,) and also to pay to the said C. D. the sum of _____ for his costs in that behalf, and I thereby ordered that if the said several sums should not be paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was adjudged that in default of sufficient distress in that behalf, the said A. B. should be imprisoned in the Common Gaol at _____ in the said County, (and there kept to hard labour) for the space of _____ unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A. B. to the said Common Gaol,) should be sooner paid; * and whereas the time in and by the said Order appointed for the payment of the said several sums of _____ and _____ hath elapsed, but the said C. D. hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said A. B., and if within the space of _____ days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto the Treasurer for the said County, that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. (L. s.)

(W)

*Endorsement in backing a Warrant of Distress.*Endorsement in
backing a Warrant
of distress.

To-wit. } Whereas proof upon oath hath this day been made before me, one of
 } Her Majesty's Justices of the Peace in and for the said County of _____
 that the name of J. S. to the within Warrant subscribed, is of the hand-
 writing of the Justice of the Peace within mentioned; I do therefore authorize
 W. T. who bringeth to me this Warrant, as originally directed, or by whom the
 same may be lawfully executed, and also all Constables and other Peace Officers
 of the said County of _____ to execute the same within the said County of _____
 —Given under my hand this _____ day of _____ 184

J. B.

(X)

*Constable's Return to a Warrant of Distress.*Constable's return
to a Warrant
of distress.

I, W. T., Constable of _____ in the County of _____ do hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the said County, that by virtue of this Warrant I have made diligent search for the goods and chattels of the _____ the

the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.—Witness my hand this day of 184

W. T.

(Y)

Warrant of a Commitment for want of Distress.

To the Constable of and to the Keeper of the Common Gaol at in the said County of

Whereas [*&c. as in either of the foregoing Distress Warrants U V to the asterisks * and then thus*]: And whereas afterwards on the day of in the year aforesaid, I, the said Justice, issued a Warrant to the Constable of commanding him to levy the said sums of and by distress and sale of the goods and chattels of the said A. B.; and whereas it appears to me, as well by the return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are therefore to command you the said Constable of to take the said A. B. and him safely convey to the Common Gaol at aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of unless the said several sums and all the costs and charges of the said distress [*and of the commitment and conveying of the said A. B. to the said Common Gaol,*] amounting to the further sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. (L. S.)

(Z)

Warrant of Commitment upon a conviction for a Penalty in the first instance.

To the Constable of and to the Keeper of the Common Gaol at in the said County of

Whereas A. B. late of [*Labourer*] was on this day duly convicted before the undersigned, [*one*] of Her Majesty's Justices of the Peace in and for the said County, for that [*stating the offence as in the conviction*]; and it was thereby adjudged that the said A. B. for his said offence should forfeit and pay the sum of [*&c. as in the conviction*] and should pay to the said C. D. the sum of for his costs in that behalf; and it was thereby further adjudged that if the said several sums should not be paid [*forthwith*] the said A. B. should be imprisoned in the Common Gaol at in the said County [*and there kept to hard labour*] for the space of unless the said several sums [*and the costs and charges of conveying the said A. B. to the said Common Gaol*] should be sooner paid; and whereas the time in and by the said conviction appointed for the payment of the said several sums hath elapsed, but the said A. B. hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said A. B. and him safely to convey to the Common Gaol at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the

Warrant of commitment for want of distress.

Warrant of commitment for a penalty.

the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of unless the said several sums [*and the costs and charges of conveying him to the said Common Gaol, amounting to the further sum of*] shall be sooner paid, and for so doing this shall be your sufficient Warrant.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. (L. s.)

(A a)

Warrant of Commitment on an Order in the first instance.

To the Constable of and to the Keeper of the Common Gaol at in
the said County of

Warrant of commitment on an order.

Whereas on last past, complaint was made before the undersigned, [*one*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c. as in the Order*], and afterwards to wit on at the parties appeared before [*me*] the said Justice, [*or as it may be in the Order*] and thereupon having considered the matter of the said complaint, I adjudged the said A. B. to pay to the said C. D. the sum of on or before the day of then next, and also to pay to the said C. D. the sum of for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the day of then next, the said A. B. should be imprisoned in the Common Gaol at in the said County [*and there kept to hard labour*] for the space of unless the said several sums [*and the costs and charges of conveying the said A. B. to the said Gaol*] should be sooner paid; and whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said A. B. and him safely convey to the said Common Gaol at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of unless the said several sums [*and the costs and charges of conveying him to the said Common Gaol amounting to the further sum of*] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. (L. s.)

(B b)

Warrant of Commitment on a conviction where the punishment is by imprisonment.

To the Constable of and to the Keeper of the Common Gaol at in
the said County of

Warrant of commitment on a conviction where punishment is by imprisonment.

Whereas A. B. late of [*Labourer*] was this day duly convicted before the undersigned, [*one*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the offence as in the conviction*], and it was thereby adjudged that the said A. B. for his said offence should be imprisoned in the Common Gaol at in the said County [*and there kept to hard labour*] for the space of : These are therefore to command you the said Constable of to take the said A. B. and him safely convey to the Common Gaol at aforesaid, and

and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him to hard labour*) for the space of _____; and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. (L. s.)

(Cc)

Warrant of Conviction on an Order where the disobeying of it is punishable by imprisonment.

To the Constable of _____ and to the Keeper of the Common Gaol at _____ in the said County of _____

Whereas on _____ last past complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the County of _____ for that [*&c. as in the order,*] and afterwards, to-wit, on _____ at _____ the said parties appeared before me, [*or as it may be in the order,*] and thereupon having considered the matter of the said complaint, I adjudged the said A. B. to [*&c. as in the order*] and that if upon a copy of the minute of that order being duly served upon the said A. B., either personally or by leaving the same for him at his last or most usual place of abode, he should neglect or refuse to obey the same, that in such case the said A. B. for such his disobedience should be imprisoned in the Common Gaol at _____ in the said County, [*and there kept to hard labour*] for the space of _____ [*unless the said order should be sooner obeyed*]; and whereas it is now proved to me that after the making of the said order a copy of the minute thereof was duly served upon the said A. B., but he then refused [*or neglected*] to obey the same, and hath not as yet obeyed the said order: These are therefore to command you the said Constable of _____ to take the said A. B. and him safely to convey to the Common Gaol at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of _____ and for so doing this shall be your sufficient Warrant.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. (L. s.)

(Dd)

Warrant of Distress for costs upon a conviction where the offence is punishable with imprisonment.

To the Constable of _____ and to all other Peace Officers in the said County of _____

Whereas A. B. of _____ [*Labourer*] was on _____ last past duly convicted before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County, for that [*stating the offence as in the conviction*] and it was thereby adjudged that the said A. B. for his said offence should be imprisoned in the Common Gaol at _____ in the said County [*and there kept to hard labour*] for the space of _____ and it was also thereby adjudged that the said A. B. should pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby ordered that if the said sum of _____ for costs should not be paid [*forthwith*] the same shall be levied by distress and sale of the goods and chattels of the said A. B. [and it was adjudged that in default of sufficient distress in that behalf the said

A. B.

Warrant of commitment on an order where disobedience punishable by imprisonment.

Warrant of distress for costs where offence is punishable by imprisonment.

A. B. should be imprisoned in the said Common Gaol [*and there kept to hard labour*] for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the said distress and of the commitment and conveying of the said A. B. to the said Common Gaol should be sooner paid *; and whereas the said A. B. being so convicted as aforesaid, and being required to pay the said sum of _____ for costs, hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if within the space of _____ days next after the making of such distress the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the County Treasurer for the use of the said County, that he may pay the same as by law directed, and may render the surplus, if any, on demand, to the said A. B., and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.—Given under my hand and seal this day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. (L. S.)

(E e)

Warrant of Distress for costs upon an Order where the disobeying of the Order is punishable with imprisonment.

Warrant of distress for costs on an order where disobedience is punishable with imprisonment.

To the Constable of _____ and to all other Peace Officers in the said County of _____

Whereas on _____ last past complaint was made before the undersigned, [one] of Her Majesty's Justices of the Peace in and for the said County of _____ for that [*&c. as in the order*] and afterwards, to-wit, on _____ at _____ the said parties appeared before me as such Justice as aforesaid [*or as it may be in the order*] and thereupon having considered the matter of such complaint, I adjudged the said A. B. to [*&c. as in the order*] and that if upon a copy of the minute of that order being served upon the said A. B., either personally or by leaving the same for him at his last or most usual abode, he should neglect or refuse to obey the same, I adjudged that in such case the said A. B., for such his disobedience, should be imprisoned in the Common Gaol at _____ in the said County [*and there kept to hard labour*] for the space of _____ unless the said order should be sooner obeyed; and I thereby also adjudged the said A. B. to pay to the said C. D. the sum of _____ for his costs in that behalf; and I ordered that if the said sum for costs should not be paid [*forthwith*] the same should be levied of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf, I thereby adjudged that the said A. B. should be imprisoned in the said Common Gaol [*and there kept to hard labour*] for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol, should be sooner paid *; and whereas after the making of the said order, a copy of the minute thereof was duly served upon the said A. B., but the said A. B. did not then pay, nor hath he paid the sum of _____ for costs or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid,

paid, that then you do sell the goods and chattels so by you distrained, and do pay the money arising from such sale to the Treasurer of the said County, that he may pay the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(F f)

Warrant of Commitment for want of Distress in either of the last two cases.

Warrant of commitment for want of distress.

To the Constable of and to the Keeper of the Common Gaol at in the said County of

Whereas [*&c.*, as in the last two forms respectively to the asterisk * and then thus] and whereas afterwards, on the day of in the year aforesaid, I the said J. S. issued a Warrant to the Constable of commanding him to levy the said sum of for costs by distress and sale of the goods and chattels of the said A. B.; and whereas it appears to me, as well by the return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sum above mentioned could be found: These are therefore to command you the said Constable of to take the said A. B. and him safely to convey to the Common Gaol at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of unless the said sum and all costs and charges of the said distress, [*and of the commitment and conveying of the said A. B. to the said Gaol,*] amounting to the further sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this day of in the year of our Lord at in the County aforesaid.

J. S. [L. s.]

(G g)

Warrant of Distress for costs upon an Order for dismissal of an Information or Complaint.

Warrant of distress for costs upon an order for dismissal of an information or complaint.

To the Constable of and to all other Peace Officers in the said County of

Whereas on last past information was laid [*or complaint was made*] before the undersigned, [*one*] of Her Majesty's Justices of the Peace in and for the said County, for that [*&c.* as in the Order of Dismissal,] and afterwards, to-wit, on at both parties appearing before me, in order that I should hear and determine the same, and the several proofs adduced to me in that behalf, being by me duly heard and considered, and it manifestly appearing to me that the said information [*or complaint*] was not proved, I therefore dismissed the same, and adjudged that the said C. D. should pay to the said A. B. the sum of for his costs incurred by him in his defence in that behalf; and I ordered that if the said sum for costs should not be paid [*forthwith*] the same should be levied of the goods and chattels of the said C. D.; [and I adjudged that in default of sufficient distress in that behalf, the said C. D. should be imprisoned in the Common Gaol at in the said County, and there kept to hard labour for the space of unless the

the

the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said C. D. to the said Common Gaol, should be sooner paid] *; and whereas the said C. D. being now required to pay unto the said A. B. the said sum for costs, hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you in Her Majesty's name forthwith to make distress of the goods and chattels of the said C. D.; and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Treasurer of the said County, that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said C. D.; and if no such distress can be found, then that you certify the same unto me to the end that such proceedings may be had therein as to the law doth appertain.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. [L. s.]

(Hh)

Warrant of Commitment for want of Distress in the last case.

To the Constable of _____ and to the Keeper of the Common Gaol at _____ in the said County of _____

Warrant of commitment for want of distress in the last case.

Whereas [*&c., as in the last form to the asterisk * and then thus*]: and whereas afterwards on the _____ day of _____ in the year aforesaid, I the said Justice issued a Warrant to the Constable of _____ commanding him to levy the said sum of _____ for costs by distress and sale of the goods and chattels of the said C. D.; and whereas it appears to me as well by return of the said Constable to the said Warrant of Distress as otherwise that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found: These are therefore to command you the said Constable of _____ to take the said C. D. and him safely convey to the Common Gaol at _____ aforesaid, and there deliver him to the said Keeper together with this Precept: and I do hereby command you the said Keeper of the said Common Gaol to receive the said C. D. into your custody in the said Common Gaol, there to imprison him [*and keep him to hard labour*] for the space of _____ unless the said sum, and all costs and charges of the said distress, [*and of the commitment and conveying of the said C. D. to the said Common Gaol,*] amounting to the further sum of _____ shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.—Given under my hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid.

J. S. [L. s.]

TABLE OF FEES IN SUMMARY PROCEEDINGS.

Table of Fees.

<i>Justices' Fees.</i>					
For every	Information or Complaint in writing,	....	....	....	£0 1 0
" "	Summons for Defendant or a Witness,	....	....	....	0 1 0
" "	Warrant to arrest,	....	....	....	0 1 6
" "	Backing a Warrant,	....	....	....	0 1 0
" "	Recognizance from each party,	....	....	....	0 0 6
" "	Warrant of Distress,	....	....	....	0 2 0

For every Warrant of Imprisonment,	£0 2 0
“ administering Oath or Affirmation,	0 1 0
“ the first folio of 100 words on a Trial taken down in writing,	0 1 0
“ every folio beyond the first,	0 0 6
“ “ copy of Summons or other necessary paper, half the allowance for the original.	
“ “ Trial or Conviction,	0 3 6

Constables.

For serving a Summons and making return thereto, either against a party or Witness,	0 1 0
“ serving a Warrant to arrest,	0 1 6
In addition to these services to have <i>three pence</i> per mile going and coming, to be charged according to the number of miles actually travelled.	
“ getting Warrant backed,	0 1 0
“ serving Warrant of Distress,	0 1 0
And Poundage 1s. per £1.	
“ serving Warrant of Imprisonment,	0 2 0
In addition, travel as above.	

CAP. XXXII.

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

Passed 14th April 1849.

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

Chaplains.	To the Chaplain of the Legislative Council in General Assembly twenty pounds. To the Chaplain of the House of Assembly twenty pounds.
Sergeants at Arms.	To the Sergeant at Arms attending the Legislative Council in General Assembly fifteen shillings per diem during the present Session. To the Sergeant at Arms attending the House of Assembly fifteen shillings per diem during the present Session.
Clerks of Council and Assembly.	To the Clerk of the Legislative Council in General Assembly two hundred pounds in full for his services during the present Session. To the Clerk of the House of Assembly two hundred pounds in full for his services during the present Session.
Clerks Assistant of Council and Assembly.	To the Clerk Assistant of the Legislative Council in General Assembly one hundred pounds in full for his services during the present Session. To the Clerk Assistant of the House of Assembly one hundred pounds in full for his services during the present Session.
Doorkeepers and Messengers.	To the Doorkeepers attending the Legislative Council and Assembly ten shillings each per diem during the present Session. To the Messengers attending the Legislative Council and Assembly seven shillings and six pence each per diem during the present Session.
Parish Schools.	To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, ten 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

in rewarding persons for apprehending Deserters from Her Majesty's Land Forces within this Province, provided that no larger sum than five pounds be paid for the apprehension of any one Deserter.

To the Librarian of the Legislative Library seventy five pounds for his services to the end of the present Session. Librarian
Legislative Library.

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

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

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

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

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

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

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

To the Keeper of the Beacon Light eighty five pounds. Beacon Light,

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

To the Keeper of the Light House in the Harbour of Saint Andrews forty pounds; Saint Andrews
Harbour,

To the Keeper of the Light House on Cape Enrage eighty five pounds. Cape Enrage,

To the Commissioners of the Light Houses in the Gulf of Saint Lawrence eighty five pounds to provide for the Salary of a Keeper for the year one thousand eight hundred and forty nine at the Light House on Point Escuminac. Point Escuminac.

II. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer of this 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. Money to be paid
by Warrant.

CAP. XXXIII.

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

Passed 14th April 1849.

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:

TEACHERS, viz:

To John Lawler the sum of six pounds thirteen shillings and four pence for four months services as Teacher, ending twenty ninth day of November one thousand eight hundred and forty eight. J. Lawler,

To Michael Flinn the sum of five pounds for three months services as Teacher, ending in April one thousand eight hundred and forty eight. M. Flinn,

To Jane Davidson the sum of ten pounds for six months services as Teacher, ending thirty first day of December one thousand eight hundred and forty eight. J. Davidson,

To John Hinchey the sum of ten pounds for six months services as Teacher, ending first day of June one thousand eight hundred and forty eight. J. Hinchey,

To David Lynch the sum of five pounds for three months services as Teacher, ending twenty third day of July one thousand eight hundred and forty seven. D. Lynch,

To

TEACHERS,
Continued.

- R. Richardson, To Robina Richardson the sum of five pounds for three months services as Teacher, ending eighteenth day of May one thousand eight hundred and forty eight.
- D. Horseman, To David Horseman the sum of five pounds for three months services as Teacher, ending first day of September one thousand eight hundred and forty eight.
- T. Baker, To Thomas Baker the sum of five pounds for three months services as Teacher, ending twentieth day of May one thousand eight hundred and forty eight.
- W. King, To William King the sum of five pounds for three months services as Teacher, ending the fifteenth day of June one thousand eight hundred and forty eight.
- J. Johnston, To James Johnston the sum of ten pounds for six months services as Teacher, ending November one thousand eight hundred and forty eight.
- P. Fitzgerald, To Patrick Fitzgerald the sum of ten pounds for six months services as Teacher, ending sixteenth day of September one thousand eight hundred and forty eight.
- E. Melanson, To Eustache Melanson the sum of fifteen pounds for nine months services as Teacher, ending twenty eighth day of February one thousand eight hundred and forty eight.
- J. Wallace, To Josiah Wallace the sum of fifteen pounds for six months services as First Class Teacher, ending in August one thousand eight hundred and forty eight.
- D. Landry, To Damian Landry the sum of ten pounds for six months services as Teacher, and in full to first day of January one thousand eight hundred and forty nine.
- C. Carter, To Catherine Carter the sum of six pounds thirteen shillings and four pence for four months services as Teacher, ending eighth day of December one thousand eight hundred and forty eight.
- G. T. Latham, To George T. Latham the sum of five pounds for three months services as Teacher, ending in April one thousand eight hundred and forty eight.
- J. Moore, To Jane Moore the sum of five pounds for three months services as Teacher, ending in May one thousand eight hundred and forty eight.
- Rev. D. M'Curdy, To the Reverend Daniel M'Curdy the sum of ten pounds for four months services as Teacher, ending thirtieth day of November one thousand eight hundred and forty eight.
- R. Martin, To Rachael Martin the sum of twenty pounds for twelve months services as Teacher, ending first day of December one thousand eight hundred and forty eight.
- A. M'Rae, To Alexander M'Rae the sum of five pounds for three months services as Teacher, ending eighteenth day of October one thousand eight hundred and forty four.
- J. S. Witter, To James S. Witter the sum of fifteen pounds for nine months services as Teacher, ending in April one thousand eight hundred and forty eight.
- E. Groundwater, To Edward Groundwater the sum of twenty pounds for twelve months services as Teacher, ending twenty ninth day of January one thousand eight hundred and forty nine.
- W. Kearney, To William Kearney the sum of twenty pounds for twelve months services as Teacher, ending first day of September one thousand eight hundred and forty eight.
- J. Finan, To John Finan the sum of twenty pounds for twelve months services as Teacher, ending in August one thousand eight hundred and forty eight.
- A. M'Phee, To Angus M'Phee the sum of ten pounds for six months services as Teacher, ending tenth day of January one thousand eight hundred and forty nine.
- M. A. M'Kenzie, To Mary Ann M'Kenzie the sum of ten pounds for six months services as Teacher, ending twenty fifth day of February one thousand eight hundred and forty eight.

TEACHERS,
Continued.

- To Sarah Ann Turner the sum of twenty pounds for twelve months services as Teacher, ending thirty first day of January one thousand eight hundred and forty nine. S. A. Turner,
- To John Cutten the sum of five pounds for three months services as Teacher, ending in September one thousand eight hundred and forty eight. J. Cutten,
- To Elizabeth M'Indoe the sum of twenty pounds for twelve months services as Teacher, ending and in full to first of January one thousand eight hundred and forty nine. E. M'Indoe,
- To Grigor M'Gregor the sum of ten pounds for six months services as Teacher, ending sixteenth day of May one thousand eight hundred and forty eight. G. M'Grigor,
- To Robert Grant the sum of six pounds thirteen shillings and four pence for four months services as Teacher, ending in April one thousand eight hundred and forty eight. R. Grant,
- To Mary O'Neil the sum of eleven pounds thirteen shillings and four pence for four months services as Teacher, ending in November one thousand eight hundred and forty eight. M. O'Neil,
- To William Weatherill the sum of five pounds for three months services as Teacher, ending seventh day of July one thousand eight hundred and forty eight. W. Weatherill,
- To Timothy Hart the sum of six pounds thirteen shillings and four pence for four months services as Teacher, ending in October one thousand eight hundred and forty eight. T. Hart,
- To Elizabeth Chesley, late Elizabeth Albee, the sum of twenty pounds for twelve months services as Teacher, ending first day of November one thousand eight hundred and forty eight. E. Chesley,
- To Charles M'Guire the sum of thirteen pounds six shillings and eight pence for eight months services as Teacher, in full to first day of January one thousand eight hundred and forty nine. C. M'Guire,
- To Lydia Thompson the sum of twenty pounds for twelve months services as Teacher, ending third day of October one thousand eight hundred and forty eight. L. Thompson,
- To Barbara Morrison the sum of ten pounds for six months services as Teacher, ending eighteenth day of July one thousand eight hundred and forty eight. B. Morrison,
- To Sarah Kelley the sum of thirteen pounds six shillings and eight pence for eight months services as Teacher, ending first day of June one thousand eight hundred and forty eight. S. Kelley,
- To Eliza R. Dewolf the sum of five pounds for three months services as Teacher, ending eighth day of December one thousand eight hundred and forty seven. E. R. Dewolf,
- To Flora M'Kenzie the sum of thirty pounds for eighteen months services as Teacher, ending twenty fourth day of November one thousand eight hundred and forty eight. F. M'Kenzie,
- To Rachael Turner the sum of ten pounds for six months services as Teacher, ending in July one thousand eight hundred and forty eight. R. Turner,
- To Mary S. Bill the sum of ten pounds for six months services as Teacher, ending first day of December one thousand eight hundred and forty six. M. S. Bill,
- To Francis Gotreau the sum of ten pounds for six months services as Teacher, ending in June one thousand eight hundred and forty seven. F. Gotreau,
- To John Le Blanc the sum of twenty pounds in full for his services as Teacher, to first of January one thousand eight hundred and forty nine. J. LeBlanc,
- To Peter Amireaux the sum of six pounds thirteen shillings and four pence for four months services as Teacher, ending fifteenth day of March one thousand eight hundred and forty eight. P. Amireaux,

To

TEACHERS,
Continued.

E. W. Grannel,

To Elizabeth W. Grannel the sum of five pounds for three months services as Teacher, ending in August one thousand eight hundred and forty six.

C. Howlet,

To Catherine Howlet the sum of ten pounds for six months services as Teacher, ending in July one thousand eight hundred and forty eight.

F. Gotreau,

To Francis Gotreau the sum of twenty pounds for his services as Teacher for twelve months, and in full to thirty first day of December one thousand eight hundred and forty eight.

A. Mooney,

To Ann Mooney the sum of ten pounds for six months services as Teacher, ending twenty fourth day of October one thousand eight hundred and forty eight.

J. Bristol,

To Joseph Bristol the sum of ten pounds for six months services as Teacher, ending in August one thousand eight hundred and forty eight.

G. Herbert,

To Gabriel Herbert the sum of ten pounds for six months services as Teacher, ending fifteenth day of November one thousand eight hundred and forty eight.

R. Skinner,

To Robie Skinner the sum of ten pounds for six months services as Teacher, ending in June one thousand eight hundred and forty eight.

C. O. Flewelling,

To Cornelia O. Flewelling the sum of ten pounds for six months services as Teacher.

J. F. Goldrup,

To James F. Goldrup the sum of twenty pounds for twelve months services as Teacher, ending first day of July one thousand eight hundred and forty eight.

Trustees of Schools,
Wickham, for
S. Huggard,

To John Colwell, Samuel Skinner, and John Case, Trustees of Schools for the Parish of Wickham, the sum of twenty pounds to enable them to pay Stephen Huggard for his services as Teacher for twelve months ending twenty fourth day of December one thousand eight hundred and forty eight.

H. G. Howard,

To Horatio G. Howard the sum of five pounds for three months services as Teacher, ending eighth day of July one thousand eight hundred and forty eight.

W. Lalor,

To William Lalor the sum of five pounds for three months services as Teacher, ending twenty seventh day of June one thousand eight hundred and forty eight.

D. Downie,

To Donald Downie the sum of twenty pounds for twelve months services as Teacher, ending thirty first day of January one thousand eight hundred and forty nine.

R. Bartlett.

To Richard Bartlett the sum of three pounds six shillings and eight pence for his services as Teacher, ending third day of February one thousand eight hundred and forty nine.

RETURN DUTIES:

J. W. Street,

To James W. Street, of Saint Andrews, the sum of seven pounds seventeen shillings and six pence to reimburse him for excess of Duty paid on a quantity of Foreign Gin on the thirty first day of March last, bonded in the Warehouse in that place.

J. Wilson,

To John Wilson, of Saint Andrews, the sum of eight pounds one shilling and four pence to reimburse him for Export Duties paid on a cargo of Lumber shipped to Demerara in the year one thousand eight hundred and forty seven in the brig Thalia.

Gilmour, Rankin
and Company,

To Gilmour, Rankin and Company, of Miramichi, the sum of twenty pounds six shillings to reimburse them for Export Duties paid twice on a cargo of Deals.

Rev. J. Hudson,

To the Reverend James Hudson the sum of four pounds ten shillings, being for Return Duties on three Bells imported for a Church at Bay du Vin, Northumberland.

Mariner Wood and
Charles Dixon,

To Mariner Wood and Charles Dickson, of Sackville, in the County of Westmorland, the sum of thirteen pounds ten shillings to reimburse them for Head Money paid on a number of Passengers per brig Princess from Dublin, landed at

at

at Sackville, but bound for Boston, and afterwards shipped at their expense to the latter place; the same to be taken from the Emigrant Fund. RETURN DUTIES,
Continued.

To Zachariah Chipman, of the late Firm of Pingree and Chipman, the sum of one hundred and ninety pounds fifteen shillings and one penny to reimburse them for Duties paid on a quantity of Goods burnt at the destruction of their Warehouses in the year one thousand eight hundred and forty eight. Z. Chipman,

To William Loch, of Miramichi, the sum of five pounds three shillings to reimburse him for Duties twice paid on one hundred and three tons of Timber shipped from that Port. W. Loch,

To Lestock P. W. DesBrisay, of Richibucto, the sum of five pounds to reimburse him for Duties paid on fifty barrels of Flour, cleared as Foreign, imported from Halifax. L. P. W. DesBrisay,

To James M. Hamilton, of Saint John, the sum of forty four pounds ten shillings and four pence to reimburse him for excess of Duties paid on a quantity of Molasses warehoused in March last, but not taken out until after the Revenue Act of last year went into operation, which lessened the Duty on that article. J. M. Hamilton,

To Arthur Ritchie and Company, of Dalhousie, in the County of Restigouche, the sum of twelve pounds sixteen shillings and four pence to reimburse them for Duties twice paid on a quantity of Timber shipped by them from that place. A. Ritchie and Co.

To Charles Lloyd, Warehouse Keeper and Searcher at Dalhousie, the sum of five pounds twelve shillings and six pence to reimburse him for extra services performed and expenses incurred by direction of the Deputy Treasurer there. [C. Lloyd, services]

To John Jury, of Dalhousie, in the County of Restigouche, the sum of four pounds to reimburse him Duties paid on two Horses brought into this Province from Prince Edward Island on his removal from the latter place for settlement in New Brunswick. J. Jury,

To James W. Delaney the sum of two pounds to reimburse him for Duty paid on a Horse brought from Prince Edward Island to this Province, in transitu for Nova Scotia, where the Duty was again paid. J. W. Delaney,

To William Napier, of Bathurst, County of Gloucester, the sum of five pounds four shillings to compensate him for his services as Gauger and Weigher in the year one thousand eight hundred and forty eight. W. Napier,

To the Rector, Church Wardens and Vestry of Saint George's Church, Carleton, in Saint John, the sum of fourteen pounds five shillings and two pence to reimburse them for Duties paid on an Organ, Bell and Clock imported for the use of that Church. Rector, Church
Wardens and
Vestry of Saint
George's Church,
Carleton.

To Messieurs Doherty and Mactavish, of Saint John, the sum of six pounds nineteen shillings and three pence to reimburse them for Duties paid on a quantity of British Goods exported to Yarmouth, Nova Scotia. Doherty and
Mactavish,

To James R. Creelman, of Richibucto, in the County of Kent, the sum of one pound thirteen shillings to reimburse him Duties paid on a quantity of Flour exported therefrom to Pictou, Nova Scotia. J. R. Creelman,

To William Todd, Junior, of Saint Stephen, the sum of nine pounds to reimburse him for Duties paid on a cargo of Lumber shipped in a vessel called the Mary, for Berbice, and which Duties were exacted by the Deputy Treasurer in consequence of the Certificates not having been exhibited during the period prescribed by Law, the Certificate having now been furnished. W. Todd, Jun.

To Freeman H. Todd, of Saint Stephen, the sum of sixteen pounds thirteen shillings to reimburse him Duties paid on a cargo of Lumber shipped by the brig Robert, to Jamaica, in the year one thousand eight hundred and forty eight. F. H. Todd.

RETURN DUTIES,
Continued.
A. M'ulloch,

To Andrew M'ulloch the sum of four pounds thirteen shillings to reimburse him for Duties paid on ninety three thousand feet of Lumber shipped to the West Indies from Saint Stephen.

[R. G. Moran and
others, for support
of two Seamen.]

To Robert G. Moran and others, owners of the ship William Vail, the sum of thirty two pounds seven shillings and ten pence to reimburse them monies expended in support of two Seamen attacked with Typhus Fever at Miramichi, and refused admittance into the Marine Hospital there; the same to be taken from the sick and disabled Seamen's Fund at Miramichi.

A. S. Perkins,

To Ambrose S. Perkins the sum of twenty four pounds one shilling and one penny to reimburse him for excess of Duty paid on a quantity of Molasses at Saint John the past year.

J. T. Hunt,

To Joseph T. Hunt, of Saint John, the sum of eighteen pounds one shilling and seven pence to reimburse him in part for Duties paid on various articles appertaining to his Piano Manufactory, which were totally consumed at the destruction of his Warehouse by Fire in the year one thousand eight hundred and forty seven.

Carleton Agricul-
tural Society,

To the President and Directors of the Carleton County Agricultural Society the sum of nine pounds four shillings and seven pence to reimburse them for Duties paid on Ploughs and other Implements of Husbandry imported for their use during the past year.

T. Clerke.

To Thomas Clerke the sum of one pound nineteen shillings and nine pence to reimburse him for extra Duties paid on Crockeryware imported from Britain, on account of its being unaccompanied by certificate of origin.

J. Fraser,
Gauging.

To John Fraser, Waiter and Searcher at Miramichi, the sum of eight pounds eleven shillings to compensate him for his services in Gauging and Weighing dutiable articles the past year.

Relief of distress by
fire in Saint John.

To His Excellency the Lieutenant Governor the sum of five hundred pounds towards relieving the immediate necessities of a large portion of the poor population of the City of Saint John rendered houseless and penniless by the extensive and disastrous conflagration of the fourteenth March.

Major Blake,
H. M. 33d Regt.
Return Duties.

To F. R. Blake, Major Commanding Her Majesty's Thirty third Regiment of Foot, the sum of fourteen pounds three shillings and three pence to reimburse the Officers of that Regiment for Duties paid on Wines, &c. consumed by their Mess in this Province during a part of the past year.

M. Collins,
Relief.

To Mary Collins, Widow of the late Doctor Collins, who fell a victim to the pestilential diseases raging on Partridge Island, Saint John, at the Quarantine Establishment, in the year one thousand eight hundred and forty seven, while in his professional attendance upon the numerous Emigrants there landed, the sum of twenty five pounds to aid her in her present distressed circumstances.

D. S. Kerr,
Decisions of
Supreme Court.

To David S. Kerr, Esquire, Barrister at Law, the sum of seventy five pounds towards remunerating him for reporting and publishing the Decisions of the Supreme Court.

Lieut. Col. Brown,
First Royals,
Return Duties.

To Andrew Brown, Lieutenant Colonel Commanding First Battalion of Royals, the sum of seventy five pounds fourteen shillings to reimburse the Officers of that Regiment for Duties paid on Wines, &c. consumed by them the past year.

S. Babinot,
Shediac Wharf.

To Silvan Babinot the sum of nine pounds, being a balance due him as Contractor for building a Wharf at Shediac, in the County of Westmorland.

M. Pratt,
Relief.

To Mary Pratt, of Saint George, Widow of the late James Pratt, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her distressed circumstances.

- To Jane Hawkins, of Pennfield, Widow of the late W. W. Hawkins, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her destitute condition. J. Hawkins, Relief.
- To Ruth M'Farlane, Widow of the late Duncan M'Farlane, of Saint Patrick, an old Soldier of the Revolutionary War, the sum of twenty pounds to relieve her in her indigent circumstances; the same being the amount of Pension due for two years. R. M'Farlane, Relief.
- To Mercy M'Nichol, of Saint George, Widow of the late Neil M'Nichol, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her old age and destitute situation. M. M'Nichol, Relief.
- To Margaret Grierson, of Saint George, Widow of the late James Grierson, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute situation. M. Grierson, Relief.
- To Rosanna Pulk, Widow of the late Henry Pulk, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her destitute circumstances. R. Pulk, Relief.
- To Nancy M'Bean, Widow of the late Niel M'Bean, of Saint Stephen, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her distressed situation. N. M'Bean, Relief.
- To Richard Turner, Son of the late Rachael Turner, of Saint Patrick, Widow of an old Soldier of the Revolutionary War, the sum of seven pounds ten shillings, being the amount of Pension due to his late Mother at the time of her death, he having maintained her during that period. R. Turner, Relief.
- To Ann Buchannan, the Widow of an old Soldier of the Revolutionary War, and who was for many years Door Keeper of the Legislative Council, the sum of ten pounds to assist her in her destitute condition. A. Buchannan, Relief.
- To Esther Briant, the Widow of Thomas Briant, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition. E. Briant, Relief.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds towards the support of the Roman Catholic School established in the City of Saint John. Roman Catholic School, St. John.
- To William Watts the sum of ten pounds for his services as Crier and Usher of the Supreme Court for the past year. W. Watts, Services.
- 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 being in addition to the allowance made to Deputy Treasurers by law. Deputy Treasurer, Woodstock.
- To Mary Harned, Widow of the late Alward Harned, formerly Door Keeper of this House, the sum of ten pounds. M. Harned, Relief.
- To the Clerk of the Crown of the Supreme Court the sum of one hundred pounds for his services for the year one thousand eight hundred and forty eight. Clerk of Crown Supreme Court.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for a Missionary to the Melicite Tribe of Indians stationed at Fredericton, for the year one thousand eight hundred and forty nine. Missionary Melicite Indians.
- 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 by John Sivewright, to whom the same shall be paid in part of his salary for teaching said School in the present year, on the usual Certificate being given. J. Sivewright, Newcastle Grammar School.

- Free School in Portland. 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 of the Roman Catholic School in Saint John.
- J. Kollock, Relief. To Jacob Kollock, an old and meritorious Soldier, the sum of fifteen pounds to aid him in his present indigent circumstances.
- Madras Schools. To the Governor and Trustees of the Madras Board the sum of four hundred pounds towards the support of that Institution.
- Sackville Academy. To the Trustees of the Wesleyan Academy at Sackville the sum of three hundred pounds towards the support of that Institution.
- Baptist Seminary. 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 paid to the Managing Committee of the Baptist Seminary at Fredericton, under the control of the Committee, when it shall be certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that the said Institution is in an efficient state.
- E. Watson, for M. A. Smith, Teacher. To Elizabeth Watson the sum of six pounds thirteen shillings and four pence, being the amount due the late Mary Ann Smith, a School Mistress in Saint John, for her services in that capacity to the time of her death in September last.
- D. A. Lugin, Relief. To Deborah Ann Lugin, Widow of the late George K. Lugin, many years King's Printer, in this Province, the sum of fifteen pounds to assist her in her present destitute situation.
- S. Cyphers, Relief. To Sarah Cyphers, Widow of an Officer of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.
- Infant School, Fredericton. To the Committee of the Infant School at Fredericton the sum of fifty pounds in aid of that Institution.
- Government House Coals. To the Commissioners of Government House the sum of one hundred pounds for Coals for the Public Rooms and Offices in Government House.
- D. Groom, Relief. To Dorothy Groom, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute situation.
- L. Wannamaker, Relief. To Leah Wannamaker, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute situation.
- J. Boyer, for N. Wheeler, Relief. To John Boyer, of the Parish of Simonds, in the County of Carleton, the sum of seven pounds ten shillings, being the amount due the late Nancy Wheeler, Widow of an old Soldier of the Revolutionary War, at the time of her death.
- R. Berry, Relief. To Rebecca Berry, Widow of Thomas Berry, of Coverdale, in the County of Albert, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her present destitute circumstances.
- R. M'Kay, Jun, Relief to S. Beckwith. To Robert M'Kay, Junior, of the Parish of Northesk, in the County of Northumberland, the sum of ten pounds for taking care of Susannah Beckwith, the Widow of an old Soldier of the Revolutionary War, to the time of her death.
- M. M'Leod, Relief. To Mary M'Leod, the Widow of the late Murdoch M'Leod, of Alnwick, in the County of Northumberland, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances.
- S. Lyon, Relief. To Sabra Lyon, Widow of the late Hezekiah Lyon, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.
- M. Whelpley, Relief. To Mary Whelpley, Widow of the late Jonathan Whelpley, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.

To Hugh Brown, of Greenwich, King's County, the sum of ten pounds to remunerate him for the support of Tamar Britney, Widow of an old Soldier of the Revolutionary War.

H. Brown,
Relief to
T. Britney.

To Mary Hoyt, of the Parish of Petersville, Queen's County, Widow of the late Joseph Hoyt, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her distressed condition.

M. Hoyt,
Relief.

To Samuel Underwood, Son of the late John Underwood, an old Soldier of the Revolutionary War, the sum of four pounds, being the amount due him at the time of his death.

S. Underwood,
Relief.

To Elizabeth Cameron, the Widow of an old Soldier of the Revolutionary War, the sum of twenty pounds, being for two years Pension due her to January one thousand eight hundred and forty nine.

E. Cameron,
Relief.

To William Gilmore the sum of five pounds to reimburse him for teaching a School in the Parish of Durham, in the County of Restigouche, for a period of three months ending the first day of April last.

W. Gilmore,
Teacher.

To John R. M'Pherson the sum of ten pounds for his services in taking charge of the Draw in the Oromocto Bridge for two years last past.

J. M'Pherson,
Oromocto
Draw Bridge.

To Commissioners to be appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds for the running of a Weekly Packet from the Island of Grand Manan to Campo Bello, Deer Island and Saint Andrews.

Weekly Packet
between
Grand Manan,
Campo Bello,
Deer Island, and
Saint Andrews.

To Elizabeth Whitehead, Widow of an old Soldier of the Revolutionary War, the sum of twenty pounds to assist her in her present destitute condition.

F. Whitehead,
Relief.

To John M'Gregor the sum of twenty pounds for teaching a School on Heron Island, in the County of Restigouche, for the period of twelve months ending in December last.

J. M'Gregor,
Teacher.

To Sarah Creekmore, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances.

S. Creekmore,
Relief.

To Letty Bell, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute circumstances.

L. Bell,
Relief.

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

A. M'Donald,
Relief.

To Hugh Copeley, of the Parish of Saint George, Second Class Teacher, the sum of twenty pounds for having taught a School in said Parish for the period of fifteen months ending the twentieth day of April one thousand eight hundred and forty eight.

H. Copeley,
Teacher.

To the Overseers of the Poor of the Parish of Saint Stephen, the sum of thirty four pounds eighteen shillings and two pence to reimburse them for money expended by them in support of sick and distressed Emigrants; the same to be taken from the Emigrant Fund.

Overseers of Poor,
Saint Stephen,
for Emigrants.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred and fifty pounds to remunerate persons employed in taking the Statistics of Travellers, &c., during the past Summer, in the following places, viz: Tantamar Bridge, twenty five pounds; Hammond River, twenty five pounds; Black River, twenty pounds; Petitcodiac, thirty five pounds; Spring Hill, twenty five pounds; Lancaster, twenty pounds.

Statistics of
Travelling, &c.

To Doctors Bayard, Peters and Livingstone, the sum of twenty five pounds each for their services in inspecting and reporting upon the different Establishments in Saint John and Partridge Island, in one thousand eight hundred and forty seven, connected with the sick Emigrants and Partridge Island, by order of the Executive Government; to be taken from the Emigrant Fund.

Doctors Bayard,
Peters, and
Livingstone,
Inspection.

J. Gunn, for
A. Gunn,
Relief.

To James Gunn the sum of ten pounds, being the amount of Pension due his late Mother Amy Gunn, the Widow of an old Soldier of the Revolutionary War, at the time of her death.

Provincial
Contingencies.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and fifty pounds for Provincial Contingencies the present year.

Rev. S. Thomson,
Reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty six pounds five shillings to be applied in purchasing two hundred and twenty five acres of vacant Crown Lands in the County of Charlotte, for the Reverend Samuel Thomson, of the Parish of Saint George, in the said County, Administrator of the Estate of the late John M'Master, deceased, as per Report of the Committee of the twelfth day of March one thousand eight hundred and forty nine.

Little Falls to
Saint Francis,
Re-appropriation.

The sum of twenty five pounds re-appropriated in the year one thousand eight hundred and forty eight for a Road leading to a back Settlement on Green River, in the County of Carleton, and not expended, to be again re-appropriated for the Road leading from the Little Falls to the Saint Francis.

W. C. Tredwell,
Temperance
Banner,
Return Duty.

To William C. Tredwell, of Fredericton, W. P. of York Division, Number Two, Sons of Temperance, the sum of seven pounds two shillings and six pence, being the amount of Duties paid on behalf of the Division on a Banner imported from Boston on the nineteenth day of March one thousand eight hundred and forty eight.

T. O'Connor,
Services.

To Timothy O'Connor the sum of thirty pounds to remunerate him for certain extra services performed by him in one thousand eight hundred and forty six in preparing six hundred copies of Maps of the Province for the use of the Legislature.

Rector, Church
Wardens and
Vestry of Parish
of Saint George,
Return Duties.

To the Rector, Church Wardens and Vestry of the Parish of Saint George, the sum of five pounds to reimburse them that amount of Duty paid on the importation of a Bell for said Parish in the year one thousand eight hundred and forty eight.

G. Crouse, for
R. Baird,
Relief.

To Gould Crouse the sum of five pounds, being amount of Pension due to the late Ruth Baird, Widow of an old Soldier of the Revolutionary War, at the time of her death.

W. Wilson,
Teacher.

To William Wilson, a licenced Teacher, the sum of twelve pounds nine shillings and ten pence for teaching a School in the Parish of Nelson from the twenty second day of March to the first day of November one thousand eight hundred and forty eight, in the County of Northumberland, being a period of seven and a half months, or thereabouts.

Shediac and Saint
John Rail Road
Survey.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and sixteen pounds twelve shillings and five pence, being the balance over-expended in surveying Line of Railway between Shediac and Saint John.

Orphan Asylum,
Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the being, the sum of three hundred and fifty pounds towards the support of the Orphan Asylum in Saint John for the year one thousand eight hundred and forty nine; and the further sum of one hundred and eighty six pounds thirteen shillings and ten pence to pay the Commissioners balance of last year's expenditure; the latter to be taken from the Emigrant Fund.

Protection of the
Revenue.

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

To the Commissioners of the Provincial Penitentiary the sum of eighty two pounds twelve shillings and eight pence, being balance due for expenditure the past year.

Provincial Penitentiary.

To the Commissioners of the Provincial Penitentiary the sum of one thousand pounds towards the support of the said Establishment for the year one thousand eight hundred and forty nine.

Provincial Penitentiary.

To the Commissioners of the Temporary Lunatic Asylum at Saint John the sum of one thousand one hundred and thirty pounds six shillings, being the balance due for expenditure the past year.

Lunatic Asylum.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand five hundred pounds towards the support of the Provincial Lunatic Asylum at Saint John for the year one thousand eight hundred and forty nine.

Lunatic Asylum.

To the Commissioners for building the Lunatic Asylum the sum of six hundred and three pounds seven shillings to enable them to pay Otis Small the Contractor for extra Mason and Carpenter's work, and procuring Furnaces, Fittings, &c.

Lunatic Asylum.

To the Central Bank the sum of five hundred and sixteen pounds four shillings and seven pence to reimburse sundry advances made under the order of the Government the past year, as follows: One hundred and fifty eight pounds six shillings and eight pence paid Solicitor General, expenses of Crown prosecutions at Woodstock; forty two pounds sixteen shillings and four pence paid Commissary Plant, expenses of conveying Troops to Woodstock; one hundred pounds for additional Buildings on Partridge Island; and two hundred and fifteen pounds one shilling and seven pence for Furniture for the Public Rooms at Government House, to replace that lost on the voyage to New Brunswick in one thousand eight hundred and forty seven.

Central Bank, Repayment of advances;

Woodstock Riot Trials;

Movement of Troops;

Partridge Island Buildings;

Government House Furniture.

To John Simpson, Queen's Printer, the balance due him for the past year, as follows: The sum of one hundred and fifty eight pounds sixteen shillings and three pence for Stationery and Printing for the Legislative Council; eight hundred and forty seven pounds five shillings and nine pence, balance of printing Laws and Journals and other Parliamentary Papers, including Royal Gazettes furnished to Public Officers and Magistrates; and four hundred and fifty six pounds thirteen shillings and nine pence for sundry official publications in the Royal Gazette.

J. Simpson, Queen's Printer.

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 Assembly the present Session.

To Doctor Hartt the sum of seventy five pounds, being for services performed by him in visiting and reporting upon the Leper Lazaretto at Sheldrake Island.

Dr. Hartt, Leprosy Report.

To Asa Coy the sum of twenty pounds, being for services performed in visiting Saint Andrews and reporting upon the cases of the diseased and destitute Emigrants claiming Legislative aid and support.

Asa Coy, Disens'd Emigrant Report.

To Hugh M'Monagle the sum of eight pounds six shillings and eight pence, being Return Duties on eight Sheep imported from Great Britain in October last for the benefit of the Province.

H. M'Monagle, Return Duties.

To Daniel M'Keel the sum of ten pounds to remunerate him for teaching a School in the Parish of Greenwich, in King's County, for the period of six months ending the third day of November last.

D. M'Keel, Teacher.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fourteen pounds fifteen shillings to pay William Calhoon

W. Calhoon and W. Wallace, Exploration.

Calloon and William Wallace, Commissioners, amount due them for exploring a new line of Road from Hillsborough to Hopewell.

J. Young,
Exploration.

To Jacob Young the sum of six pounds, being for his services in exploring and determining upon the alteration in the Fredericton and Saint Stephen's line of Great Road.

J. A. Beckwith,
Exploration.

To John A. Beckwith, Commissioner, appointed to examine the Fredericton and Richibuto line of Road as explored and partly opened by Harley, the sum of eighty two pounds eleven shillings and three pence, being balance due him as per Account audited; and the further sum of one pound eight shillings and four pence, being Interest on amount advanced him by the Central Bank, to enable him to pay his Assistants.

E. H. Duval,
British School.

To Edward H. Duval, Teacher of the British School in Saint John, the sum of one hundred pounds towards the support of that Institution.

J. Vernon,
Reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds eight shillings and eight pence to be placed to the credit of James Vernon of Saint John, in any purchase of Lands or Timber Berths he may make, the same being a sum due the said James Vernon, as appears by the Report of a Select Committee of the House of Assembly in the year one thousand eight hundred and forty seven.

Arestook Bridge
Commissioners.

To the Commissioners for building the Bridge over the Arestook River, the sum of sixty three pounds ten shillings to enable them, with the amount in their hands, eighty five pounds, to pay the Contractor the balance due him for building the said Bridge.

Thomas Moses,
Gauging.

To Thomas Moses, Deputy Treasurer at West Isles, the sum of fifteen shillings for Gauging and Weighing dutiable articles during the past year.

D. W. Jack,
Gauging.

To D. W. Jack the sum of two pounds five shillings and six pence for Gauging and Weighing dutiable articles at Saint Andrews during the past year.

B. C. Chaloner,
Gauging.

To B. C. Chaloner the sum of thirty one pounds eight shillings and six pence for Gauging and Weighing dutiable articles in Saint John during the past year.

H. H. Hatch,
Recording Deeds.

To Harris H. Hatch the sum of two pounds eleven shillings for recording certain Deeds in Charlotte County to the Queen during the past year.

J. M'Gowan,
Quarantine
services.

To James M'Gowan, attendance on sick Emigrants on Partridge Island, the sum of fifty one pounds sixteen shillings and five pence, being for his services as Steward, and those of his Wife as Nurse, at the Quarantine Establishment during the past year; to be taken from the Emigrant Fund.

Expenses of removal of Lazaretto from Sheldrake Island to Tracadys.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding three hundred pounds for the purpose of erecting a Lazaretto Establishment at some convenient place at or near Tracadys, in the County of Gloucester, to be fixed upon by Commissioners to be appointed for that purpose by 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; and also a sum not exceeding two hundred and fifty pounds for the support and maintenance of the Lepers to be placed in such Lazaretto; which Lazaretto establishment is to be in lieu of the Lazaretto at present at Sheldrake Island, and to be deemed and taken as erected and established under the provisions of the Act now in force, intituled *An Act to prevent the spread of a Disorder now existing in certain Parishes of the Counties of Gloucester and Northumberland*, and subject in its management to the provisions of the same, in like manner as the Lazaretto on Sheldrake Island was subject.

Lazaretto at Tracadys to be the Establishment under Act 7 V. c. 28.

W. M'Leod,
Settler between Oak Bay and Eel River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to be applied towards the purchase

purchase of one hundred acres of Wilderness Land in the vicinity of Little Digdeguash Bridge, in the County of Charlotte, on the Road leading from Oak Bay to Eel River, in the County of York, for William M^cLeod, so soon as he shall make it appear that he has built a house upon the Land fit for the accommodation of Travellers, and has resided therein for at least six months.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to be applied towards enabling Martin Gleason, of the Parish of Saint James, in the County of Charlotte, to purchase the Lot of Land on which he is now residing.

M. Gleason,
Land purchase.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to be applied towards enabling Patrick White, of New Ireland, in the County of Albert, to purchase a Lot of Land on the Road leading from said place to the City of Saint John, a distance of fifteen miles at present without a settler; the same to be paid so soon as it shall be made to appear to His Excellency that he has located himself upon the Tract of Land, built a house, and resided therein six months.

P. White,
Settler between
New Ireland and
Saint John.

To James Green the sum of twenty pounds to compensate him for the value of a Horse by him lost last Winter in the public service.

J. Green,
Loss in public
service.

To John Street the sum of ten pounds to compensate him for ferrying Mails at the Grand Falls during the current year.

J. Street,
Ferrying Mails at
Grand Falls.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and forty two pounds to reimburse the Honorable James Davidson, Secretary to the Board of Commissioners connected with the Lazaretto at Sheldrake Island, Northumberland, the balance over-expended by them for the support of that Establishment the past year.

Lazaretto expense
at Sheldrake Island,
Hon. J. Davidson.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred pounds towards the support of the Lazaretto Establishment on Sheldrake Island, prior to its contemplated removal to Tracadie.

Lazaretto expense
at Sheldrake
Island.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds to provide for the services of several Medical Gentlemen in making a general Vaccination in the City of Saint John and the Parish of Portland, and for attendance upon the poor affected by Small Pox, by order of the Government, during the general prevalence of that loathsome disease in the said City and Parish the past year.

Small Pox,
Medical expenses,
Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds in aid of individual subscription towards the support of a School at Fredericton for the education of Poor Female Children, under the auspices of the Lord Bishop of Fredericton.

Poor Female School,
Fredericton.

To Gershom Bonnell, an old Soldier of the Revolutionary War, the sum of ten pounds to assist him in his present destitute circumstances.

G. Bonnell,
Relief.

To Daniel Jones the sum of twenty five pounds to remunerate him for the application of an improved method for the Ringing of Fog Bells by Machinery, under the direction of the Commissioners of Light Houses; the same to be taken from the Light House Fund.

D. Jones,
Fog Bell ringing
improvement.

To the Commissioners of Light Houses for the Bay of Fundy the sum of one thousand seven hundred and fifty pounds for Contingencies for the present year; the same to be taken from the Light House Fund.

Bay of Fundy
Light House
expenses.

To Isaac Woodward the sum of one hundred and fifty pounds for his services as Corresponding and Recording Commissioner of Light Houses up to the thirty first day of December last; the same to be taken from the Light House Fund.

I. Woodward,
Light House
services.

To

Dipper Harbour to
Light House Road.

To the Commissioners of Light Houses for the Bay of Fundy the sum of twenty pounds to improve the Road from Dipper Harbour to the Light House; the same to be taken from the Light House Fund.

Brier Island and
Cape Sable Seal
Island Light
Houses.

To the Commissioners of Light Houses for the Bay of Fundy the sum of two hundred and fifty pounds to pay the proportion of expenses allowed by this Province towards the support of the Brier Island and Cape Sable Seal Island Lights in Nova Scotia; the same to be taken from the Light House Fund.

Gulf of Saint
Lawrence Light
House expenses.

To the Commissioners of Light Houses for the Gulf of Saint Lawrence the sum of one hundred pounds to pay the Balance due them, and for Contingencies for the present year; the same to be taken from the Light House Fund.

M. Thompson,
Land purchased
from Rev. Dr.
Alley.

To Margaret Thompson the sum of thirty seven pounds to enable her to purchase from the Reverend Doctor Alley thirty seven acres of Land on which are her improvements; the same having been found to be within the limits of his Grant.

Chairman of Com-
mittee of Accounts.

To the Chairman of the Committee of Accounts the sum of one hundred pounds for past services, provided no Grant be made for this service in future.

J. Mann,
Teacher.

To John Mann, a licenced Teacher, the sum of five pounds sixteen shillings for teaching a School in the Parish of Saint Stephen for three months and fifteen days, ending on the first day of June one thousand eight hundred and forty seven.

C. M'Curdy,
Teacher.

To Catherine M'Curdy, a licenced Teacher, the sum of ten pounds for teaching a School in the Parish of Saint Stephen for six months ending on the first day of May last.

J. Baird,
Teacher.

To John Baird the sum of twenty pounds for teaching a School in the Parish of Portland, in the City and County of Saint John.

E. Vondy,
Reward.

To Elizabeth Vondy, Sister of the late Doctor Vondy, who lost his life in the year one thousand eight hundred and forty seven in attending upon the sick Emigrants on Middle Island, the sum of twenty pounds as a reward for her devotedness to and disinterested attention upon her Brother, at the risk of her life during his last illness.

W. Jackson,
Teacher.

To William Jackson the sum of fifteen pounds for having taught a School in the Parish of Chatham, in the County of Northumberland, for nine months ending the seventeenth day of January last.

E. Doiron,
Teacher.

To Elizabeth Doiron the sum of ten pounds to remunerate her for teaching a School in the Parish of Dorchester, County of Westmorland, for six months ending in November last.

W. Kermott,
Teacher.

To William Kermott the sum of twenty pounds for teaching a School in the Parish of Simonds, County of Carleton, twelve months ending on the nineteenth day of December last.

T. G. Bourne,
Teacher.

To Thomas G. Bourne the sum of ten pounds for teaching a School in the Parish of Wakefield, County of Carleton, six months ending the fifth day of February one thousand eight hundred and forty nine.

E. W. Cripps,
Teacher.

To E. W. Cripps the sum of five pounds for teaching a School in the Parish of Wakefield, County of Carleton, ending seventeenth day of February one thousand eight hundred and forty nine.

J. Baird,
Teacher.

To John Baird the sum of thirty pounds for teaching a School in the Parish of Andover, County of Carleton, eighteen months ending the first day of November last.

N. Donohue,
Teacher.

To Neal Donohue the sum of thirty pounds for teaching a School in the Parish of Madawaska, County of Carleton, eighteen months ending the thirty first day of December last.

To John Simpson, Queen's Printer, the sum of one hundred and fifty pounds towards printing the Revised Journals and Appendices of both Houses of the Legislature for the present Session; and the further sum of one hundred and fifty pounds towards printing the Laws of the present Session.

J. Simpson,
Queen's Printer.

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 eight.

Quarter Master
Gen. of Militia.

To the Adjutant General of the Militia Forces the sum of eighty five pounds for his services and contingencies for the year one thousand eight hundred and forty nine.

Adjutant General
of Militia.

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 for the support of the African School at Saint John.

African School,
Saint John.

To Magdalen Schurman, Widow of the late Philip Schurman, a Non-commissioned Officer in the Revolutionary in America, the sum of ten pounds to aid her in her present indigent circumstances.

M. Schurman,
Relief.

To the Appraisers at Saint John, under the Provincial Acts, the sum of twenty five pounds each for their services for the year one thousand eight hundred and forty eight.

Appraisers of
durable goods,
Saint John.

To Ruth Cornwall, Widow of an old Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances.

R. Cornwall,
Relief.

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 procuring Seed Grain and Potatoes.

Distressed Indians.

To Catherine Chamberlain, a Teacher of a Female School of a superior description, the sum of twenty pounds for her services in that capacity the past year.

C. Chamberlain,
Teacher.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds for repairing and extending the Emigrant Buildings on Partridge Island, Saint John, as well as any other necessaries on the said Island for Emigrant purposes, to be taken from the Emigrant Fund.

Emigrant Build-
ings, Partridge
Island.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds to be applied to the support of a Schoolmaster at Loch Lomond for the Instruction of the Coloured Population at that place.

School at Loch
Lomond, for co-
loured population.

To W. C. M'Stay, M. D., of Saint Andrews, in the County of Charlotte, the sum of seventy three pounds, balance due him for services rendered to sick and distressed Emigrants at that place in the year one thousand eight hundred and forty eight; to be taken from the Emigrant Fund.

Dr. M'Stay,
Emigrant services.

To S. T. Gove, M. D., of Saint Andrews, in the County of Charlotte, the sum of twenty five pounds for services rendered by him to sixty sick and distressed Emigrants, per ship Star, in the year one thousand eight hundred and forty eight; to be taken from the Emigrant Fund.

Dr. Gove,
Emigrant services.

To John Doran, of Shippegan, in the County of Gloucester, the sum of twenty seven pounds six shillings for services and advances to distressed Emigrants, per Eliza Liddle, from December one thousand eight hundred and forty seven to March then next ensuing, by direction of the proper authorities; to be taken from the Emigrant Fund.

J. Doran,
Emigrant services.

T. M'Avity,
Emigrant services.

To Thomas M'Avity, of the City of Saint John, the sum of fifty pounds for services rendered distressed Emigrants at Partridge Island, from the month of May to November one thousand eight hundred and forty eight; to be taken from the Emigrant Fund.

Overseers of Poor,
Moncton,
Emigrant Relief.

To the Overseers of the Poor of the Parish of Moncton, in the County of Westmorland, the sum of eight pounds four shillings and seven pence for expenses incurred by them in the support of a sick and distressed Emigrant in the year one thousand eight hundred and forty eight; to be taken from the Emigrant Fund.

Legislative
Library.

To the Joint Committee of the Legislative Library the sum of two hundred pounds sterling, for the use of the said Library.

G. M'Leod,
Teacher.

To George M'Leod the sum of ten pounds for teaching a School in the Parish of Johnston, in the County of Queen's County, for the period of six months ending the twenty first day of December last.

D. M'Donald,
Teacher.

To Donald M'Donald the sum of twenty pounds for teaching a School in the Parish of Wickham, in the County of Queen's County, for the period of twelve months ending the fifteenth day of January last.

Reports of Legis-
lative Debates.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds towards paying the following persons for reporting the Debates of the Legislature during the present Session, viz: William Grigor, James Hogg, Thomas Hill, and Charles W. Bishop, the sum of fifty pounds each.

C. M. Wilson,
Teacher.

To Charlotte M. Wilson the sum of twenty pounds for having taught a School in the Parish of Sussex, in the County of King's County, for a period of twelve months.

L. O'Regan,
Teacher.

To Lawrence O'Regan the sum of twenty pounds for having taught a School in the Parish of Harvey, County of Albert, for one year ending in July last.

Oat Mill and Kiln
Bounty.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the purpose of encouraging the erection of Oat Mills in this Province; no greater sum than twenty five pounds to be appropriated to the owner of any one Mill and Kiln; the said Bounty not to be paid until it shall be certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by the Court of General Sessions of the Peace of the County within which such Oat Mill may be situate for which such Bounty is claimed, that the same has been established at a convenient place for the accommodation of the inhabitants of the County, and is actually in operation, and in every respect properly fitted for the manufacture of Oatmeal; provided that no Mill or Kiln which may have received any previous Bounty by virtue of any law or resolution heretofore made, shall be entitled to the Bounty granted by this Resolution.

Emigrant Buildings
at Saint Andrews,
Repairs.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds for the reparation of the Emigrant Buildings at Saint Andrews, and for the erection of a new Building for the accommodation of Emigrants; to be taken from the Emigrant Fund.

Sheriff of St. John,
for return of Mem-
ber of Assembly.

To the High Sheriff of the City and County of Saint John the sum of forty pounds nineteen shillings and two pence for expenses incurred by him in returning a Member for the City of Saint John, vice the Honorable R. L. Hazen appointed to the Legislative Council.

H. & J. Montgo-
mery, and others,
Return Duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty six pounds eight shillings and six pence to reimburse Messieurs H. and J. Montgomery and others, Duties erroneously

erroneously exacted from them by the Deputy Treasurer at Dalhousie, on Ship Stores, imported into that place the past year.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty three pounds six shillings and nine pence to enable His Excellency to discharge the debt due the Steward and Nurse of the Fredericton Hospital, and for supplies furnished that Establishment.

Emigrant Hospital
expenses,
Fredericton.

To the Commissioners appointed to investigate and to report upon a complaint of the injurious consequences said to result to the Harbour of Saint John, by reason of the great quantities of Saw Dust daily placed in that Harbour, the sum of twelve pounds ten shillings to reimburse them expenses incurred in conducting such Commission.

Harbour of
Saint John,
Commission of
inquiry expenses.

To the Commissioners of the Orphan Asylum at Saint John the sum of forty pounds to enable them to pay the Corporation of Saint John the Rent of that Establishment to the first day of November last.

Orphan Asylum,
Saint John,
Rent.

To Zachariah Chipman, of Saint Stephen, the sum of four pounds, being Return Duties on a cargo of Lumber shipped to Saint Vincent per brig Caledonia in the year one thousand eight hundred and forty five, the requisite Certificates for the landing of which having now been produced; and the further sum of two pounds nine shillings to refund him Light Money paid on the said Vessel at Saint Stephen the same voyage.

Z. Chipman,
Return Duties.

To Robert Irvine, President of the Electro-Magnetic Telegraph Company, the sum of seventy eight pounds ten shillings and one penny to reimburse them Duties paid on Wire, Glass, Iron Castings, &c., imported for the operations of that Company the past year.

Electro-Magnetic
Telegraph
Company,
Return Duties.

To William Carman the sum of ten pounds fourteen shillings and six pence, being amount of his Account for Gauging and Weighing at Miramichi the past year.

W. Carman,
Gauging.

To Joseph Burt the sum of nine pounds two shillings and three pence to reimburse him Duties paid at Richibucto on a quantity of Goods there imported, and subsequently exported from that place.

J. Burt,
Return Duties.

To H. and J. Montgomery the sum of three pounds eighteen shillings to reimburse Duties paid on a quantity of Leather imported from Nova Scotia without Certificate of origin, the Certificate being now produced.

H. & J. Montgo-
mery,
Return Duties.

To Zachariah Chipman, of Saint Stephen, the sum of six pounds, being Return Duties on a cargo of Lumber shipped to Jamaica in the Cathleen in the year one thousand eight hundred and forty five, the requisite Certificate for the landing of which having been now produced.

Z. Chipman,
Return Duties.

To Doctor Edwin Bayard, of Saint Andrews, the sum of forty pounds in full for balance for his attendance on sick Emigrants at that place the past year; to be taken from the Emigrant Fund.

Dr. Bayard,
Emigrant services.

To the Acting Emigrant Agent at Saint Andrews the sum of one hundred and twenty five pounds for his services in that capacity the past year.

Acting Emigrant
Agent, Saint
Andrews, Services.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eight hundred and fifty pounds to reimburse the Commissioner of Government House for various indispensable repairs on and other necessary comforts for Government House the past year; and the further sum of two hundred and fifty pounds to provide for expenses incurred in repairing and shingling the Province Hall, as well as for securing the Council Chamber.

Government House
and Province Hall
repairs.

To His Excellency the Lieutenant Governor or Administrator of the Govern-
ment for the time being, the sum of one hundred and twenty pounds to enable

Provincial Lunatic
Asylum,
Land Purchase.

the Commissioners of the Provincial Lunatic Asylum to purchase a piece of Land from John Clark adjoining the Lands on which that Building is erected.

Legislative Postages.

To the Postmaster at Fredericton the sum of four hundred and ninety seven pounds five shillings and ten pence, being for the Postages of the Legislature the present Session.

Legislative Contingencies.

To the Clerk of the House of Assembly the sum of one thousand eight hundred and forty nine pounds eight shillings and six pence, being the Contingencies of the present Session.

Money to be paid by Warrant.

II. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer 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.

CAP. XXXIV.

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

Passed 14th April 1849.

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 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 for the purposes hereinafter mentioned, (that is to say):

Money granted for the Road Service.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums for the Great and other Roads throughout the Province, for building and repairing Bridges, and opening and improving Roads to and in new Settlements, viz:—

Saint John to the Nova Scotia Line.

Eight hundred and fifty pounds for the Road from Saint John to the Nova Scotia Line: four hundred and twelve pounds of which to be laid out on that part of the Road leading from Saint John to Hayward's Mills; out of which sum thirteen pounds four shillings and nine pence to be repaid John Graves and Humphrey Hayward balance due them for work on said Road: twenty six pounds on the old Westmorland Road: and the remainder, four hundred and twelve pounds, for the Road from Hayward's Mills to the Nova Scotia Line; fifty pounds of which to enable the Supervisor to pay for extra expenses on the Memramcook Bridge; and fifty pounds to be paid the Special Commissioners of Sewers, in part towards the expenses of keeping the Aboideau over the Au Lac in repair since its erection; and such part to be expended on the Old Tantamar Road as may be necessary to keep the same in repair.

Fredericton to Saint John, *via* Nerepis.

Three hundred and seventy five pounds from Fredericton to Saint John, via Nerepis.

Saint John to Saint Andrews.

Three hundred pounds from Saint John to Saint Andrews; twenty pounds of which to be paid to Charles Lord for improved Land taken from him.

Nerepis to Gagetown.

Twenty five pounds for the Road from Nerepis to Gagetown.

Dorchester to Shediac.

Forty pounds from Dorchester to Shediac.

Shediac to Petitecodiac.

Forty pounds from Shediac to Petitecodiac.

Richibucto to Chatham.

Two hundred and twenty five pounds from Richibucto to Chatham.

- One hundred and fifty pounds from Newcastle to Bathurst; fifty pounds of which to be laid out on the new Line between Nixon's Ferry and John Currie's.
- Fifty pounds from Bathurst to Belledune.
- Two hundred and fifty pounds from Belledune to Metis Road; out of which a sufficient sum to be taken to erect a Bridge at Louison's Brook.
- Seven hundred and twenty five pounds from Fredericton to Woodstock; out of which what is absolutely necessary on the north side of the River.
- Three hundred and fifty pounds from Woodstock to Arestook.
- Two hundred pounds from Arestook to Grand Falls.
- One hundred and fifty pounds from Fredericton to Finger Board.
- Twenty five pounds from Bellisle to Saint John.
- Four hundred and twenty five pounds from Fredericton to Newcastle.
- Three hundred pounds from Fredericton to Saint Andrews.
- Two hundred and twenty five pounds from Salisbury to Harvey, in the County of Albert; one half of which to be expended between Salisbury and Dawson Steves', in Hillsborough, and the remainder between Dawson Steves' and Harvey.
- Two hundred pounds from Shediac to Richibucto.
- Seventy pounds from Waweig to Saint Stephen.
- Forty pounds from Woodstock to Houlton.
- Twenty pounds from Oromocto to Gagetown.
- Two hundred and seventy pounds from Oak Bay to Eel River; one half of which to be expended on the Oak Bay end of the Road, where the turnpike ended last year, and to extend towards the Digdeguash; the other half to commence where the turnpiking ended last year, at or near the Howard Settlement, and extend towards Oak Bay.
- Two hundred pounds from Fredericton to Bend of Petitcodiac; sixty six pounds of which to be expended between Fredericton and Little River; seven pounds ten shillings of this sum to be paid to John C. Tapley, being the amount due him for repairs on Little River Bridge; sixty pounds between Little River and Salmon River; and the remainder, seventy four pounds, between Salmon River and the Bend of Petitcodiac.
- Four hundred and fifty pounds from Grand Falls to the Canada Line.
- Two hundred and sixty five pounds from Bathurst to Miramichi, via Pokemouche, to be expended as follows: eighty seven pounds ten shillings on that part of the said Road situate in the County of Northumberland; and the remaining sum, one hundred and seventy seven pounds ten shillings, on that part of said Road situate in the County of Gloucester; out of the latter amount, eleven pounds five shillings to be paid James Davidson for surveying and exploring a new line of Road from the South Branch of Caraquet to Pokeshaw.
- Eighty pounds from Saint John to Quaco.
- Forty pounds from Hampton to Bellisle.

Newcastle to
Bathurst.Bathurst to
Belledune.Belledune to
Metis Road.Fredericton to
Woodstock.Woodstock to
Arestook.Arestook to
Grand Falls.Fredericton to
Finger Board.Bellisle to
Saint John.Fredericton to
Newcastle.Fredericton to
Saint Andrews.Salisbury to
Harvey.Shediac to
Richibucto.Waweig to
Saint Stephen.Woodstock to
Houlton.Oromocto to
Gagetown.Oak Bay to
Eel River.Fredericton to
Bend of Petitcodiac.Grand Falls to the
Canada Line.Bathurst to
Miramichi, via
Pokemouche.Saint John to
Quaco.Hampton to
Bellisle.

Thirty

Grand Falls to
American Bound'ry

Cole's Island to
Cape Tormentine.

Pickard's Store to
American Bound'ry

New Brunswick
and Nova Scotia
Land Company.

Saint John to the
Nova Scotia Line.

Thirty pounds from lower Landing Grand Falls to American Boundary.

One hundred and twenty five pounds from Cole's Island to Cape Tormentine.

Fifteen pounds from Pickard's Store to the American Boundary.

Three hundred pounds for the improvement of the Roads through the Lands of the Nova Scotia and New Brunswick Land Company.

Fifty pounds for the Road from Saint John to the Nova Scotia Line; eight pounds of which to be paid to Patrick Malone amount due him for work on that Road; and nine pounds to John Clarke balance due him.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums for the improvement of Bye Roads :

Bye Roads in
Carleton.

CARLETON BYE ROADS.

Twenty five pounds for the road leading from Monquart to Tobique; eight pounds of which to pay balance due on the Monquart Bridge.

Ten pounds for the road leading through the Holme's Settlement.

Ten pounds to open and repair the road leading from Muniack to a back Settlement.

Ten pounds for the road leading through the Cockston Settlement.

Seventy five pounds for the road leading up Tobique.

Twenty pounds for the road leading from Tobique to Salmon River.

Ten pounds for the road leading from Henry Baird's through a back Settlement.

Ten pounds for the road leading from the River Saint John through the Tomlinson Settlement.

Ten pounds for the road leading from the Arestook road past Tapley's.

Fifty pounds for the road leading from the Arestook Bridge past the Arestook Falls.

Twenty pounds for the road leading from Little River Mills to the American Boundary.

Seven pounds ten shillings for the road leading from the Portage to the River Saint John, near Watson's Landing.

Ten pounds for the road leading through the Colebrooke Settlement, near the Grand Falls.

Ten pounds for the old Portage road at Grand Falls.

Seven pounds ten shillings for the road leading from Stevenson's to the River Saint John.

Twenty pounds to open and repair the road leading from Lennan's to Olmstead's.

Forty pounds for the road leading from David Currie's through a back Settlement.

Ten pounds to open and repair the road leading to the Little River, near the Grand Falls.

One hundred and twenty five pounds for the road leading from the Little Falls to the Madawaska.

Twenty pounds for the road leading up Madawaska River.

Ten pounds to improve the road from Ivey's Lime Kiln to George Strong's; five pounds of which to be on the road leading to Been's, over the Swamp.

Five pounds to improve the road from Maduxnikik, passing Jacob M'Lellan's.

Five pounds to improve the road from Samuel Lilley's in a southerly direction to the end of the Settlement.

- Five pounds to improve the road from the Watson Settlement, passing Nickerson's.
- Seven pounds ten shillings to improve the road from the River Saint John to Eel River Falls, principally to be laid out through a Swamp.
- Five pounds to improve the road from Edmunds', passing Robinson's.
- Seven pounds ten shillings to improve the road from DeBeck's, passing Kent's, to Eel River road.
- Fifteen pounds to improve the road from Fraser Duff's Grant to Green's Grist Mill, and to aid in building a Bridge at Bull's Creek.
- Five pounds to improve the road from Thomas M'Bride's to John M'Lellan's.
- Ten pounds to improve the road from Charles Campbell's to South Richmond road.
- Five pounds to improve the road from Land granted to Alexander, passing Lyderney's, to Bull's Creek.
- Five pounds to improve the road from Gartley Settlement, passing M'Elroy's.
- Twenty pounds to improve the road from the Main River, passing the Court House, towards the Maduxnikik.
- Twenty pounds to improve the road from the South Richmond road, passing Gidney's.
- Five pounds to improve the road from the Scotch Corner to Maduxnikik.
- Fifteen pounds to improve the road from George Hillman's to the Watson Settlement.
- Five pounds to improve the road from P. Daley's to the Hodgden road.
- Ten pounds to improve the road from the School House to the Mountain Settlement.
- Thirty pounds to improve the road from the River through the O'Donnell Settlement.
- Five pounds to improve the road from O'Donnell's corner, passing Mrs. Johnston's.
- Five pounds to improve the road from O'Donnell's corner to DeBeck's Mill.
- Fifteen pounds to improve the road from the Berdue, passing Hay's.
- Twenty five pounds to aid in building a Public Landing at Woodstock.
- Twenty pounds to improve the road from E. Baker's to Briggs' corner.
- Fifteen pounds to improve the road from M'Kenzie's corner to the River.
- Seven pounds ten shillings from the Houlton road, passing W. Bull's.
- Five pounds to improve the road from Beardsley's to the back Settlement.
- Ten pounds to aid in building a Bridge over Simonson Creek.
- Fifteen pounds to improve the road from Buxton's, passing Smith's, and to aid in building a Bridge.
- Five pounds to improve the road from Edgar's to James Phillips'.
- Ten pounds to improve the road from Edgar's to W. Malorey's.
- Five pounds to improve the road from William M'Ghee's to Burpe's Mill.
- Five pounds to improve the road from Victoria to Burpe's Mill.
- Ten pounds to improve the road from Burpe's Mill to the M'Cafferty road.
- Ten pounds to improve the road from the Little Presqu'ile, passing Thomas Palmer's.
- Seven pounds ten shillings to improve the road from Thomas Palmer's, passing Lepset's.
- Five pounds to improve the road from Gitchell's Mills, passing Fuer's.
- Ten pounds to improve the road from M'Bride's to W. Bell's.
- Ten pounds to improve the road from Brigg's corner to the Maduxnikik.

Carleton
Bye Roads,
Continued.

Carleton
Bye Roads,
Continued.

Twenty pounds to improve the road from A. Lindsay's, through New Ireland Settlement, the principal part to be expended passing Sherard's, if necessary.

Five pounds to improve the road from Lindsey's to Bisbey's Farm.

Five pounds to improve the road from the New Ireland road, passing Phillips'.

Five pounds to improve the road from Sharpe's to the Maduxnikik.

Five pounds to improve the road from Briggs' corner to the Williamstown road.

Twenty pounds to improve the road from Tracey's Mill, through the Good Settlement.

Fifteen pounds to aid in building a Bridge at Tracey's Mill.

Five pounds to improve the road from the Williamstown road, passing Mehan's.

Five pounds to improve the road from the Williamstown road, passing Savage's.

Five pounds to improve the road from the Williamstown road, passing M'Hegan's.

Five pounds to improve the road from the Williamstown road, South Presqu'ile, towards the River.

Fifteen pounds to improve the road from Boyer's Mill to the Boundary Line.

Twenty pounds to improve the road from Kerr's to Wakeham's.

Fifteen pounds to improve the road from the Kerr road, northerly, through the Green Settlement.

Seven pounds ten shillings to improve the road from Tracey's Mill, through the Cronk Settlement.

Five pounds to improve the road from Kenny's to a back Settlement.

Five pounds to improve the road from M'Isaac's to a back Settlement.

Five pounds to improve the road from Dyer's to a back Settlement.

Twenty pounds to improve the road from Monquart to Becaguimic; (the balance due on Chitthawk Bridge to be paid.)

Five pounds to improve the road from Hayden's, passing Rugan's.

Fifteen pounds to improve the road through the Victoria Settlement, to the end thereof, and thence to open a new road to the River.

Ten pounds to improve the road from E. Orser's, passing James Clark's, to the end of the Settlement.

Five pounds to improve the road from Clark's to Stephenson's, west side Cold Stream.

Fifteen pounds to improve the road from the Cold Stream, passing Allen Shaw's and Stockford's; out of which five pounds to be paid John Stockford balance due on a Bridge.

Twenty pounds to improve the road from Shaw's to Becaguimic.

Fifteen pounds to improve the road from Shaw's to the County Line.

Five pounds to improve the road from James Dickenson's to the Newburgh Settlement.

Seven pounds ten shillings to improve the road from Carrol's, passing M'Elroy's.

Five pounds to improve the road from M'Kenney's, passing Gallaher's.

Ten pounds to improve the road from William Tompkins', through Kilmarnock Settlement.

Twenty pounds to improve the road from John Shea's, through Newberry Settlement.

Five pounds to improve the road from Jesse Shaw's, passing Martin's.

Nineteen pounds five shillings to improve the road from Flanigan's to the Williamstown road.

ALBERT BYE ROADS:

Bye Roads in
Albert.

Twenty pounds for the road from Hayward's to the great road in Hopewell, thence to the Public Wharf.

Ten pounds from James Rodgers' through the Hailey Settlement.

Fifteen pounds from the Hailey road to the Memel Settlement.

Five pounds from the Memel road to Flannigan's.

Five pounds from Dry Brook to H. Woodworth's.

Five pounds from Creek road to Jamieson's.

Five pounds from L. O. Regan's to Wilber's, thence to Caledonia road.

Twenty pounds from the great road in Hopewell to and through Caledonia Settlement.

Twenty pounds from Ferry Point to Caledonia, through Woodworth Settlement.

Fifteen pounds from great road, up Turtle Creek, to Milton's.

Ten pounds from M'Latchy's Bridge to Stony Creek.

Five pounds from Abraham Steves' to Benjamin Jonah's.

Ten pounds from the great road near Dawson's to Turtle Creek, thence to Irving's road.

Twenty pounds for the road and Bridge from the great road to Milton's road.

Five pounds from the great road to and over Gray's Island.

Five pounds from Stony Creek to Thomas Rodgers', thence to Lannan's.

Twenty pounds from David Wallace's, up Turtle Creek, to the great road.

Twenty pounds from Henry Steves' to Irving's, thence to Caledonia Mountain.

Twenty pounds from Irving's to the West Branch of the Turtle Creek, thence to Little River.

Ten pounds from Henry Steves' to Round Hill, thence to Duffy's.

Ten pounds for the road and Bridge from Henry Steves' to John L. Steves'.

Fifteen pounds from Hayward's to William Warnuck's.

Five pounds from Prestly Hill to Robert Steves'.

Twenty five pounds from Stony Creek to Lazarus Colpitt's.

Five pounds from Coverdale road to Niagara Settlement.

Thirty three pounds fifteen shillings from Lazarus Colpitt's to William Stone's; ten pounds of which to be laid out on Cranberry and Robert Chapman's Hills.

Thirty five pounds from the great road in Coverdale, up Little River, to Parkins'; twenty pounds of which to be paid to George Colpitt, towards the erection of a Bridge over Coverdale River.

Five pounds from George Colpitt's Mill to Bannister's.

Five pounds from great road to Coverdale River, by Nixon's.

Five pounds from Parkins' road to Robert Colpitt's, Junior, thence to E. Mullin's.

Five pounds from William Parkins' to the Colpitt road.

Twenty pounds from Gideon Bray's to Coverdale River; four pounds ten shillings of which to be paid to Gideon Bray to enable him to pay expenses of exploration.

Thirty pounds from King's County Line, near George Jonah's, to Pollett River, thence to Coverdale River over the Golding Mountain.

Ten pounds from Robert Colpitt's, up Pollett River, to Mechanics' Settlement.

Twenty pounds from Pollett River, to Isaac Horseman's, thence through Smith Settlement to Little River.

Ten pounds from Pollett River to Dornon's.

Albert
Bye Roads,
Continued.

Thirty five pounds from the great road to Gallagher's, through the Germain Town Settlement; seven pounds ten shillings of which to be paid Nicholas Keiver for over-expenditure in one thousand eight hundred and forty eight.

Forty pounds from Germain Town road to the County Line, through New Ireland Settlement.

Five pounds from New Ireland road, by Raburn's, to M'Kinley's or Dailey's.

Five pounds from New Ireland road to Hanson's.

Fifteen pounds for the road over Germain Town Marsh to Samuel Tingley's.

Ten pounds from Forsyth's to Gallagher's.

Five pounds from T. Edgett's to Fullerton's.

Ten pounds from William Tingley's to the Lake road.

Five pounds for the road up Beaver Brook, to Edgett's.

Five pounds from Fillamore's to D. Copp's.

Fifteen pounds from New Ireland to Salmon River.

Ten pounds, for the road up Pine Brook, to Bennett's Lake.

Thirty five pounds from Dennis Gallagher's to Point Wolf.

Five pounds from Point Wolf to Herring Cove.

Five pounds from H. Coil's to M'Lauchlan's.

Five pounds from George Dery's to Robinson's Farm.

Bye Roads in
Sunbury.

SUNBURY BYE ROADS.

Twenty five pounds from W. Boone's to Ezekiel Seely's.

Thirty pounds from the Gary road, past A. Carr's and Captain Earls' Lots, to Victoria Settlement.

Ten pounds from South Branch road to Morrow's Store.

Ten pounds from John Woods' to W. Boone's.

Five pounds from Jeremiah Smith's to Gary road.

Five pounds from Gary road to Isaac Coggswell's.

Ten pounds from Bell's to M. Burpe's Mill.

Ten pounds from Jacob Smith's Farm to Shirley road.

Ten pounds from Burpe's Mills through the Gordon Settlement.

Five pounds from Patrick M'Lauchlan's to George Morrow's.

Ten pounds from Bell's to W. Thompson's.

Fifteen pounds from the County Line to North Forks Settlement, on Salmon Creek.

Ten pounds from W. Cady's to the County Line, towards Iron Bound Cove.

Ten pounds from Hardwood Ridge road to John Whitney's, Newcastle.

Ten pounds from Justin Austin's, past Allbright's, to D. Rees'.

Fifty five pounds ten shillings from Alonzo Taylor's to Little River Mills.

Eight pounds from Burpe's Mills to Petitcodiac road.

Twenty five pounds from Newcastle Bridge through the Hardwood Ridge Settlement.

One hundred pounds towards erecting a Bridge over the Thoroughfare, in aid of individual subscription.

Four pounds ten shillings to James Burpe to enable him to pay a balance due for erecting a Bridge.

Five pounds to John Ferguson for attending the Draw Bridge at the Thoroughfare.

Ten pounds from Gilchrist's to M. O'Leary's, Newcastle.

Ten pounds from Little River Mills to O. Neal's.

Twenty pounds from Jeremiah Tracey's to the County Line, on the Beaver Dam road.

Fifteen

Sunbury
Bye Roads,
Continued.

- Fifteen pounds from George Tracey's to Hartt's Mills.
 Forty five pounds from Abner Mersereau's to E. Seely's, on the new road.
 Seven pounds from Isaac Dewitt's to the road leading to Hartt's Mills.
 Five pounds from Samuel Boon's to John Boon's.
 Thirty pounds from Thomas Hartt's Mills to Rushagonis.
 Seven pounds ten shillings to William Hoyt in full for balance due for Causeway at Back Creek.
 Five pounds from Kelley's Mills to M'Fan's Mills.
 Five pounds from Solomon Tracey's to John M'Closky's.
 Seven pounds ten shillings from Thomas Hartt's through Diamond Square.
 Ten pounds from the Rushagonis road to the Oromocto, past Mott's Mills.
 Four pounds five shillings from Hartt's Landing to Samuel Pride's.
 Four pounds five shillings from Solomon Tracey's to John M'Clusky's.
 Ten pounds from A. Parks' to John Grass'.
 Ten pounds from John Grass' to the Rushagonis road.
 Ten pounds for Bridge at Carr's Brook, Rushagonis.
 Ten pounds from Greaves' to the Beaver Dam road, in addition to the sum of nine pounds granted at the last Session for said road, and not expended.
 Ten pounds from John Smith's, past Charles Johnston's, to Duncan's, South Stream, Rushagonis.
 Thirty pounds from the Bridge at Thomas H. Smith's to the County Line, past Brison's, including the Bridge.
 Five pounds from John Conley's to John Nason's.
 Twenty five pounds from the Petitcodiac road to the Highway on Line between Sunbury and York.
 Twelve pounds ten shillings from the Petitcodiac road to Brannen's in the Carlow Settlement.
 Seven pounds ten shillings from Brannen's to Shannon's.
 Five pounds from Canny's to Gaughing's.

GLOUCESTER BYE ROADS.

Bye Roads in
Gloucester.

- Twenty pounds for the road from the Church to Tracady, towards the head of the Tide of Little Tracadie River, to the upper Settlement.
 Twenty five pounds for the road leading from the great road towards the new Settlement on Trout Brook.
 Thirty five pounds for the road from Sewell's Ferry towards the head of Tide of Pokemouche River.
 Thirty five pounds for the road from Finn's Ferry towards Tracady, on the line laid out by James Davidson in one thousand eight hundred and forty six.
 Twenty pounds for a road from Shippegan Settlement to the Saint Simeon Settlement on Little Pokemouche.
 Fifteen pounds for the road from Buckley's to the Church of Pokemouche.
 Fifty pounds for the road leading up the south side of the South Branch of Caraquet River.
 Thirty pounds for a road from the Highway on the south side of Caraquet River, to lead between Lot Number Ten, granted to Peter Therieu, and Number Eleven, granted to Dominique Pinnet; to the Third Concession.
 Ten pounds for the road to the Saint Paul's Settlement.
 Four pounds to improve Sisk's Passage.
 Five pounds to improve Little Pokeshaw Passage.
 Five pounds to assist in procuring a Rail for Pokeshaw Bridge.

Gloucester
Bye Roads,
Continued.

- Forty pounds for the road to the Black Rock Settlement.
 Ten pounds to improve the landing and road at Lot Fifty eight, New Bandon.
 Ten pounds for a prolongation of the Hornibrook road.
 Ten pounds for a passage on Lot Number Forty one, to the Shore, New Bandon.
 Fifty pounds to open a road from the main road at Janeville to the back Settlement, leading towards the Head of Caraqueet River.
 Eight pounds for the road on the south side of Big Nipisiguit River, towards the Rough Waters.
 Fifteen pounds for the road on the south side of Nipisiguit River, from the Rough Waters towards the Second Concession.
 Thirty pounds for the road and approaches towards the Pabineau Bridge.
 Forty pounds for the Little River road.
 Sixty pounds for a prolongation of the road, commencing at Charles Doucett's, via Saint Anne's, towards Rose Hill Settlement.
 Fifteen pounds to improve the road on the north side of Middle River, towards the Smith Settlement.
 Eight pounds to cut down the Gordon Hill on the Tatagouche road.
 Thirty pounds for the road on the south side of Tatagouche; out of which one pound thirteen shillings and eleven pence to be paid Michael O'Brien.
 Twenty pounds for the Kinsale road.
 Ten pounds for the road through the Moyle Settlement.
 Twenty pounds for the road from Kinsale northerly towards Dumfries.
 Fifteen pounds for the road from J. B. Roi's Grist Mill, on the north side of Elm Tree River, to Saint Joseph's Settlement on Second Concession.
 Ten pounds for the road leading through Chambers' Land to the Second Concession.
 Ten pounds from the main road to the Shore at Belledune, on the line dividing Peter Guitan and Hugh M'Gowan's Lands.
 Ten pounds from the main road to the Second Concession, on the line between Hodgen and O'Brien.
 Ten pounds for the Anderson road.
 Forty pounds for a road from the main road at Little Roche, on the line dividing Lots Thirty four and Thirty five, to the Second Concession.
 Twenty five pounds from the main road, westerly, towards Glenmire, by the Negado Mills.
 Twenty pounds for a road through Lot Twenty eight, on the division line between Gregory Arsenault and Lawrence Arsenault.
 Nineteen pounds from the main road towards the Bridge at Hadley's.
 Ten pounds from the main road to the Shore on the division line between Lots Nineteen and Twenty in Beresford.
 Ten pounds for the road from Hadley's Bridge towards Glenmire Bridge.
 Eight pounds for the road leading from Dunlop to Dumfries, on the Taylor line.
 Eight pounds to finish the Bridge over the Brook running between Lots Nine and Ten, on the main Dunlop road.
 Fifteen pounds from the main Dunlop road towards the upper Dumfries, on the line between Lot Number One and the Mill Tract.
 Fifteen pounds for a road to the Saint Louisa Settlement, to be expended on the line which divides Chamberlain's and M'Lean's Land.

RESTIGOUCHE BYE ROADS.

Bye Roads in
Restigouche.

- Twenty pounds on the road between Conner's and Ryan's.
 Fifteen pounds on the road to the Sugar Loaf Settlement.
 Twenty pounds on the road to Lily Lake Settlement.
 Twenty pounds on the road from Crawford's to the Colebrooke Settlement.
 Ten pounds on the road from Point Le Nimm to the Settlement in rear.
 Twenty pounds on the road between Loyd's and Ryan's.
 Five pounds on the road to Eel River Forks to Parret's.
 Twenty pounds on the road west side Eel River from Conley's up.
 Ten pounds from the Eel River Forks to Looby's.
 Fifty eight pounds fifteen shillings from the Forks of Eel River towards Colebrooke.
 Thirty pounds on the Breast road from Donald Fraser's towards Arseneau's.
 Twenty pounds from the Bridge at River Charlo, west of M'Pherson's, to the Settlement in rear.
 Five pounds to repair and open the Drain from the great road between M'Pherson's and Cook's.
 Five pounds from the road to the Shore at Alexander Cook's.
 Fifteen pounds on the line between Lots number six and seven to Limestone Point.
 Ten pounds on the road to the Shore west side Benjamin River, past the Mill, to the Cove.
 Ten pounds on the road to the Shore between C. and R. M'Alister's.
 Fifteen pounds on the road between Doyle's and M'Carthy's to the Settlement in rear.
 Ten pounds on the road to the Shore between Connacher's and Malally's.
 Ten pounds from Hervie's to the back Settlement.
 Fifteen pounds on the Breast road in rear of Hervie's.
 Twenty pounds on the Breast road through the Doyle Settlement.
 Fifteen pounds on the road between Black's and Archibald's.
 Twenty pounds on the road to the Shore between Doyle's and M'Millan's.
 Thirty pounds on the road to the back Settlement between Ultican's and Quinn's.
 Five pounds on the road to the Shore between M'Pherson's and Cook's.
 Five pounds on the road to the Shore near M'Intyre's.
 Ten pounds on the road to the Shore west side M'Kinnon Lots.
 Ten pounds from the highway to the Shore on Lot Seventy six, near P. Doyle's.
 Five pounds from the highway to the Shore between William and Ebenezer Ferguson's.
 Twenty pounds to explore and open a road from the highway to Loch Broom Settlement.
 Thirty pounds from the great road to the Settlement in rear, on the line between John Murdy and James Hamilton.
 Ten pounds for the road to the Shore between Murphey's and Shea's.
 Ten pounds for the road to the Shore between Connacher and Jeffery.
 Twenty pounds on the road from Christopher's towards the Mouth of Upsalquitch.
 One hundred and forty pounds on the great road line through the County, for repairs of the Road and Bridges.

WESTMORLAND BYE ROADS.

Bye Roads in
Westmorland.

- Fifteen pounds for the road from Dobson's to H. Ward's.
 Fifteen pounds for the road from E. Raworth's to Cape Spear.
 Twenty five pounds for the road from Cape Spear to John M'Glashing's.
 Twenty five pounds for the road from the Gaspereaux to Great Shemogue.
 Five pounds for the road from Thomas Oulton's to the Emigrant road.
 Five pounds for the road from Joseph Murray's to Thomas Oulton's.
 Ten pounds for the road from William Fillmore's to Joseph Finney's.
 Fifteen pounds for the road from the Little Shemogue to Cadman's.
 Ten pounds for the road from the Emigrant road to John Allan's, near the Bay Shore.
 Five pounds for the road from the Great Shemogue to the Little Shemogue, by Bonvie's.
 Five pounds for the road from the Great Shemogue road to the Little Cape.
 Ten pounds for the road from the Great Shemogue to Tedish.
 Ten pounds for the road from the Great Shemogue to Alexander Anderson's.
 Five pounds for the road from Point Migic to William White's.
 Ten pounds for the road from G. Chappel's to and beyond Goodwin's.
 Ten pounds for the road leading from Jolicure to the Lake Settlement.
 Fifteen pounds for the road leading from Jolicure to Point Migic.
 Ten pounds for the road from Amos Fowler's to Point de Bute.
 Thirty pounds for the road from Alexander Anderson's to Fillmore's.
 Five pounds in aid towards building a Bridge on the road from James Hewson's to Jolicure.
 Fifteen pounds for the road from Allen's Creek to Cape Maranguin; four pounds three shillings and six pence to be paid George Lawrence, amount due him.
 Fifteen pounds for the road from Grand Aunce to Cape Maranguin.
 Ten pounds for the Bridges on the road from Snell's Mill to Absalom Anderson's.
 Fifteen pounds for the road North Joggins to Dorchester.
 Fifteen pounds for the road Grand Aunce to Second Westcock Hill.
 Fifteen pounds for the road from Sackville to Dorchester, through Fairfield.
 Ten pounds for the road from Eliphalet Reed's to the Town Line.
 Ten pounds for the road from Henry Ogden's to Beech Hill, by Trout Brook.
 Five pounds for the road from Beaujogon road to Courtney Sears'.
 Ten pounds for the road from Charles Smith's, Beech Hill road, to Dickey's.
 Fifty pounds for the road from Thomas Ayer's, over Beech Hill, to Dorchester great road; ten pounds to be expended between Gould's and C. Charters'.
 Twenty pounds for the road from Towse's to Saint Andrews Settlement; six pounds fifteen shillings to be paid Gideon Estabrooks for building Bridges.
 Ten pounds for the road from William O'Brien's to D. Sears', across the Bog at the North Lake, and opening the road.
 Fifty pounds for the road from Towse's to the Aboushagan.
 Ten pounds for the road leading from the Sackville road, through Somerset Hill, beyond Thomas Milner's.
 Twenty pounds for the road leading to the Public Landing at Cole's Point.
 Five pounds for the road from Cook's to the great road on the Sackville Line.
 Five pounds for the road from the Chapel in Dorchester around the Cornea Marsh.
 Ten pounds for the road from Bellevous Village, through Dover, to the great road.

- Twenty pounds for the road from Dover to the great road, via R. Carter's.
- Ten pounds for the road from DeLesdernier's Village to and through the Ayer's Mill Settlement.
- Ten pounds for the road leading from the Dorchester road through the Blenis Settlement.
- Ten pounds for the road from the great road in Dorchester to the Sackville Line, via Cook Smith's.
- Five pounds for the road from the great road in Dorchester to Landry's, via the Lake.
- Ten pounds for the road from the great road, through the Guyton Settlement, on the east side of the Memramcook River.
- Ten pounds for the road from the Chapel road to Lorang Legere's.
- Thirty pounds for the road from David Boudrot's, via Fort Folly, to Taylor's.
- Five pounds for the road from the great road to Joseph Bellevous' Mill.
- Ten pounds for the road and Aboideau leading from Patrick M'Ginley's to the Shediac road.
- Five pounds for the road from Mitten's to Asa Fillmore's, via John Mitten's.
- Five pounds for the road leading from the great road to Charles Melanson's.
- Five pounds for the road from Morang Tarrion's to Simon Legere's Mill.
- Five pounds for the road from the Shediac road to the French Settlement.
- Twenty pounds for the road from Shediac road to and through the Manudie Settlement.
- Five pounds for the road from Budrot's in Barrichoi to the Settlement back of Ohio.
- Ten pounds for the road from the Chapel in Barrichoi to the old Mill.
- Ten pounds for the road from Barter's Cove to John M'Dougal's.
- Five pounds for the road from Peter Babinot's, north side of Shediac River, to Newman's Mills.
- Fifteen pounds for the road from John M'Dougal's to Irish Town road.
- Ten pounds for the road from Courtney Kinnear's to Cornea's Meadow.
- Twenty pounds for the Bridge over Shediac River near Clements'.
- Five pounds for the road from Shediac road to Gilbert's Mills.
- Forty pounds for the road from South East Branch Aboushagan River to Sackville road; thirty five pounds of which to enable the Commissioner to pay for a Bridge already erected.
- Five pounds for the road from Joseph Gallong's up the Kouchibouguac.
- Fifty pounds towards the Aboushagan Bridge.
- Thirteen pounds for the road from the great road to the Line of Albert County, leading to Robert Stiles'.
- Twenty pounds for the road from the great road to Butternut Ridge.
- Seven pounds for the road from Shediac road to Harris' Mills.
- Five pounds for the road from Shediac road to Jerry O'Neil's.
- Ten pounds for the road from Irish Town road to J. C. Wood's, through the Communication road.
- Ten pounds for the road from Hall's Creek to and by Michael M'Farlane's.
- Twenty pounds for the road from Lutz's Mountain to Steves' Mountain.
- Ten pounds for the road from the great road to the Steves' Mountain Settlement.
- Ten pounds for the road from Steves' Mountain to the Fredericton road, by Killam's Mills.
- Ten pounds for the road from the M'Lauchlan road to Indian Mountain.
- Fifteen pounds for the road from James M'Fee's, to and by Daniel Wheaton's, up the south side of the North River.

Westmorland
Bye Roads,
Continued.

Five pounds for the road from the Butternut Ridge to Jonathan Hick's.

Ten pounds for the road from Alexander Kinnear's to Joseph Chapman's.

Ten pounds for the road from Kings', on the Butternut Ridge, along the line dividing the Arnold Grants.

Twenty pounds for the road from James Blakeney's to Corn Hill, via North River.

Ten pounds for the road from Charles Blakeney's to Thomas Fawcett's.

Fifteen pounds for the road from the main road at Scott's to the Fredericton road, via North River.

Five pounds for the road from Alexander Cain's to the County Line.

Five pounds from the great road to Pollet River, via Haslett's Mill.

Ten pounds for the road from Butternut Ridge to Corn Hill.

Fifteen pounds for the road from the Bend through Irish Town.

Fifteen pounds for the road from the Bend to the Mountain Settlement.

Five pounds for the road from the great road, via Charles White's, through the John Gould Settlement.

NORTHUMBERLAND BYE ROADS.

Ten pounds for the road from Moodie's Point to James Ryan's.

Five pounds for the road from Patrick Hall's to Bartibogue.

Twenty five pounds from the angle in rear of Alexander Morrison's to Burnt Church Point, thence to the great road near Indian Brook; nineteen pounds of which to be paid to James Davidson, Commissioner, for expenses incurred in widening road and removing fences.

Ten pounds for the road from Simpson's to Peter Davidson's.

Ten pounds for the road from Upper Neguac to the Settlement in rear thereof.

Twenty pounds from great road to Gaspereaux, by M'Leod's Mill.

Five pounds from the great road to the Church, south side Tabusintack River.

Fifteen pounds for the road from Lower Neguac to Stymist's Mill.

Fifteen pounds for the road between Edward O'Brien and William Blake, Tabusintac.

Ten pounds for the road from Emigrant Settlement, south side Tabusintac River, to the Shore.

Ten pounds for the road down the west side of French Cove, towards the Mouth of Tabusintac River.

Ten pounds for the road on the north side Tabusintac River to the Public Landing.

Ten pounds for the road on the line between Lots Numbers Seventy six and Seventy seven, Oak Point, to the great road.

Seven pounds ten shillings on the road on the line between Allan M'Donald and Charles Hickey.

Nine pounds for the road from Curry and Blake's Farm on the north side of Bartibogue River.

Five pounds to James W. Hierlihy for Ferry Slip, south side Tabusintack River.

Ten pounds from the Settlement in rear of Moorfield's to the Bathurst road near Russell's Mills.

Fifteen pounds from the westerly end of Bartibogue Bridge to the Bathurst road near Russell's Mills.

Five pounds from Curry's to M'Mahon's, south side Bartibogue River.

Ten pounds from Portage River to the upper line of Lot Number Nine.

Five pounds from Lewis Sipplai's, towards the Mouth of the River, till it strikes the road laid out by Deputy Peters. Fifteen

Bye Roads in
Northumberland.

Fifteen pounds from Black River Bridge to John M'Kay's on the Richibucto road. Northumberland
Bye Roads,
Continued.

Fifteen pounds from Turtle Cove on towards Kingston on the Bay du Vin River.

Fifteen pounds from the Mills to the Richibucto road near Dickens'.

Twenty five pounds from the Richibucto road to the Conroy and Power Settlement.

Twenty five pounds five shillings from the Bridge north side Black River to F. M'Rae's, to the Mouth thereof.

Ten pounds from Point Aux Car to Black River, opposite Saint Stephen's Church.

Ten pounds from Richibucto road to the upper Settler, north side Black River.

Fifteen pounds from Foley Mill to the upper Settler, south side.

Thirty pounds for the road from near Hannay's clearance to the Westfield Settlement; seven pounds ten shillings of which to Glynn and Brady's residence, and seven pounds ten shillings to John Morrison and others.

Thirty pounds towards improving the road from Bay du Vin River to O'Bair's Creek.

Fifteen pounds from the Welfield Settlement towards James Lynch's residence on the Richibucto road.

Five pounds from the Richibucto road to the residence of John Cameron.

Five pounds from the Hard Wood Ridge, near Henry Sargeant's, to John Sullivan's lower line.

Five pounds from Angus Sinclair's to Foley Mill.

Five pounds from the Highway to Saint Stephen's Church, Black River.

Five pounds from the Highway to the Church at Escuminac.

Ten pounds for opening a road on Hamilton's lower line to the back Lots, according to the line laid out by Deputy Peters.

Ten pounds for a Scow at the Mouth of the Bay du Vin River.

Ten pounds for a Bridge over Antonio Durrell's Brook.

Ten pounds from Casey's lower line up to Portage River.

Twenty pounds from opposite Boiestown, north side, to the easterly extremities of the Parish of Ludlow.

Fifteen pounds from Blissfield Mills to the Hovey Settlement, through the Price and Hovey Settlements.

Five pounds to pay for alteration of road through improved Lands from the County Line to Taxes River, where it passes through the Fairly property, to be paid when the road is opened.

Ten pounds for a Bridge at Chatham Head.

Twenty pounds from Alexander Murdoch's, north side Napan River, upwards.

Twenty pounds towards a Bridge across Napan River, on the road leading from Saint John's Church to the Weldfield Settlement.

Fifteen pounds for the road in rear of the front Lots in Chatham, commencing at John Henderson's upper line, back to Thomas M'Donald, and from thence to the Nelson line; and from Carroll's, in the rear of the second division of Lots, upwards until it reaches the line joining the Parish of Nelson.

Seven pounds ten shillings for the road below the Parsonage to the second tier of Lots.

Ten pounds from near Sutton's Barn to the Oak Settlement.

Five pounds from Murphy's, on the Nowlan road, to Wilson's.

Seven pounds ten shillings for road in rear of the Nowlan Settlement, through the M'Namara and Wallace Settlements.

Ten

Northumberland
Bye Roads,
Continued.

Ten pounds from Morris lower line and to extend towards the high Landing near John Dunn's.

Thirty pounds from Barnaby's Mills to Tobin's, and from thence to Indian Town.

Ten pounds from Saunders' Grist Mill to the Settlement on the right hand Branch of Barnaby's River.

Fifteen pounds for the road south side Barnaby's River, through the Semi-wagan Ridge.

Fifteen pounds from Flett's Cove to Barnaby River, through the Nowlan Settlement.

Seven pounds ten shillings from Jared Betts', to lower Williamstown Settlement.

Five pounds from Phillip Kelly's to the highway, and from thence to the River at the most convenient place.

Five pounds from John and Patrick Powers' Lots, and to extend upwards between the first and second tier of Lots.

Ten pounds from Timothy Ivory's to Michael Nowlan's on the third Concession of Lots, and from thence to Denis Mahony's on the fourth Concession.

Ten pounds from Flett's Cove to Barnaby's Mills.

Twenty five pounds from Beaubair's Point to Cuppage and White's.

Seven pounds ten shillings from M'Tavish's lower line to the School House in the Williamstown Settlement.

Seven pounds ten shillings for road opposite Hutchinson's Ferry, on the North West, to the South West Branch, through the Williamstown Settlement.

Fifteen pounds from Cuppage and White's, through the Indian Tract, to James Holmes' Farm on the Little South West.

Fifteen pounds for road from James Holmes' to the upper Settlement on the Little South West.

Ten pounds from James Johnston's to John Menzie's, and from thence to Felix Mackie's Farm.

Ten pounds from M'Mahon's Farm to Henderson's and Estey's.

Thirty pounds on the new line of road from Matchet's towards Peabody's Farm.

Thirty pounds from Newcastle to Chaplin Island.

Ten pounds to improve the road from Oxford's Cove to Matchet's Cove.

Twenty five pounds from Connaway's Farm to Flynn and Allison's.

Fifteen pounds from opposite James Holmes', north side Little South West, up to John Mackie.

Five pounds from Jared Tozer's Farm to the lower Williamstown Settlement.

Fifty pounds towards the erection of a new Bridge across M'Kay's Cove.

Five pounds for road from Oxford's Brook to the Crowley and Jackson Settlements.

Eight pounds for road from Dixon's Ferry road to John M'Donald's Farm, north side Miramichi River.

Ten pounds for exploring and opening road from Moorfield's to the County Line.

Five pounds for road from west side French Fort Cove, back.

Ten pounds towards exploring and opening a road from great road leading to the second tier of Lots between Newcastle and the North West Ferry.

Forty pounds from Indian Town to James Donaldson's Farm, Renous River.

Twenty pounds from John Gowan's, at the Mouth of the Dungarvon, to Bartholomew's Mills.

Ten pounds from the lower Settlement in Dungarvon, through Basset's clearance, to the road from the Mouth of Dungarvon leading to Bartholomew's Mills.

Fifteen

Fifteen pounds from the Bartholomew Mills to the Bredalbane Settlement.
Fifteen pounds from M'Laggan's Mills, on the north side of Bartholomew River, to the upper Settlement.

Twenty pounds from Bartholomew Mills to the Forks north side of the South West, and thence up River to the great road at M'Dermead's.

Twenty pounds to open and explore road from Timothy Donovan's, west side of Renous River, to M'Laggan's Land.

Thirty pounds on the south side of the South West from Indian Town to the Forks on the Cain's River.

Twenty pounds for road leading from Cain's River to Sabbie's Mills.

Fifteen pounds from Sabbie's Mills to the Horse Shoe on the south side of Cain's River.

Fifteen pounds from the Horse Shoe to the Main South West, agreeably to Saddler's line.

Ten pounds from John Donald's, on the South West Branch of Miramichi, till it strikes the road on the Settlement on Cain's River, coming out on the South West.

Ten pounds from Patrick Shinnock's, north side Cain's River, to the upper Settlement at Whalen Brook.

Ten pounds from William Hogan's to Doak's Mills, south side of the South West of Miramichi.

Nine pounds from Swim Ferry to the Big Hole Brook, north side.

CHARLOTTE BYE ROADS.

Bye Roads in
Charlotte.

Fifty pounds to complete the turnpiking on the Glenelg road between M'Guire's and Linton's.

Fifty pounds for the Glenelg road, to turnpike the same through the Burnt Land, and between Woodine's and Widow Newel's.

Ten pounds for the road from the School House near Camack's to Thomas Cameron's, by John Cockburn's.

Seven pounds ten shillings for the road from Lake Stream Bridge to Henderson's.

Twenty pounds for repairs to the Bridge leading round the Basin to Digdeguash.

Five pounds for the road from Cathcart's to Andrew Quaid's.

Seven pounds ten shillings for the road from Robert Parks' towards the Clarence Settlement.

Ten pounds for the Pleasant Ridge road between William Wilson's and Bonny Brook.

Ten pounds for the Pleasant Ridge road between Bonny Brook and John Smart's.

Seven pounds ten shillings for the road from Linton Mill to M'Kenna's.

Fifteen pounds for the Pleasant Ridge road from William Smart's to Bridges' Farm.

Ten pounds for the road from the Meeting House, by Clarke's, to M'Kay's.

Ten pounds for the road from Thomas Campbell's to the Flume Ridge.

Fifty pounds to raise the Bridge at the Lath Machine, and repair the Glenelg road between James Linton's and the Saint John road.

Ten pounds for the road from the Fredericton road to M'Farlane's Tannery.

Ten pounds to repair the Bridge at Bartlett's Mills.

Forty pounds for repairs on the Frye road, at the discretion of the Commissioners.

Thirty pounds to improve the Common at the south east end of the Town of Saint Andrews.

Thirty pounds in aid of Statute Labour for the building of a Stone Bridge over the Brook at Tuft's Cove, on the road to Joe's Point.

Five

Charlotte
Bye Roads,
Continued.

Five pounds for the road from William Cunningham's, on the Glebe, to the Shore of Saint Andrews Bay.

Ten pounds for the road from the Saint John road to Corvin's Beach.

Ten pounds to gravel the road from Indian Point, round the road, to Patrick Street.

Seven pounds to improve the road from Andrew Green's to the Pond Hole, West Isles.

Seven pounds ten shillings to improve the road from Pond Hole to Stephen Stewart's.

Seven pounds for the road from Stephen Stewart's to Cyrus Mowry's.

Seven pounds for the road from Cyrus Mowry's to William Ferris'.

Seven pounds for the road from Price's Farm to Parker's.

Ten pounds for the repair of Bridges at the north east end of the Island of Campo Bello.

Seven pounds ten shillings for repairing the Bridges at each end of Dick's Pond.

Seven pounds ten shillings for removing stumps and to complete the turnpike from Hendrick's to Harbour DeLute.

Seven pounds ten shillings to complete the turnpiking from Curry's Cove to Head Harbour.

Seven pounds ten shillings for the road from Gilligan's to Todd's Barn.

Twelve pounds ten shillings to repair the Bridges from Finney's to Curry's Cove.

Five pounds to repair Drains and Bridges from Welsh Pool to Man of War Head.

Forty pounds for repairs to the Roads and Bridges on the Island of Grand Manan.

Twenty pounds from Messinett's Mill to the Saint John road, Pennfield; five pounds of which to open the road to Ward's Lot.

Five pounds from Mealy's Barn towards M'Dermott's Farm, Pennfield.

Five pounds from Hunter's Mill to Thompson's Ship Yard, Pennfield.

Ten pounds from Dowd's Cove, by Shaw's Farm, to the Saint John road, Pennfield.

Twenty five pounds from New River to Dowd's Cove, Pennfield.

Twelve pounds ten shillings for the road through Maces Bay, Pennfield.

Seven pounds ten shillings from the New River Mills to the main road, Pennfield.

Ten pounds from Dunbar's towards Crow Harbour.

Ten pounds from Crow Harbour to Popologan, Pennfield.

Five pounds from Crow Harbour road to Seelye's Cove, Pennfield.

Ten pounds from Black's Harbour to Crickett's Farm.

Seven pounds ten shillings from Crickett's Farm to Justison's road, Pennfield.

Five pounds from Wooland's to Negro Cove, Pennfield.

Twenty pounds from the Upper Mills towards the Flume Ridge, Saint George.

Four pounds ten shillings from Bridges' Farm to Pomeroy's, Saint George.

Eleven pounds from Pomeroy's to Patterson's, Saint George.

Seven pounds ten shillings from the Upper Mills to the Red Rock, Saint George.

Seven pounds ten shillings from Kent's Mills to the main road, Saint George.

Seven pounds ten shillings from the Upper Mills to the Canal at Thorn's.

Twenty five pounds for the Bridge over the Canal, Saint George.

Seven pounds ten shillings from the School House, Back Bay, to Le Tete, Saint George.

Seven pounds ten shillings from Le Tele to the Pound, Saint George.

Ten pounds from Greerson's Farm to the Mascareen road, Saint George.

Ten

- Ten pounds from Ferguson's to the King's Watering Place, Saint George.
- Seven pounds ten shillings from the Lime Kilns to the Pound, Saint George.
- Ten pounds from the Lime Kiln road towards the School House, Back Bay, Saint George.
- Ten pounds from the Back Bay road to Frye's Island, Saint George.
- Thirty two pounds ten shillings from the Saint Andrews road, over the M'Gee Manor, to Hanson's, Saint George.
- Fifteen pounds from Irish Town toward the Portage Landing; twelve pounds ten shillings to remunerate Benjamin Williams for a balance due him by the Commissioner.
- Twelve pounds seven shillings and six pence for the Upper Portage Landing, Saint George, and the road adjacent thereto.
- Ten pounds to remunerate William Mahood, Deputy Surveyor, for Plans and Survey of Bye Roads in the County of Charlotte, Saint George.
- Twelve pounds for the road leading from Basswood Ridge to Campbell and Albee's Mill in Saint James.
- Ten pounds for the road leading from Basswood Ridge to Buchanan's in Saint James.
- Seven pounds ten shillings to improve the Pinkerton Hill in Saint James.
- Ten pounds for the road leading from Thomas Fullerton's to the Baillie Settlement in Saint James.
- Five pounds for the road leading from Daniel M'Bride's to the main road in Saint James.
- Eight pounds for the road leading from the Bowery to the Burnt Land road in Saint James.
- Fifteen pounds for the road from Oak Hill to the Canoose Bridge in Saint James.
- Twenty five pounds for the road from Potter's Hill to Hitching's Mill in Saint James.
- Eight pounds for the road from William Maxwell's to Moore's Mill in Saint James.
- Twenty pounds for the road from Israel Peake's, past Sharman's Mill in Saint James.
- Ten pounds for the road from the Baillie Settlement to the Anderson Settlement in Saint James.
- Seven pounds ten shillings for the road from Thomas Cain's to the Woodstock road in Saint James.
- Seven pounds for the road from the Burnt Land road to the Kirk in Saint James.
- Seven pounds for the road from John Pomeroy's to Little Ridge in Saint James.
- Twenty three pounds for the road from the Kirk to Gleason's in Saint James.
- Eight pounds for the road leading from Hitchings' Mill to the Little Ridge in Saint James.
- Twelve pounds to improve the Chandler road in Saint Stephen.
- Thirteen pounds for the road leading from the Chandler road to Little Ridge.
- Seven pounds ten shillings for the road from the Ledge, in Saint Stephen, to Saint David's Line.
- Eight pounds for the road leading from the Woodstock road to John Arbuckle's, Saint James.
- Fourteen pounds for the road from Moore's Mills, in Saint James, through the Valley, to Upton's Farm in Saint Stephen.
- Eight pounds for the road from Leman's Farm to Jackson's Hill in Saint Stephen.
- Twenty

Charlotte
Bye Roads,
Continued.

Twenty pounds for the road leading from William Libbie's corner, in Saint Stephen, to the Basswood Ridge in Saint James.

Five pounds for the road from Joseph Turtlelott's to the Basswood Ridge in Saint Stephen.

Five pounds for the road leading from the Basswood Ridge road to Daniel Splann's in Saint Stephen.

Twenty pounds to improve Pine's Hill in Saint Stephen.

Ten pounds for the road from the Parish Line, in Saint James, to Thomas Sullivan's corner.

Twenty pounds for the road leading from Michael Coughlan's towards the Chandler road in Saint Stephen.

Fifteen pounds for the road from Smith's Mill to Lawrence's, in Saint James.

Fifteen pounds for the road from Devoy's corner, in Saint David, to Wyman's Mills, in Saint James.

Fifteen pounds for the road from Devoy's corner towards Moses Reed's, in Saint David.

Fifteen pounds for the road from Devoy's corner to Sharman's, in Saint David.

Eight pounds for the road from Tower's corner, past Patrick Devilen's, in Saint David.

Ten pounds for the road from Mitchel's, past Dickey's Mill, in Saint David.

Twelve pounds for the road from M'Cann's towards Moore's Mills, in Saint David.

Eighteen pounds two shillings and six pence for the road from Moore's Mills, in Saint David, to the Woodstock road.

Eight pounds for the road from the old Meeting House corner to Denny's Stream, in Saint David.

Ten pounds to remunerate William Lever for rebuilding a Bridge last year, under direction of the District Commissioner.

Ten pounds for the road from the Head of Oak Bay towards the Ledge, in Saint David.

Ten pounds for the road from John Ragan's to Jacob Reed's, in Saint David.

KING'S COUNTY BYE ROADS.

Fifteen pounds to assist in building a Bridge over Trout Creek, near Luke Harrison's.

Seven pounds for the road from Silas Deforest's to the main road.

Seven pounds for the road from the main road, near Hayward's, to the Settlement of Patterson and others.

Ten pounds for the road from William Drummond's to the new road from Sussex Vale to Loch Lomond, by the way of William Storey's.

Ten pounds for the road from John M'Monagle's to Campbellton.

Eight pounds for the road from Nicholas Roache's to Campbellton.

Seven pounds for the road from Drummond's to Jolliff's Mill.

Seven pounds for the road from Long's west line to John Walker's.

Seven pounds for the road from Benijah M'Kenzie's to John Carson's.

Seven pounds for the road from John Drury's to John Ryan's.

Fifteen pounds for the alteration of the road from Jeffrie's Saw Mill to John Hagerty's.

Seven pounds for the road commencing at John Marshall's and leading to the lower end of the Londonderry Settlement.

Seven pounds for the road from the Widow Patten's, on the Shepody road, to the Walker Settlement.

Seven

Bye Roads in
King's County.

- Seven pounds for the road from Moore's Mill to John Martin's.
- Eight pounds for the road from Samuel Freeze's south east corner to James Wortman's and others on Range Number Five.
- Eight pounds for the road from Samuel Goddard's to the Cedar Camp.
- Five pounds for the road from M'Anaspey's to Daniel M'Alister's.
- Five pounds for the road from M'Anaspey's corner to Thomas Long's, by way of Michael Martin's.
- Seven pounds for the road from the Cedar Camp to Seeley's Mill.
- Nine pounds for the road from Patrick Walsh's to the Shepody road.
- Seven pounds for the road from Martin's road, south east, across the outlet of Pollet River Lake.
- Seven pounds for the road from the road leading to the Bay Shore to the Settlement of Francis M'Nair and others.
- Eight pounds for the road from near Peter Ketchum's to the main road near Leek's.
- Five pounds for the road from the School House by the way of Daniel Madden's.
- Ten pounds for the road from Samuel Gosling's to Manning's road, by way of John King's.
- Seven pounds for the road from the road near Henry Coate's to the Settlement of Morgan and others.
- Eight pounds for the road from near William Marr's to James Plume's.
- Ten pounds for the road from Coldwell's to William Avery's Brook.
- Seven pounds for the road from John Barrett's to Thomas Fennell's.
- Ten pounds for the road from Butternut Ridge to New Canaan.
- Eight pounds for the road from John Perry's to Connell A. Boyle's.
- Seven pounds for the road from John Gillin's to M'Grigor's Mill.
- Eight pounds for the road from David Johnston's to the road leading from Bellisle to the Mill Stream, by way of Nathaniel Johnston's.
- Fifteen pounds to assist in rebuilding the Bridge over Smith's Creek, near Henry Leonard's.
- Five pounds for the road from Benjamin Belding's to the road near Stephen Scofield's.
- Ten pounds for the road from Henry Weyman's to Henry Parlee's.
- Five pounds for the road from Samuel Elliott's to the Ridge road.
- Seven pounds for the road from Richard Marr's to the Queen's County Line, by Chapman's.
- Seven pounds for the road from M'Alister's to Christy's.
- Ten pounds to repair the Bridge over the Mill Stream near Lister's.
- Seven pounds for the road from Nelson M'Culley's to John Crosman's.
- Seven pounds for the road from John Kierstead's, by the way of Robert Patterson's.
- Seven pounds for the road from John Darling's to John Gregg's.
- Ten pounds for the road leading from Schoal's Mill, north, to Walen's Lake, and from thence to the Sparling road.
- Seven pounds for the road and Bridge between William Scott's and the Shepody road.
- Seven pounds for the road from Aaron Scott's to the new Quaco road.
- Five pounds for the Wallace road.
- Nine pounds for the road from Ammon Fowler's to the new line of road to Sussex; one pound sixteen shillings and one penny of this to be paid to David Faulkner, being a balance due in eighteen hundred and forty one.

King's County
Bye Roads,
Continued.

Eight pounds for the road from Christopher Sheck's to Samuel E. Parlee's.

Five pounds for the road from Leeper's Lane to Michael Roach's corner.

Twelve pounds for the road from Smith's Creek road to the Settlement of Lumbert and others.

Seven pounds for the road from Noah Tabor's to the County Line towards Saint Martin's.

Seven pounds for the road from the new line of road between Hammond River and Quaco, by way of William Deven's, to intersect the Mount Theobald road, to the County Line.

Eight pounds one shilling and three pence for the road from the Salt Spring to Campbelton.

Seven pounds for the road from the Salt Spring to Deforest Lake.

Seven pounds for the road from James Campbell's to Samuel Handlin's.

Five pounds from James Campbell's, Junior, to Jenkinson's.

Twenty five pounds to rebuild the Bridge near Baird's.

Ten pounds for the new road from Kilpatrick to the Bridge near Barnes'.

Five pounds for the road from the South Stream to the County Line, near M'Afee's.

Eight pounds for the road from Anthony Crockett's, north side of Loch Lomond, to the road leading to the upper Settlement.

Seven pounds ten shillings for the road from the School House, near Titus', to John C. Robertson's.

Ten pounds for the road from Smith's Mill to M'Creedy's.

Five pounds eight shillings and nine pence to James Smith, being a balance due to him on the Bridge near Smith's, as per Commissioner's Report.

Ten pounds for the road from James Bea's to Noah Fowler's.

Ten pounds for the road from Smith's Mill to Loch Lomond.

Ten pounds for the road from near Quinlin's Blacksmith Shop to John Keller's.

Ten pounds for the road from John Brown's to the Post road, by Michael Gallagher's.

Ten pounds for the road from Main's, by Colonel Wetmore's, to intersect the main road near John Wright's.

Twenty pounds to improve the Steam Boat Landing at Hampton.

Twenty pounds for the road from Snow's Mill to Monmoth Fowler's.

Fifteen pounds to improve the road from the Bridge at Darling's Island to the high land.

Twenty pounds for the road from Groom's Bridge to Hendricks'.

Five pounds for the road from Barney M'Kena's to John Gallagher's.

Five pounds for the road from William Ross' to Michael Denney's.

Nine pounds for the road from the School House near Floyd's to Wilson's.

Eight pounds for the road from D. Floyd's to the Lot owned by James Innis.

Thirteen pounds to assist in erecting a Bridge at Thomas Coats' Mill.

Ten pounds for the Guthrie road.

Seven pounds from the Island of Woods to the Post road.

Six pounds for the road from Wilson's to the Settlement of French, Watson and others.

Fifteen pounds for the shore road from the late Captain Perry's in Kingston to James Ketchum's.

Seven pounds for the road from near Perry's Brook by Purvis', towards Nutter's.

Ten pounds for the road from the Long Reach, near Sugget's, to the Mill, late Bates'.

- Five pounds for the road from Chatley's, in the Midland, to Walton's.
- Ten pounds for the road from Walton's to Kingston Creek.
- Ten pounds to complete the new road by the point of the Mountain.
- Eight pounds for the road from Pickett's Mills towards Henry Worden's.
- Fifteen pounds for the road from Wetmore's Mill Pond through to the Long Reach by William Puddington's; one half thereof to be expended between the Midland road and the Long Reach.
- Ten pounds for the road from R. Nichol's to Wetmore's Mill Pond.
- Fifteen pounds for the road from White's Mills to Henry Williams', Long Reach; one half thereof to be expended between the Midland road and the Long Reach.
- Ten pounds for the Neck road, so called, from James White's, Kennebeccasis, to the Long Reach.
- Seven pounds for the road leading from the Neck road to William Worden's, towards the Milkish.
- Ten pounds for the Winter road from the Head of the Milkish Creek to Burnt Cove, near Seely's Point, Long Reach.
- Fifteen pounds for the Ketchum road from Pickett's Mills to Kennebeccasis.
- Five pounds for the road leading from the Ketchum road to Robert Nutter's, and thence towards Purvis'.
- Eight pounds for the road from Robert Smith's to the Pickwaket road.
- Five pounds for the road from Erb's Landing to Peter M'Kenzie's.
- Twelve pounds to repair the Bridge near James Peters', Bellisle; of which the sum of four pounds twelve shillings and six pence to be paid to James Peters for over-expenditure the last year.
- Seven pounds for the road from Grand Bay to the Fowler Settlement and its Branches, in Westfield.
- Eight pounds for the road from the Fowler Settlement back to the Mitchell Settlement.
- Ten pounds for the new road from Daniel Wark's to the Queen's County Line.
- Seven pounds for the road from Long Reach to Heightle's corner in the Cheyne Settlement.
- Eight pounds for the road from Heightle's corner to the third tier of Lots.
- Ten pounds for the road from the Cheyne Settlement to Goose Creek, and thence to Salmon Rock.
- Seven pounds for the road from Goose Creek Bridge to Mr. Hazen's gate.
- Eight pounds for the Kemble road leading from the Shore road back to the Wallis road.
- Ten pounds for the road from the Wallis road to Stephen Cronk's, and for the Branch leading easterly therefrom.
- Ten pounds for the road from Joseph M'Coy's south west line to Robert Salter's north east line.
- Ten pounds for the road from Fenwick's south west line to the road leading from the Milkish to the Long Reach.
- Ten pounds for the road from Thomas Souther's to Isaac Harrison's south west line.
- Fifteen pounds for the road from James B. Lyon's, Long Reach, to the Milkish.
- Ten pounds for the road leading from the Lyon's road, round the Head of the Milkish, to the Harrison road.
- Eight pounds for the road from Settlement of John Crabb, Junior, in Greenwich, to the Shore.

King's County
Bye Roads,
Continued.

Seven pounds for the road from Thomas Wallis' to the Shore.

Ten pounds for the new road leading from the Wallis Settlement to the Yorkshire road, near Coughlan's Mill.

Ten pounds for the road from near Pauls', in the Menzie Settlement, to the Queen's County Line, on the new road leading to near Crozier's on the Gagetown road.

Eight pounds for the worst part of the Yorkshire road from Jones' Mills to Queen's County Line.

Eight pounds for the road from George Jones' to the cross roads in the second tier of Lots.

Seven pounds for the road from the cross roads, in second tier, to John Hamilton's, in third tier.

Seven pounds for the road from Sterrett's towards the Yorkshire road, by William Bogle's.

Five pounds for the road from Andrew Hamilton's corner to Queen's County Line.

Five pounds for the road from the Big Brook, near Thomas M'Namara's, to the main road leading across the second tier of Lots.

Eight pounds to aid in making the alterations in the road near Elias Flaglor's.

Five pounds for the road from near Thomas B. Flewelling's to Nathaniel Flewelling's, and on towards the back lands.

Fifteen pounds to aid in making the alteration in the road between Charles L. Richards' and Moses Brundage's.

Ten pounds for the road from Asa Jones', on the Bellisle, to David Jones', near Shaw's Cove, on the River Saint John.

Seven pounds for the road from Jenkin's Cove to the back Settlement, by Brayman's.

Seven pounds for the road from John Vanwart's to John Emmick's, through the Pidgeon Settlement.

Ten pounds for the road from William Scribner's to John Record's.

Ten pounds for the road from near Thomas Daley's to the road near Garrot Morrel's, including the alteration by Nixon's.

Eight pounds to cut down a Hill and improve the road near Willigar's Creek.

Ten pounds for the road and Bridge between Samuel Scribner's and shore road at Bellisle Bay.

Five pounds for the road from James Lake's back to the County Line, to be expended between the Beaver Dam and the County Line.

Ten pounds to aid the inhabitants to erect a Bridge across the Brook on the road from the West Scotch Settlement to the main road leading to Spragg's Point.

Eight pounds to assist in erecting a Bridge on the road from Spragg's Point towards Washademoak, by Peter Spragg's.

Five pounds for the road from Eli Northrup's to the East Scotch Settlement.

Five pounds for the road from the School House to the County Line, by Shearer's.

Five pounds for the Maxwell's road from Anderson's line towards the Irish Settlement.

Ten pounds for the road from Samuel Marvin's to Thomas Benson's.

Seven pounds to repair the Bridge across Bellisle Creek near Jesse Gillies'.

Five pounds for the road from the Widow Guiou's to Wesley Colpitt's.

Five pounds for the road from the School House, near Elijah Spragg's, to William Burns'.

Five pounds for the road from the School House, near Joseph Adams', to front line Lot Number Three.

Five

Five pounds for the road from Cromwell's Hill, by Smith's, to the West Scotch Settlement.

King's County
Bye Roads,
Continued.

Five pounds for the road from the Irish Settlement, on the line between William Gordon and Francis Gallagher, to the English Settlement road.

Ten pounds for the road from the Bellisle to Coate's Mill.

Five pounds for the road from Redstone's Mill to Elias Northrup's.

Five pounds for the road from the Irish Settlement to C. G. Northrup's Mill.

Five pounds for the road leading from Robert Read's to Andrew Shanklin's.

Five pounds ten shillings for the road from Mrs. Spragg's to the Midland road.

SAINT JOHN BYE ROADS.

Bye Roads in
Saint John.

Ten pounds for the road from Little River to Mispec, to be expended between Little River and Red Head.

Twenty two pounds ten shillings for the road from Little River to Loch Lomond; two pounds eleven shillings and one penny of which to be paid Commissioner balance of last year's expenditure.

Thirty five pounds for the road from Little River to Black River.

Thirty five pounds for the road from Cody's, through the Hibernia Settlement, to the forks of the road leading to the Quaco road.

Fifteen pounds for the road from the above forks to the road opened by Brown and others.

Twenty five pounds for the Bridge on the road between Black and Hibernia Settlements across Black River Stream.

Ten pounds for the road opened by Brown and others past Brown's Mill to the new Bridge.

Twenty two pounds ten shillings for the road from Black River Settlement road to Emerson's Creek, Mountain road.

Fifteen pounds for repairing the Valley road past Jones', towards Millican's.

Ten pounds for the road from Emerson's Creek to Gardner's Creek.

Fourteen pounds for the road from Black Settlement road to the Quaco road, back road.

Five pounds for the road from Loch Lomond, by way of Ratcliff's Mills, to intersect back road.

Nineteen pounds for the road from the Quaco Road, through the Ryan Settlement, to the forks of the road near the late M'Cracken's.

Twelve pounds for the road from Harding's Mill to the old Quaco road.

Twenty nine pounds for the road leading from County Line near Tabor's Bridge to Quaco, old Quaco road.

Seven pounds for repairing road from Quaco to Tynemouth, past John Brown's.

Thirteen pounds for the road from Quaco road to the County Line, Mill and Church road.

Nine pounds ten shillings for the road from Mahar's west line to Harding's Mill.

Eighteen pounds for the road from the forks near Morrison's to Frazer's Mill, and thence to Gardner's Creek Bridge by the way of Dewar's.

Seven pounds for the road from Tynemouth to Frazer's Mills.

Eighteen pounds for the road from Tynemouth road, past Powers' Farm, to Quaco.

Fifteen pounds for the road from Sand Point past J. Howe's, Esquire.

Five pounds for the road to the County Line towards Smith's Mill.

Seven pounds for the road from the Millican road past Cain's, towards South Stream.

Fourteen

Saint John
Bye Roads,
Continued.

Fourteen pounds for the road from near Ellison's, at Black River, past White's, to intersect the road from Frazer's Mill to Morrison's.

Eighteen pounds for the road from Quinn's residence to the Tynemouth Creek road, crossing Gardner's Creek above Brown's Mills.

Nine pounds for the road from Frazer's Mill to James Brown's, Esquire, on the line laid out by Mr. Cunningham, and to continue from thence to the Ten Mile Creek road, near the Grave Yard.

Five pounds for the road from Black River road to Evans' Cove, as laid out by Deputy O'Keleher.

Ten pounds for the road through the Church Land Settlement to Loch Lomond road, near Major Gallagher's house.

Five pounds for the road from Black River Mills to Morrison's Cove, along shore, west.

Nine pounds for the road from Thompson's Cove, Evans' road, so called.

Ten pounds for the road from the Forks, near Harding's Mill, to the County Line, near William R. Sentill's.

Ten pounds for the road from Hibernia Settlement road to the Quaco road.

Eighteen pounds for the road from the Westmorland road through the Golden Grove Settlement.

Eight pounds for the road from West Beach to Black River road, Dowd's road, so called.

Fifteen pounds for the road from the Town Plat, at Quaco, to the County Line, near Tabor's.

Nineteen pounds for the road called Brown's road, commencing at Berry's east line, in Quaco, to the County Line.

Fifteen pounds for the road from Brown's road, so called, through the Gear Settlement.

Five pounds for the road from M'Niel's to Emerson's Creek, Black River Settlement.

Ten pounds for the road from the Village road, by way of M'Namee's, to the County Line, near the Kennebeccasis.

Fifty nine pounds towards completing the Bridge across Vaughan's Creek, and repairing the road for the benefit of the Vaughan Creek Settlement.

Sixty pounds for the road from Vaughan's Ship Yard towards Melvin's Beach, eastward of Quaco.

Five pounds for the road from Sands' road, so called, to the road from Tabor's Bridge to the Town Plat in Quaco.

Five pounds for the road from Harding's Marsh to the Town Plat road.

Fifteen pounds seven shillings and six pence to Daniel Gallagher, balance due him on contract for building a Bridge at Mispec, near George Ball's Mills.

Twelve pounds ten shillings for road and Bridge on road from Botsford's Mills to lower Loch Lomond road, near Graham's; one pound six shillings and eight pence to be paid former Commissioner for over-expenditure.

Sixteen pounds for improving and opening a road from West Beach to Cape Spencer, and thence to Mispec.

Fifteen pounds for the road from western extremity of Quaco to Tynemouth.

Five pounds for the road leading from Millican's road through the Settlement of Mash, Vaughan and Campbell.

Five pounds for repaying money expended on Bridge across Black River, at Robert Moore's.

Eight pounds for the road from second Loch Lomond to John Conway's Farm ;
five

five pounds of which sum to be paid Conway for advances made for said road last Summer.

Saint John
Bye Roads,
Continued.

Twenty two pounds ten shillings for the road from Dipper Harbour Bridge to the Saint Andrews road; five pounds to be paid W. H. Craft on account of balance due him for building a Bridge.

Ten pounds for the road from Dipper Harbour Bridge to the County Line.

Seven pounds for the road from Dipper Harbour road, at Belmore's clearing, by the Head of the Basin, to the County Line near Little Le Preaux.

Ten pounds for the road from Dipper Harbour road to Chance Harbour.

Seven pounds for the road from Little Dipper Harbour to Dipper Harbour.

Fifteen pounds for the road from the Saint Andrews road towards Maces' Bay, near Hanson's Mill.

Five pounds for repairing road from the Narrows of Musquash River, east side, to Saint Andrews road.

Five pounds for the road from the Narrows of Musquash River, west side, to Saint Andrews road.

Ten pounds for the road from Black Beach to Frenchman's Creek.

Twenty seven pounds ten shillings for the road from Frenchman's Creek to Saint Andrews road.

Fifteen pounds for the road from the Saint Andrews road, at Spruce Lake, to the Landing at Pisarinco.

Fifteen pounds for the road from Black Beach, by the Irish Settlement and Pisarinco, to meet road next before mentioned.

Five pounds for the road from the Saint Andrews road, near Brown's, to meet road from Saint Andrews road at Spruce Lake to Landing at Pisarinco, at Stony Creek Bridge.

Twelve pounds ten shillings for the road from Nerepis road to M'Namara's Farm.

Twelve pounds ten shillings for the road from Saint Andrews road, by the Settlement in rear of Menzie's Lake, to connect road from Nerepis road to M'Namara's Farm.

Five pounds for the road from Negro Point, along the City Line, to the Saint Andrews road.

Thirty two pounds three shillings to John S. Parker for money over-expended on Bridge at Ten Mile Creek.

Five pounds for the road from Black River towards Red Head, past Patrick M'Cardill's.

KENT BYE ROADS.

Bye Roads in
Kent.

Twenty pounds for the Causeway near Peter Robicheaux, and to and through the Cocagne Cape.

Fifteen pounds for the Bridges and road on the south side of Cocagne River.

Twenty pounds for the road on the north side of Cocagne River.

Twenty pounds for the road from Cocagne River to the Buctouche River, through the Ohio Settlement.

Sixteen pounds ten shillings for the completion of the Bridge over Buctouche River, below Doherty's Mill.

Fifteen pounds for the road from Little Buctouche to the Great Buctouche, from Doherty's Mill.

Thirty pounds for the road on the north side of the Great Buctouche River.

Twenty pounds for the road from Beckwith's to the Settlement in rear of the Indian Land, and in continuation thereof.

Ten

Kent
Bye Roads,
Continued.

Ten pounds for the road from the Head of Chockpish to the East Branch.

Twenty five pounds for the road from Johnson's Mill to Richibucto, via Atkinson's Mill.

Ten pounds for the road from the Post road to the Lower Village, via Park-hill's line.

Ten pounds for the road from Galloway to the East Branch Bridge.

Sixty pounds for the road from the Post road to the Coal Branch, Head of the Richibucto River, south side.

Ten pounds for the road from the Main River to Johnston's Mill, on the West Branch.

Twenty pounds for the roads leading into the Louisburg Settlement from the West Branch Saint Nicholas River.

Eight pounds for the road west side of the West Branch Bridge to the Chapel.

Twenty five pounds for the road on the front tier of Lots on the Richibucto River, south side, from Chapel Point to the Church.

Ten pounds from the Coal Branch Bridge to the Mill on the Main River.

Ten pounds for the east side of the Coal Branch.

Ten pounds for the west side of the Coal Branch.

Ten pounds for the road from the Mills on the Main River to Bass River, via Harley Line.

Sixty eight pounds for the road from Bass River Bridge to Mill Creek.

Ten pounds from Oak Point to the Molus River road.

Twenty five pounds to assist in opening a road on a line from the Bridge over the Richibucto River, on the line between M'Almon's and Powell's, to the road leading up the River.

Fifteen pounds for the road leading up the Aldouane River to Clark's Farm.

Thirty pounds for the road south side of Kouchibouguacis.

Ten pounds for a Bridge over the Kouchibouguacis, at or near the Head of the Tide.

Thirty pounds for the road and Bridges on the north side of the Kouchibouguacis River; of which five pounds to be paid Robert Powell for work done on the Bridge near the Chapel.

Thirty pounds for the road from the Post road to Little River Bridge on the new line of road.

Fifteen pounds for the road on the north side of Kouchibouguac River, below Post road.

Twenty pounds for the road on the south side of the same River.

Fifteen pounds for the road on the north side above the Post road.

Two hundred pounds for repairing or rebuilding the Bridge over the Great Buctouche River on the great road.

YORK BYE ROADS.

Ten pounds for the lower road leading to the Howard Settlement.

Fifteen pounds for the road leading to Skiff Lake.

Fifteen pounds for the road to the Monument Settlement.

Forty two pounds ten shillings for the road leading from the Gesner Settlement on Eel River to the Howard Settlement.

Twelve pounds for the road leading to the Landing at Eel River.

Five pounds to open a road from the River Saint John, near Dickinson's, to the back road.

Five pounds for the road to the Rosborough Settlement, and towards Joseph Love's, if necessary.

Twenty

Bye Roads in
York.

Twenty five pounds for the road to the Magundy through the Poquiock Settlements; out of which five pounds to be expended between Carson's and the Mill.

Thirty pounds for the road leading to and through the Lake George and Magundy Settlements; out of which five pounds for the road leading to the Lake, past Trainer's and Irvine's.

Thirty two pounds ten shillings for the road leading to William Jamieson's beyond the Magaguadavic Settlement; of which three pounds each towards Brown's, Fisher's, Edmonson's, and Adam's, if necessary.

Seven pounds for the road leading to the Saint Andrews road, through the Smithfield Settlement, past Mrs. Hunter's.

Fifteen pounds for the road to the rear of the Garden Creek Settlement and to the Mill.

Twenty five pounds for the road from Essensa's, past Ross' Mill, to the Saint Andrews road.

Seven pounds for the road from the Teetotal Settlement to the Sunbury County Line.

Seven pounds fifteen shillings for the road to and through the Acton Settlement.

Twenty pounds for the road from the Harvey Settlement to Frog Lake, and also to Hay's and Gill's; out of which five pounds to be expended between William Robertson's and Harvey Settlement.

Five pounds for the road from Wilson's to Paterson's, in the Harvey Settlement.

Twenty pounds for the road from Percy's to the Little Settlement in rear of Harvey and the other Settlements.

Five pounds for the road from Wynn's, in the Teetotal Settlement, to and through the Roach Settlement.

Five pounds for the road from Hanwell to the Settlement of Dennis Crowley and others, towards Little's.

Five pounds for the road from the Alms House to New Maryland.

Five pounds for the road from the New Maryland road downwards.

Five pounds fifteen shillings for the road leading to the Glebe.

Five pounds for the Reserve road.

Nine pounds five shillings to pay Simon Killeen over-expenditure last year.

Forty five pounds for the road from Fredericton to New Maryland, and the Bridges thereon.

Ten pounds for the road leading to Charters' and Haining's.

Forty pounds for the road leading from Morgan's to the Beaver Dam and the County Line, and to repair the Bridges.

Eight pounds for the old road leading to Spring Hill; of which two pounds for the road leading therefrom to Hanwell.

Twenty five pounds towards opening a new road and paying the damage thereof to connect the old road with the present great road to Canada, at or near the Bridge on the line between the Farms of George Garden and James A. Maclauchan, Esquire.

Ten pounds for the upper road to the Campbell Settlement.

Thirty pounds for the road from the Campbell Settlement to the Nackawickack, at Trout Brook.

Twenty five pounds for the road to and through the Upper Caverhill Settlement, to meet the road from the Springfield Settlement, through the Lower Caverhill Settlement.

Seven pounds for the road near Morehouse's to the Springfield Settlement.

York
Bye Roads,
Continued.

Sixty pounds for the road from the Mactaquack Settlement to and through the Springfield Settlement, to connect with the Caverhill Settlement.

Fifteen pounds for the road from the Mactaquack, past the Scotch Lake, to the River Saint John; out of which two pounds towards Flemming's, past Burke's, if necessary.

Ten pounds for the road from Moore's to the Mactaquack.

Forty pounds for the road from the Mactaquack Bridge to Merseroll's Ferry; out of which the balance due John Kilbury to be paid.

Twenty pounds for the roads to the new Settlements on the upper part of the Keswick.

Fifteen pounds for the road from the Bridge at Yerxa's on the Keswick on the western side of the Stream upwards.

One hundred pounds towards erecting a Bridge on the Keswick at its mouth.

Fifteen pounds for the road from the Keswick to the Cardigan, passing the Bird Settlement; out of which what may be necessary on the north line, and on the eastern side of the Keswick Fork Stream.

Ten pounds for the road from the Keswick to the Bird Settlement, through the Boone Settlement, past Harris'.

Thirty two pounds towards a Bridge on the Creek near Yerxa's Mill, and the approaches thereto.

Twenty five pounds for the road from the Penniack Mill to Manzer's.

Five pounds for the road to Mount Hope on the Penniack.

Forty pounds for the road on the eastern side of the Nashwaak.

Seven pounds for the road from M'Laggan's to Stanley.

Seven pounds for the road to the M'Leod Hill Settlement.

Thirty pounds for the Royal Road and the Bridges thereon; two pounds towards each, Lane's and Perkins', if necessary, and leading to the rear of the Tay Creek Settlement.

Ten pounds for the road from Boyd's to Stanley Point Mills, past Mick's.

Fifteen pounds for the road from the Tay Creek Settlement to the Lime Kiln road; out of which the balance due Boyd to be paid him.

Thirteen pounds for the road to Stanley, passing Doctor Jacob's Farm; two pounds of which to the Hurlett Settlement, if necessary.

Ten pounds for the road to the Fredericksburgh Settlement, and Semple's and Delucry's, to extend to Johnstone's.

Seven pounds for the road from Sanson's, in the Cardigan, to the Bird Settlement.

Ten pounds for the road from the Nashwaak to and through the New Durham Settlement.

Thirteen pounds for the road to and through the Humphrey Settlement to the Bird Settlement.

Forty pounds for the road from the Miramichi road to the Nashwaak, and to assist in paying the damage thereon.

Ten pounds for the road from Hanson's to the Church on the Nashwaak.

Twelve pounds to open a road leading from the Petitcodiac road, on the County Line, to the Penniack, and for the road on the said County Line.

Fifteen pounds for the road from Hughes' to the Taxes River and to the County Line.

Five pounds for the road to the Kentville Settlement.

Eight pounds for the road leading from Stanley to the east side of the Nashwaak, to Stewart's and Stinson's, and to Neil Campbell's.

Twenty

Twenty pounds for the road leading to the Saint Andrews road, passing Rainsford's Land. York
Bye Roads,
Continued.

Ten pounds for the road leading to M'Kay's on the Hill.

Ten pounds for the road leading from Corbet's to the rear of the Lots.

Twenty one pounds for the road leading to the Keswick.

Ten pounds for the road leading to the Nashwaak Mills; out of which the balance due John Hoben for over-expenditure last year to be paid him.

Five pounds for the road from Thomas Campbell's towards Flume Ridge.

Twenty pounds towards remunerating Amos Arnold for erecting a Bridge over the Nashwaak.

QUEEN'S COUNTY BYE ROADS.

Bye Roads in
Queen's County.

Ten pounds from Gagetown road and leading through the Carney Settlement.

Fifteen pounds from Duck Creek to Charles Currie's Grist Mills.

Fifteen pounds from Octnabog Bridge towards Gagetown.

Twelve pounds ten shillings from the Octnabog road to the Nerepis road, called the Gamel road.

Ten pounds from M'Allister's to the forks of the road near John Gaunce's.

Two pounds to enable Robert Dingey to pay for the repairing the Bridge between M'Alister's House and Vail's Ferry.

Eight pounds to enable Gilbert Williams to pay Samuel Mays for building a Bridge over the Octnabog Stream.

Eight pounds from Luke Appleby's, on the Gagetown road, to Robert Kidney's, on the Octnabog.

Six pounds eleven shillings to pay Jonathan Watson the balance due him for labour done on the road leading from the Wharf below Gagetown to the main road.

Two pounds ten shillings to James M'Allister for labour performed by him on the Wharf below Gagetown in one thousand eight hundred and thirty seven.

Twelve pounds for the road leading from the main road to Cornelius M'Laughlin's, east side of Grand Lake.

Eight pounds for the Foster Settlement road, between Lots Numbers Three and Six, from Richard Stephens' to the great road.

Eight pounds from Wiggins' Carding Mill to the Den road.

Twelve pounds ten shillings from Patrick Renald's to Partridge Valley, and to Washademoak Lake.

Four pounds twelve shillings to remunerate John Wiggins for labour done by him on the road from Wiggins' Mill to Partridge Valley.

Six pounds to repair the Bridge over Young's Creek.

Five pounds from Rueben Sparks' to Robert Orchard's.

Fifteen pounds from Dykeman's Bridge to Cox's Mills.

Ten pounds from John Roberts' to James Carter's, in the back Settlement.

Ten pounds from Cox's Mill to the great road, by way of Samuel Knight's.

Twelve pounds from Sands' Creek to Washademoak Lake.

Eight pounds from Cumberland Bay Bridge to the Head of the Grand Lake, near George Burks'.

Eight pounds from Brandscomb's Mill, north side of the Cumberland Bay Stream, to Ezekiel Wilson's.

Six pounds for the road south side of Cumberland Bay from the Bridge up through the Settlement.

Ten pounds from Bailey's Point to the Hardwood Ridge road.

Five pounds from Gideon D. Bailey's to Salmon Bay.

Queen's County
Bye Roads,
Continued.

- Eight pounds from Joseph Bailey's to William Wiley's.
 Seven pounds ten shillings from James Butler's to Syphers' Pond.
 Seven pounds ten shillings for the road on the line between Samuel and Moses Denton's, Maquapit Lake.
 Ten pounds for the road leading from the cross road in rear of Jacob Brill's to Gershom Clark's, Maquapit Lake.
 Ten pounds from Coy's Mill to Alexander Clark's.
 Seven pounds from Lot Number Thirteen to Michael Dillon's.
 Seven pounds from Michael Dillon's to Lodawick Syphers'.
 Ten pounds from Syphers' Pond to Little River.
 Eight pounds from Little River to Flowers' Hill.
 Ten pounds from Flowers' Hill to William Robinson's.
 Seven pounds to turnpike a new piece of road through Mrs. Thorn's Farm in Canning.
 Four pounds to remunerate Arthur Brandscomb for making the road from Cumberland Bay Bridge to the main road.
 Seven pounds from John O'Larey's to George Vance's, Salmon River.
 Fourteen pounds to pay Guias Brown in full for building a Bridge near his Farm, Salmon River.
 Ten pounds from John Dorough's to Harry Porter's, Salmon Creek.
 Eight pounds from John Goldfinch's to M'Donald's, Salmon River.
 Fifteen pounds from Coal Creek to M'Donald's, Salmon River.
 Eight pounds from Kame's Point to Brown's Mill, Coal Creek.
 Ten pounds from Dunn's Mill through the Settlement west side of Gaspereaux River.
 Eight pounds from Langan's Mill to Kent County Line.
 Twelve pounds from Salmon Creek to Gaspereaux River.
 Eight pounds from John Withrow's to Sunbury County Line, Salmon Creek.
 Thirty five pounds in part payment of balance due Minilla Manard for the erection of the Bridge over the Gaspereaux, at Burpe's Mill.
 Seven pounds for the road on the north forks of Salmon Creek to Sunbury County Line.
 Seven pounds from Ironbound Cove to Sunbury County Line.
 Seven pounds from Cunningham Dorough's to Red Bank, Salmon River.
 Five pounds from George Moses' to Thomas Phillips'.
 Ten pounds to repair the Bridges on the road leading from the New Canaan Settlement to the Fork's Stream.
 Eight pounds from Nathan Taylor's to the main road, New Canaan.
 Eight pounds Reuben Rider's to Perry's Brook.
 Five pounds from John F. Price's to James Cromwell's.
 Five pounds from Robert Watts' to John Parks', New Canaan.
 Five pounds from Daniel Hooper's to Cole's Creek, New Canaan.
 Thirty pounds from Cole's Island, New Canaan.
 Eight pounds from Rush Hill Settlement to Shannon Settlement.
 Seven pounds for the cross road near William and Joseph Henderson's Brook.
 Five pounds from John Wilson's to the County Line.
 Seven pounds from John Shaw's Mills to Robinson's Bridge.
 Seven pounds from the Widow Elison's and Oak Point by Robert M'Cay's.
 Eight pounds from Thomas Robinson's to Henry Vesey's.
 Eight pounds from the Big Brook to the County Line, near Andrew Sumerville's.
 Seven pounds from Edward Webster's Mill Landing to Ball Hill Settlement to Cranberry Lake.

- Nine pounds from Alexander Clark's Mill to the Landing.
 Six pounds from Robert M'Cay's to Clark's Mill.
 Seven pounds from the Widow Elison's to the Cedar Landing.
 Eight pounds from Lewis' Cove to the head of Huggard's Flats, by way of Veasey's.
 Ten pounds to raise the Causeway over Craft's Cove.
 Eight pounds from the County Line to Craft's Cove Landing.
 Eight pounds from White's corner, by George London's, to intersect the road on the line between Joseph Vanwart's and Thomas M'Crea's.
 Eight pounds for the road leading from the River, to communicate with the road from Craft's Cove to the County Line.
 Eight pounds from the Bridge, South West Branch of the Octnabog, on Hulet's Farm, to the Farm occupied by G. Puddington.
 Seven pounds from the Summer Hill road to G. Puddington's.
 One pound fifteen shillings to pay James Peters a balance due him for building a Bridge over the Octnabog.
 Five pounds to build a Bridge over the Brook leading from Fowler's Grist Mill.
 Six pounds to build a Bridge over Fanning's Brook.
 Six pounds to remove a ledge of rocks on the road in front of Elisha Clark's Farm.
 Six pounds to remove the rocks in the centre of the road near Jacob Vanwart's.
 Ten pounds from Little River to Summer Hill Settlement, commencing at the Forks near John Matthew's, and passing through Samuel Dunham's Farm to the rear of C. W. Conkie's Farm.
 Ten pounds from Burges' corner, Jerusalem Settlement, to Dunn's, at the lower end of Long Island.
 Fourteen pounds from William Hogshaw's corner, on the Gagetown road, through Jerusalem and New Ireland, to Little River, near the School House.
 Six pounds from Jerusalem road to Rathburn's Barn.
 Eight pounds to build a Bridge near Foster's Mill, Parish of Johnston.
 Five pounds for the road leading from the M'Farlane road to John Johnston's.
 Five pounds from John Johnston's to King's County Line.
 Five pounds from Woodstock corner to Alexander Stuart's.
 Five pounds from Dyer's corner to Thomas Sharer's.
 Five pounds from Richard Griffith's to Charles Stuart's.
 Five pounds from the Big Brook, near Charles Stuart's, to King's County Line.
 Eight pounds to build a Bridge on the road leading from the Irish Settlement to the English Settlement.
 Five pounds from the Widow Boyd's to Thomas Alcorn's.
 Five pounds from David Phillips' to John Little's.
 Five pounds from John G. Peters' to Cole's Creek.
 Five pounds from Obidiah Starkie's to John Banks'.
 Ten pounds from Daniel Jinkins' to Weatherall's Mill.
 Five pounds from John White's to Foster's Settlement.
 Five pounds from Lauchlin Cockran's to the North West Branch of Pickett's Cove.
 Five pounds from William Perry's to the North East Branch of Pickett's Cove.
 Five pounds for the road on the line between John and James Starkie's to the William Settlement.
 Five pounds from John Banks' to the Big Island Landing.
 Six pounds to build a Bridge on Watson's Brook, near Huggard's.

Queen's County
Bye Roads,
Continued.

Five pounds, Hugh's to Waterloo Settlement.

Five pounds from Murray's old Mill to East Waterloo.

Five pounds from the new Church, English Settlement, to J. Henderson's.

Six pounds four shillings and three pence from English Settlement to James Cody's.

Five pounds from James M'Farlané's to the Church, English Settlement.

Five pounds from Thomas Thompson's to Salmon Creek.

Five pounds from M'Lean's Grist Mill to English Settlement.

Five pounds from Joynes' corner to Salmon Creek.

Five pounds from Washademoak to Salmon Creek Settlement.

Five pounds from Daniel Patterson's to English Settlement.

Eight pounds from Bryant M'Quaid's House to Shannon Settlement.

Eight pounds from the Nerepis road to Shannon and M'Caskie, on the line between James Bradley and John M'Goveran's.

Eight pounds from Nerepis Church to Darby Gillan's.

Five pounds from Nerepis Stream to Richard Dailey's corner.

Five pounds from Dunn's corner to Garey.

Eight pounds from Friendship Hill towards the South Branch of the Oromocto, between the first and second tier of Lots south side of the Enniskillen road.

Five pounds for the road on the line between James Graham's and James Sproul's to the Fredericton road.

Six pounds from the Gagetown road, near Minett's Farm, to Jones' upper line.

Six pounds from Jones' upper line to Moan's Lime Kiln.

Eight pounds for the road from the Enniskillen road to David Sweeney's, and the Friendship Hill Line to the Thompson Settlement, to intersect the Douglas Valley road.

Eight pounds from Polley's corner to Merritt's Bridge.

Eight pounds for the road on the line between Samuel Corbett's and George Dunn's, through the Clones Settlement.

Eight pounds from Inches' corner towards Jones' Mill.

Eight pounds for the road from the Enniskillen road, front of Number One, to M'Cann's.

Eight pounds to build a Bridge over the North East Branch of the Nerepis Stream, through Hopewell Settlement.

Eight pounds for the road through the Robb Settlement, and thence to the Bridge on the Gagetown road.

Eight pounds for the George Lyon road, so called.

Eight pounds ten shillings to remunerate Bartholomew Dargan for cutting and levelling road on what is called the Enniskillen road, in full for said service.

Fifteen pounds for the road from the Nerepis road to George H. Lyon's Saw Mill, and thence to the Long Reach.

Six pounds from Inches' corner to the Gagetown road.

Six pounds from the Church to the Yorkshire road.

Five pounds to widen the road and cut down the Hill on the road leading from John Mathew's to William Palmer's.

Six pounds from the north line of George Carther's Farm to William Palmer's south line.

Six pounds from William Palmer's south line to Mill Brook.

Five pounds from Mill Brook to Jerusalem road, past William Lowry's.

Ten pounds for the new road from Crozier's, on the Gagetown road near the Nerepis, to the County Line, towards the Menzie Settlement in King's County.

One pound nine shillings and nine pence to reimburse Ebenezer L. Burpe for over-expenditure of the Grants of one thousand eight hundred and forty five and one thousand eight hundred and forty six.

Six pounds eight shillings to remunerate John Byrne for cutting and levelling a piece of road in the Enniskillen Settlement in the year one thousand eight hundred and forty one, in full for the said service.

Thirty pounds to build a new Bridge over Long Creek, on the high way between John Secord and Samuel Secord, in the Parish of Johnston.

Five pounds from the Public Landing, below Gagetown, to the Gagetown and Octnabog road.

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

Queen's County
Bye Roads,
Continued.

Money to be
expended under
the direction of
Commissioners
appointed by the
Governor in
Council.

Duty of Commis-
sioner expending
the money.

Accounts to be
rendered in
duplicate.

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.

IV.

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

Money to be expended on or before the first day of October.

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 monies after the first day of October, where it shall be necessary to expend the same for building Bridges, removing rocks, stumps, trees, or other obstructions.

No money to be expended on alterations not recorded.

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 said Roads, unless such alterations shall have been first laid out and recorded.

Commissioners to enter into Bonds for due performance of duties.

VII. And be it enacted, That all persons who may be appointed Commissioners for the expenditure of money hereinbefore granted, and before entering upon the duties of his office, shall respectively enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Executive Government, for the due performing his duty as such Commissioner, and the faithful expenditure of and due accounting for such monies as shall come into his hands as such Commissioner.

CAP. XXXV.

An Act for the encouragement of Agriculture.

Passed 14th April 1849.

Preamble.

‘WHEREAS the Science of Agriculture demands encouragement from the Revenues of this Province;

Governor in Council authorized on application to issue a Treasury Warrant for treble the amount, not less than £25 nor more than £50, raised by any County Agricultural Society.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever any Agricultural Society heretofore constituted, or which may hereafter be formed in any County in this Province, shall make it appear, by Certificate under the hand of the Treasurer of such Society, that a sum not less than twenty five pounds has been actually subscribed and paid to the said Treasurer by the Members of such Society, and the President of the said Society shall make application, enclosing the said Certificate, to the Lieutenant Governor or Administrator of the Government for the time being, for aid in supporting the said Society, 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 the Executive Council, to issue his Warrant on the Treasurer of the Province, in favour of the Treasurer of the said Society, for treble the amount that shall have been so subscribed and paid as aforesaid; provided always, that the annual sum to be granted to each County shall not exceed the sum of one hundred and fifty pounds currency.

District Agricultural Societies may receive in like proportion, not exceeding £200 in the aggregate for the County.

II. And be it enacted, That in any case where there are several Agricultural Societies in any County of this Province, each and every such Society shall be entitled to receive in like proportion to the amount subscribed and paid, and certified as aforesaid; provided always, that the whole sum granted to the District Societies of any County together shall not exceed the sum of two hundred pounds in each year.

III.

III. And be it enacted, That each Agricultural Society shall and may elect such officers and make such bye laws for their guidance as to them shall seem best for promoting the interests of Agriculture, according to the true intent and meaning of this Act.

Societies authorized to appoint their officers and make bye laws.

IV. And be it enacted, That any Agricultural Society which shall receive the said allowance from the Public Treasury shall offer annually, by way of premiums, or shall apply otherwise at their discretion, for the encouragement or improvement of agriculture or manufactures, a sum not less than the amount actually received as aforesaid out of the Public Treasury; and they shall also transmit to the office of the Provincial Secretary, on or before the first day of January annually, a statement of their proceedings in relation to the expenditure of such monies, specifying the nature of the encouragement proposed by the Society, and the objects for which their premiums have been offered, and to whom they were awarded, and shall accompany the same with such general observations concerning the state of agriculture and manufactures in the Province as they may deem important and useful.

Societies to disburse in Premiums, &c., not less than the amount received from the Treasury;

And transmit to the Provincial Secretary's Office a statement of their proceedings.

V. And be it enacted, That any Agricultural Society which shall neglect in any year to comply with the foregoing provisions shall forfeit its claim to the Legislative Bounty for the year next succeeding.

On failure, Society to forfeit claim to next year's Bounty.

VI. And be it enacted, That all Agricultural Societies may, by their officers, define and fix bounds of sufficient extent for the erection of their cattle pens and yards, and for convenient passage ways to and about the same, on the days of their cattle shows and exhibitions, and also for their ploughing matches, within which bounds no persons shall be permitted to enter or pass unless in conformity with the regulations of the said Societies respectively.

Societies authorized to define bounds for pens, &c., on cattle show and other exhibition days; and make regulations.

VII. And be it enacted, That if any person shall, contrary to the regulations of any of the said Societies, and after notice thereof, enter or pass within the bounds so fixed, he shall forfeit a sum not exceeding ten shillings, to be recovered before any Justice of the Peace who shall have jurisdiction thereof; and all fines so recovered shall be paid over by the said Justice of the Peace to the Treasurer of the County for the use of the County.

Penalty for breaches.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize any such Societies to occupy or include within the bounds which they shall fix for the purposes aforesaid the land of any person without his consent, or to occupy any public street or highway in such a manner as to obstruct the public use thereof.

Private rights and passage on public highways reserved.

IX. And whereas it is deemed advisable to hold out encouragement for the establishment of an Agricultural School in the Province; Be it therefore enacted, That so soon as it shall be satisfactorily certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that an Agricultural School has been established, and has been in operation in any County of this Province for the period of one year, and that the average attendance at such has not been less than twenty, that proper instruction has been given in Agricultural Chemistry, and in the different branches of Husbandry, and practically applied in the cultivation and management of a portion of land in connexion with the said School, and that there has been subscribed and paid towards the support of the said School a sum not less than twenty five pounds, then 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, to issue his Warrant upon the Treasurer of the Province in favour of the Teacher of such School for a sum not exceeding one hundred and fifty pounds.

Encouragement to the establishment of an Agricultural School.

X.

Limitation.

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

CAP. XXXVI.

An Act for the adjustment of certain outstanding Bonds to the Crown.

Passed 14th April 1849.

Preamble.

WHEREAS large sums of money are now due to the Province upon Bonds given to the Crown by persons who have cut Timber upon vacant Crown Lands, either in excess of Licence or without any Licence: And whereas it is highly desirable that the Executive Government should be authorized to make a settlement with the persons so indebted, upon just and equitable principles;

Obligors in Bonds for Timber Duties to be relieved upon payment of such sum as may be adjudged by the Governor in Council, after inquiry and hearing.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That any person or persons who at any time heretofore may have given Bonds to the Crown for excess of Timber cut upon Crown Lands with Licence, or for any quantity of Timber cut without Licence, or under the five year Leases, in all cases where such Bonds are still due and unpaid, shall and may be relieved from the payment of such Bonds upon payment and satisfaction of such sum or sums of money as shall be awarded, adjudged and determined by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, after full inquiry and hearing; and the said Bonds, and each and every of them, upon such payment and satisfaction being made, or without any payment, if it shall be so determined, shall be cancelled.

Commencement of Act.

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

CAP. XXXVII.

An Act to provide for the improvement of the Navigation of the River Saint John.

Passed 14th April 1849.

Preamble.

WHEREAS it is believed that the improvement of the Navigation of the River Saint John, will be productive of very beneficial effects to the Province, and it is deemed advisable to authorize an annual appropriation from the Revenues of the Province for that purpose;

Governor in Council authorized to draw from the Treasury and expend £2000 per annum during continuance of this Act, in improving the Navigation of the Saint John.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That for the purpose of improving the Navigation of the River Saint John, 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 the Executive Council, to draw by Warrant from the Province Treasury from time to time, such sum or sums of money as may be required, not exceeding the rate of two thousand pounds for each and every year during the continuance of this Act, and lay out and expend the same or such part thereof as may be found necessary in improving the Navigation of the River Saint John, and making such surveys and explorations preparatory thereto or connected therewith as may be deemed necessary.

Authority to appoint persons to survey the River and execute the works.

II. And be it enacted, That 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, shall have full power and authority to appoint such and so many persons for the purpose of surveying the said River or any part

part thereof, and of erecting and carrying on such works and improvement or superintending the same, as 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, may direct and prescribe.

III. And be it enacted, That the person or persons so from time to time appointed under the authority of this Act, shall have full power and authority by themselves or their assistants, to enter in and upon any granted lands for the purpose of making any survey or improvement connected with the Navigation of the River Saint John, doing as little damage as possible thereto.

Authority given to enter on granted lands for the purposes of this Act.

IV. And be it enacted, That the several sums of money drawn from the Treasury from time to time under the authority of this Act, shall be duly accounted for in each year by such person or persons as may receive or be appointed to expend the same, in the same manner and subject to the same formalities in all respects as other public money is accounted for.

Monies drawn from the Treasury to be accounted for.

V. And be it enacted, That His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, shall have full power and authority to expend such sum or sums of money granted in this Act, in improving the Navigation of the Madawaska River, by erecting Locks thereon or otherwise, and in improving the Portage leading round the Falls of the said Madawaska River, and in making such other improvements in the Waters connected with and flowing into the said River in this Province, as will promote and provide for a communication into Canada.

Authority to improve the Madawaska River, &c.

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

Limitation.

CAP. XXXVIII.

An Act for the re-appropriation of the Sums granted to the Counties of Northumberland and Restigouche at the last Session of the Legislature for the purchase of Seed.

Passed 14th April 1849.

WHEREAS under the Act made and passed at the last Session of the Legislature, intituled *An Act to provide for the necessities occasioned by the failure of the Potato and other Crops during the past year*, the sums appropriated to the Counties of Northumberland and Restigouche were not drawn from the Treasury, and the same are now required in those Counties to relieve the present distress, and to procure Seed;

Preamble.

11 V. c. 3.

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 Counties of Northumberland and Restigouche, at any General or Special Sessions of the Peace to be called and held as is provided in and by an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the necessities occasioned by the failure of the Potato and other Crops during the past year*, to apply for and receive the amounts required and appropriated to those Counties, and to apply the same as is provided in and by the said Act; provided always, that the amount so to be drawn from the Treasury by the County of Northumberland, shall not exceed the sum of four hundred pounds.

Justices of Northumberland and Restigouche authorized to appropriate monies granted to them by Act 11 V. c. 3; but not exceeding £400 for Northumberland.

II. And be it enacted, That the time at which the said sums shall be refunded, shall be two years after the passing of this Act.

Time for refunding.

CAP. XXXIX.

An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.

Passed 14th April 1849.

Preamble.

‘ WHEREAS it is expedient that several Acts of Assembly relating to the ‘ amendment of the Law should be amended and consolidated into one ‘ Act;’

Repeal of the following Statutes and parts of Statutes :

26 G. 3, c. 21,

26 G. 3, c. 25,

4 G. 4, c. 17,

8 G. 4, c. 4,

9 & 10 G. 4, c. 1,

9 & 10 G. 4, c. 11,

5 W. 4, c. 26,

5 W. 4, c. 37, s. 9,

6 W. 4, c. 33, s. 6,

7 W. 4, c. 14,

1 V. c. 13,

4 V. c. 4,

6 V. c. 33, s. 1,

10 V. c. 60,

11 V. c. 14.

Reservations from the effect of the repeal.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several Acts and parts of Acts hereinafter mentioned be and the same are hereby repealed, (save as hereinafter otherwise is provided,) that is to say: An Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act to prevent unnecessary expense in actions on the case on judgment by default*; also an Act made and passed in the twenty sixth year of the same Reign, intituled *An Act to prevent frivolous and vexatious arrests*; also an Act made and passed in the fourth year of the Reign of King George the Fourth, intituled *An Act to provide for the surrender of the principal in discharge of Bail in actions pending in the Supreme Court of Judicature of this Province*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act for the more easy assessment of damages in actions on Bonds payable by instalments and other similar instruments, and for the more convenient service of Writs of scire facias*; also an Act made and passed in the ninth and tenth years of the same Reign, intituled *An Act to prevent the failure of justice by reason of variances between Records and Writings produced in evidence in support thereof*; also an Act made and passed in the same years of the same Reign, intituled, *An Act to continue and amend an Act, intituled “An Act to provide for the surrender of the principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province;”* also an Act made and passed in the fifth year of the Reign of His late Majesty William the Fourth, intituled *An Act to make perpetual the Acts of the General Assembly relating to the surrender of the principal in discharge of Bail*; also the ninth Section of an Act made and passed in the same year of the same Reign, intituled *An Act to provide for the more convenient administration of Justice in the Supreme Court*; also the sixth Section of an Act made and passed in the sixth year of the same Reign, intituled *An Act to prescribe certain general regulations in respect to Corporations*; also an Act made and passed in the seventh year of the same year, intituled *An Act for the amendment of the Law and the better advancement of Justice*; also an Act made and passed in the first year of the Reign of Her present Majesty, intituled *An Act for the further amendment of the Law*; also an Act made and passed in the fourth year of the same Reign, intituled *An Act in further amendment of the Law*; also the first Section of an Act made and passed in the sixth year of the same Reign, intituled *An Act to amend the Law relating to the practice in the Inferior Court of Common Pleas, and render the same uniform in the several Counties*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act for the further amendment of the Law and the better advancement of Justice*; also an Act made and passed in the eleventh year of the same Reign, intituled *An Act in further amendment of the Law*: Provided always, that nothing in this Act contained shall extend to repeal any of the said recited Acts so far as they or any of them repeal any former Acts, or so far as respects any act, matter or thing heretofore done under and by virtue of the said recited Acts; provided also, that any Rules of Court or regulations heretofore made under and by virtue of any authority given in and by the said recited Acts, shall be and still continue valid, effectual and applicable to the provisions

provisions of this Act, so far as consistent with the same, until such rules or regulations may from time to time be altered; and provided also, that all actions commenced in the said Courts, under the provisions of the said recited Acts, before the passing of this Act, may still be proceeded with to their final termination, in the same manner as if this Act had not been made and passed.

ABATEMENT.

II. And be it enacted, That no plea in abatement for the non-joinder of any person as a co-defendant shall be allowed in any Court of Record in this Province, unless it shall be stated in such plea that such person is resident within the Province, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

Restriction as to pleas in abatement for non-joinder of any person as a co-defendant.

III. And be it enacted, That in all cases in which after such plea in abatement the plaintiff shall, without having proceeded to trial upon an issue thereon, commence another action against the defendant in the action in which such plea in abatement shall have been pleaded, and the person named in such plea in abatement as joint contractor, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original defendants are liable, but that one or more of the persons named in such plea in abatement, or any subsequent plea in abatement, are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment, or to a verdict and judgment, as the case may be, against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs, as against the plaintiff, who shall be allowed the same as costs in the cause against the defendant or defendants who shall have so pleaded in abatement the non-joinder of such person; provided that any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement.

Plaintiff may recover in a new action against original defendants and parties named in a plea in abatement, although defendants named in the plea be found not liable.

IV. And be it enacted, That no plea in abatement for a misnomer shall be allowed in any personal action; but that in all cases in which a misnomer is by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended, at the cost of the plaintiff, by inserting the right name, upon a Judge's Summons, founded on an affidavit of the right name, and in case such Summons shall be discharged the cost of such application shall be paid by the party applying, if the Judge shall think fit.

Misnomer not pleadable in abatement in personal actions;

Where by law pleadable, declaration may be amended, upon a Judge's summons.

AMENDMENT.

V. 'And whereas great expense is often incurred, and delay or failure of justice takes place at trials by reason of variances as to some particular or particulars between the proof and the record, or setting forth on the record or document on which the trial is had, of writings, contracts, customs, prescriptions, names, and other matters or circumstances not material to the merits of the case, and by the mis-statement of which the opposite party cannot have been prejudiced: And whereas it is expedient to allow amendments, as hereinafter mentioned, to be made on the trial of the cause;' Be it therefore enacted, That it shall be lawful for any Court of Record in this Province, or any Judge thereof, on the trial of the cause, if such Court or Judge shall see fit so to do, to cause the record, writ or document on which any trial may be pending before any such Court or Judge in any civil action, or in any information in the nature of a quo warranto or proceeding on a mandamus in the Supreme Court, when any variance shall appear

Amendments may be made by order of Court or Judge, in the record or document in which a trial is pending, in certain cases.

appear between the proof and the recital or setting forth on the record, writ or document on which the trial is proceeding, of any writing, contract, custom, prescription, name, or other matter, in any particular or particulars, in the judgment of such Court or Judge not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution or defence, to be forthwith amended by some officer of the Court or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend; on such terms as to payment of costs to the other party, or postponing the trial to be had before the same or another Jury, or both payment of costs and postponement, as such Court or Judge shall think reasonable; and in case such variance shall be in some particular or particulars, in the judgment of such Court or Judge, not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution, or defence, then such Court or Judge shall have power to cause the same to be amended, upon payment of cost to the other party, and withdrawing the record or postponing the trial as aforesaid, as such Court or Judge shall think reasonable; and after any such amendment the trial shall proceed, in case the same shall be proceeded with, in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared; and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the postea or the writ, as the case may be, and returned together with the record or writ, and thereupon such papers, rolls and other records as it may be necessary to amend, shall be amended accordingly; provided that it shall be lawful for any party who is dissatisfied with the decision of any Judge of the Supreme Court at Nisi Prius, respecting his allowance of any such amendment, to apply to the Court in banc for a new trial upon that ground; and in case such Court shall think such amendment improper, a new trial shall be granted accordingly, on such terms as the Court shall think fit, or the Court shall make such other order as to them may seem meet.

Court or Judge may direct the Jury to find the facts according to the evidence, and may afterwards give judgment according to justice.

VI. And be it enacted, That the said Court or Judge shall and may, if they or he think fit, in all such cases of variance, instead of causing the record or document to be amended as aforesaid, direct the Jury to find the fact or facts according to the evidence, and thereupon such finding shall be stated on such record or document, and notwithstanding the finding on the issue joined, the said Court, or the Court from which the record has issued, shall, if they shall think the said variance immaterial to the merits of the case, and the mis-statements such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

ARBITRATION.

Submission to arbitration by Rule of Court, &c., not to be revoked without leave.

VII. 'And whereas it is expedient to render references to arbitration in actions depending in the Supreme Court more effectual;' Be it enacted, That the power and authority of any arbitrator or arbitrators appointed by or in pursuance of any Rule of Court or Order of Nisi Prius, in any action now brought or which shall be hereafter brought in the said Supreme Court, shall not be revocable by any party to such reference without the leave of the Court or by leave of a Judge, upon good cause shewn therefor, and the arbitrator or arbitrators shall and may and are hereby required to proceed with the reference notwithstanding any such revocation, and to make such award although the person making such revocation shall not afterwards attend the reference.

VIII. And be it enacted, That when any reference shall have been made by any such rule or order as aforesaid, it shall be lawful for the Supreme Court, or for any Judge thereof, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators before whom the attendance is required, shall also be served, either together with or after the service of such rule or order; provided always, that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expenses as for and upon attendance at any trial; provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

Attendance and examination of persons and production of documents may be enforced by a rule or order.

IX. And be it enacted, That when in any rule or order of reference it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators, or any one of them, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of an oath; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted accordingly.

Arbitrators may administer an oath when by the order of reference it is ordered that the witnesses shall be so examined.

X. And be it enacted, That in any case in which a reference to arbitration shall be made at Nisi Prius, and it shall be ordered that the award of the arbitrators shall be returned on the postea as the verdict of a Jury, and the award shall be filed with the officer who returns the postea, after the last day of the sitting of the Court, such officer shall set down on the margin thereof the day on which such award shall be so filed with him, instead of the last day of the sitting of the Court; and no rule for judgment on the postea shall be entered until the expiration of twenty days after the day so set down; and any Judge of the said Court in any such case in which justice may appear so to require, may either upon Summons or not, according to the circumstances of the case, order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding Term.

In references to arbitration made at Nisi Prius, &c., officer returning the postea to set down date of filing the award on the margin.

BAIL.

XI. And be it enacted, That no person shall be held to special Bail upon any process issuing out of any Court of Record in this Province where the cause of action shall not amount to upwards of five pounds, and affidavit thereof made and filed as heretofore accustomed; which affidavit may be made before any Judge of the Court out of which the process may issue, or before any Commissioner appointed to take affidavits to be read in the Supreme Court, or the officer who issues such process or his deputy, and in cases where the plaintiff shall reside out of the Province in any of Her Majesty's Plantations or Provinces, before any Judge of the Supreme or Superior Court in such Plantation or Province; and the sum or sums specified in such affidavit shall be endorsed on the back of the writ or process, for which sum or sums so endorsed, the Sheriff or other officer to whom such writ or process shall be directed, shall take bail and for no more.

No person to be held to special bail when cause of action does not amount to more than £5, on affidavit.

XII. And be it enacted, That in all suits wherein the writ or process shall not be so endorsed for bail, the defendant shall not be arrested, but shall be served

Amount in affidavit to be endorsed on the writ.

Defendant not to be arrested when endorsement is not made on the writ,

with

but plaintiff may proceed on affidavit of due service.

with a copy of the process within the jurisdiction of the Court issuing such process, in manner heretofore accustomed; and if such defendant shall not appear or file common bail at the return of such writ, or within twenty days after such return, it shall be lawful for the plaintiff, upon affidavit of the due service of such writ or process, as hereinafter directed, to enter a common appearance or file common bail for the defendant, and to proceed thereon as if such defendant had entered his appearance or filed common bail.

Defendant at large on bail may be rendered in discharge of his bail in the Supreme Court.

XIII. And be it enacted, That a defendant who shall have been held to bail upon any mesne process issued out of the Supreme Court in this Province, may be rendered in discharge of his bail, to the common gaol of any County in which he may be, and the render to such County gaol shall be effected in manner following, that is to say: The defendant, or his bail, or one of them, shall for the purpose of such render obtain an order of a Judge of the said Court, and shall lodge such order with the gaoler of such gaol to which the render may be made, and a notice in writing of the lodgment of such order, and of the defendant's being actually in custody of such gaoler by virtue of such order, signed by the defendant, or the bail, or either of them, or by the Attorney of either of them, shall be delivered to the plaintiff's Attorney, and the Sheriff of such County shall, on such render so perfected, be duly charged with the custody of such defendant, and the said bail shall be thereupon wholly exonerated from liability as such; provided always, that in any County in which there may not be a Judge of the said Court at the time of any render so to be made, an order for such render may be obtained from any Commissioner for taking bail in such Court for such County, which order such Commissioner is hereby authorized in such case to grant.

May be rendered when already in custody.

XIV. And be it enacted, That a defendant who shall hereafter be in custody of any Sheriff by virtue of any legal process, may be rendered in discharge of his bail in any action depending in the said Supreme Court, in the manner hereinbefore provided for a render in discharge of bail, and such Sheriff shall on such render be duly charged with the custody of such defendant, and the said bail shall be thereupon wholly exonerated from liability as such.

Foregoing provisions for render of bail extended to the Inferior Courts of Common Pleas.

XV. And be it enacted, That the provisions hereinbefore contained in respect to rendering defendants in discharge of their bail, shall extend and apply to the several Inferior Courts of Common Pleas in this Province, with regard to actions depending in those Courts respectively, and that any Judge of any such Inferior Court of Common Pleas or any Commissioner for taking special bail in such Courts, may make an order for the render of any defendant held to bail upon any mesne process issued out of the Court of which he is a Judge or Commissioner, to the gaol of the County for which such Court sits, and such and the like proceedings shall be had thereupon as is hereinbefore provided in regard to actions depending in the Supreme Court.

CORPORATIONS.

Proceeding by original against a Corporation abolished.
First process to be a Summons.

XVI. And be it enacted, That the proceeding by original against any Corporation shall be abolished, and the first process in every action to be brought against any Corporation shall be by Writ of Summons according to the form or to the effect following, that is to say:

'VICTORIA, ss. To the Sheriff of Greeting.

'We command you that you summon [*here insert the name of Corporation*] that they be before, &c., to answer A. B. of a plea, [*&c. as the case may be,*] and 'have then there this Writ. Witness, &c.'

And

And every such Writ of Summons may be served on the Mayor, President or other head officer, or on the Secretary, Clerk, Treasurer or Cashier of such Corporation; and in the case of a Foreign Corporation, or of any body politic or corporate, not being established or incorporated within this Province, and which may enter into any contract or engagement, or transact any business therein by their known or accredited agent or officer, every such Writ or Summons may be served on such accredited agent or officer, or on the person who at the time of such service may be the accredited agent or officer of such Corporation or body politic or corporate within this Province; and such service shall have the like effect in every respect as the service of such Summons on the officers of any Corporation, as is hereinbefore provided.

Service may be made on certain officers.

XVII. And be it enacted, That if any Corporation should not cause an appearance to be entered at the return of such Writ of Summons or within twenty days after such return, in every such case it shall and may be lawful for the plaintiff in the action, upon affidavit being made and filed in the proper Court, of the due service of such Writ, to enter an appearance for such Corporation, and to proceed thereupon in like manner as in personal actions against individuals.

Plaintiff may enter appearance for a Corporation duly served with Summons and not appearing.

COSTS.

XVIII. And be it enacted, That in every action brought by any executor or administrator in right of the testator or intestate, such executor or administrator shall, unless the Court in which such action is brought shall otherwise order, be liable to pay costs to the defendant in case of being non-sued or a verdict passing against the plaintiff, and in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself, and the defendant shall have judgment for such costs and they shall be recovered in like manner.

Executors or Administrators, suing as such, to be liable to costs when non-sued, &c.

XIX. And be it enacted, That where several persons shall be made defendants in any personal action, and any one or more of them shall have a nolle prosequi entered as to him, or upon the trial of such action shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless in the case of a trial the Judge before whom such cause shall be tried shall certify upon the record, under his hand, that there was a reasonable cause for making such person a defendant in such action.

Defendants having a nolle prosequi entered as to them or a verdict, to have costs.

XX. And be it enacted, That where any nolle prosequi shall have been entered upon any count, or as to part of any declaration, the defendant shall be entitled to and have judgment for and recover his reasonable costs in that behalf.

Also, where nolle prosequi entered upon any count, &c.

XXI. And be it enacted, That in all Writs of scire facias the plaintiff obtaining judgment on an award of execution shall recover his costs of suit upon a judgment by default, as well as upon a judgment after a plea pleaded, or demurrer joined, and that where judgment shall be given either for or against the plaintiff or for or against a defendant upon a demurrer joined in any action whatever, the party in whose favour such judgment shall be given shall also have judgment to recover his costs in that behalf.

Plaintiff in scire facias obtaining judgment, and plaintiff or defendant on demurrer, to have costs.

XXII. And whereas it is provided in and by an Act passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled 'An Act for regulating Juries and declaring the qualification of Jurors, that the party who shall apply for a special Jury shall pay the fees for striking such Jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same, upon taxation of costs, than such party would be entitled unto in case the cause had been tried by a common

Costs of special Juries in cases of non-suit.

26 G. 3, c. 6.

‘ common Jury, unless the Judge before whom the cause is tried, shall immediately
 ‘ after the trial certify under his hand, upon the back of the record, that the same
 ‘ was a cause proper to be tried by a special Jury : And whereas the said provision
 ‘ does not apply to cases in which the plaintiff has been non-suited ; and it is expe-
 ‘ dient that the Judge should have such power of certifying, as well when a plaintiff
 ‘ is non-suited, as when he has a verdict against him ;’ Be it therefore enacted,
 That the said provision of the said last mentioned Act, and every thing therein con-
 tained, shall apply to cases in which the plaintiff shall be non-suited, as well as
 to cases in which a verdict shall pass against him.

CONSTRUCTION CLAUSE.

Construction of
words.

‘ Person.’

Words importing
singular or plural
number.

Masculine gender.

Exception.

XXIII. And be it enacted, That in any Act of the General Assembly of this Province which may have been passed during or since the first year of Her present Majesty’s Reign, or which may be passed at the present or any future Session, the word “person” shall extend to a body politic or corporate, as well as to an individual ; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing ; and every word importing the 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 to 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.

DAMAGES.

In actions on
promises, debt,
bonds, &c., and

for penal sums, &c.,

where judgment is
given for the plain-
tiff upon demurrer,
&c., the damages
may be assessed by
the Court in term,
or by a Judge in
vacation.

On production of
assessment, Clerk
to tax costs and
sign judgment.

Twenty days to
elapse in vacation
before the assess-
ment be made.

Judge may order
assessment to be
made by a Jury.

XXIV. And be it enacted, That in all actions in any of Her Majesty’s Courts of Record in this Province on the case upon promises, action of debt, action upon any bond conditioned for the payment of money by instalments, or for the performance of agreements or awards where such agreements or awards are expressed only for the payment of any sum or sums of money, and in all actions for any penal sums for not performing any covenants or agreements in any indenture, deed or writing contained, where such covenants or agreements are only for the payment of money, actions of covenant for the payment of any certain sum or sums of money, in which judgment shall be given for the plaintiff upon demurrer or by confession, or by nihil dicit, damages may be assessed, or the truth of all breaches assigned or suggested on the record may be inquired of, and the damages thereupon assessed by the Court in term time, or by some Judge of the Court wherein the action is brought in vacation, without the intervention of a Jury ; provided always, that nothing herein contained shall extend to actions on bonds conditioned for the payment of a single sum of money not payable by instalments ; and upon the production of such assessment, signed by any such Judge, it shall be lawful for the Clerk of the Court to tax the costs and sign judgment, whereupon execution may issue forthwith ; provided always, that no such assessment or inquiry and assessment shall be made in Vacation until the expiration of twenty days after the day on which judgment on demurrer or confession or nihil dicit shall have been entered ; provided also, that the defendant in any such action may upon due application therefor, have such assessment or inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry and assessment, shall have power to order the same to be
made

made by a Jury in the usual manner, when the same may appear proper or expedient.

XXV. Provided always and be it enacted, That in each case such judgment shall as now accustomed, remain, continue and be as a further security to answer to the plaintiff, and his executors or administrators, such damages as shall or may be sustained for further breach of any condition or covenant in the bond, indenture, deed or writing contained, upon which the plaintiff may have a scire facias upon the said judgment against the defendant, or against his heirs, terretenants, or his executors or administrators, suggesting such other breach or breaches, and to summon him or them respectively, to shew cause why execution shall not be had or awarded upon the said judgment, and if no appearance be entered by the defendant upon such scire facias, the Courts in which such actions have been brought are respectively authorized and empowered to assess such further damages and to award execution for such damages, together with the costs and charges of such proceedings, in manner as hereinbefore directed, and so in case of any further breaches a further assignment or suggestion may be made, and the like proceedings may be had as hereinbefore directed.

Judgment to remain as a security for further breaches upon which a scire facias may issue.

On failure of appearance to the scire facias, the Court may assess the further damages and award execution.

XXVI. Provided nevertheless, and be it enacted, That nothing in this Act contained shall extend or be construed to prevent the defendant from having a Jury summoned to assess the damages upon the breaches assigned, in the manner heretofore accustomed, provided he give notice to the plaintiff of such wish or intention within ten days after judgment is signed in the action, or such scire facias served; and provided also, that the Court in which such action is brought shall have full power to order and direct the damages to be assessed by a Jury in any case where the same may appear proper or expedient, and to award execution thereupon.

Act not to prevent a Jury being summoned by defendant on notice given within ten days after judgment signed.

XXVII. And be it enacted, That upon all debts or sums certain, payable at a certain time, or otherwise, the Jury on the trial of any issue or on any inquisition of damages, or the Court or Judge upon any assessment of damages, may, if they shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the time of payment, provided that interest shall be payable in all cases in which it is now payable by law.

Jury or Court or Judge may allow interest on debts in certain cases.

XXVIII. And be it enacted, That the Jury on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass de bonis asportatis, and over and above the money recoverable in all actions on policies of assurance.

In certain actions the Jury may give damages in the nature of interest.

XXIX. And be it enacted, That in all cases where any verdict or assessment of any debt or damages may be given or made for any party in any suit in any such Courts in which interest is or may have been included, under the provisions of this Act or otherwise, and the final judgment of the Court thereupon may have been delayed by the opposite party, either by a rule nisi, demurrer or otherwise, it shall be lawful for such Court in its discretion, when such verdict or assessment is sustained, to allow interest thereupon, at a rate not exceeding six per cent. per annum from the time of such verdict or assessment until the rendering of final judgment therefor.

Court may allow interest on certain verdicts or assessments where the verdict or assessment is sustained after suspension by rule nisi, &c.

Court may prescribe form of entry of judgment &c. in such cases.

XXX. And be it enacted, That any of the said Courts may, by general rule, prescribe the form of entry of judgment and execution in cases where such further interest may be so allowed.

EXECUTORS.

Executors of lessor may distrain for arrears in his life time.

XXXI. And be it enacted, That it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

Arrears may be distrained for within six months after determination of term.

XXXII. And be it enacted, That such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined, provided that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due; provided also, that all and every the powers and provisions in the several Acts of Assembly made relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

Executors may bring actions for injuries to real estate of the deceased;

XXXIII. And be it enacted, That an action of trespass, or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person, and the damages when recovered shall be part of the personal estate of such person; and further, that an action of trespass, or trespass on the case, as the case may be, may be maintained against the executor or administrator of any person deceased, for any wrong committed by him in his lifetime to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executor or administrator shall have taken upon himself the administration of the estate and effects of such person, and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

And actions may be brought against Executors for an injury to property, real or personal, by their testator.

EXECUTION.

Execution may be issued in the first instance as if the venue had been laid in the County where the execution is to be executed; and the testatum clause may be omitted.

XXXIV. 'Whereas the practice in the Supreme Court of requiring an execution, issuing on any judgment in such Court in the first instance, to be directed to the Sheriff or other officer in the County where the venue is laid, (excepting in proceedings to fix bail,) and also the practice of requiring a testatum clause in any execution, are considered useless and unnecessary;' Be it therefore enacted, That any such execution may upon any judgment obtained after the passing of this Act, be in the same form and issued in the first instance as if the venue had been laid in the County where such execution is directed to be executed, and that the omission of the usual testatum clause in any such execution shall no longer be considered an irregularity, provided that nothing in this Act contained shall be construed to affect the ordinary proceedings to fix bail.

Execution may be issued on any final judgment within five years thereof.

XXXV. 'And whereas it is expedient to enlarge the time within which an execution may be issued on any final judgment obtained in any Court of Record in this Province;' Be it therefore enacted, That execution on any such judgment may be issued at any time within the period of five years from the time of signing such

such judgment; and for the purpose of preventing the necessity of any scire facias to revive such judgment, the issue of such execution within such period shall be deemed as regular and effectual as if the same had been issued within a year and a day from the time of signing such judgment.

XXXVI. And be it enacted, That no goods or chattels whatsoever lying or being in or upon any messuage, lands or tenements which are or shall be leased for life or lives, term of years, or at will, or otherwise, shall be liable to be taken by virtue of any execution on any pretence whatsoever, unless the party at whose suit the said execution is sued out, shall, before the removal of such goods from off the said premises by virtue of such execution, pay to the landlord of the said premises, or his bailiff, all such sum or sums of money as are or shall be due for rent for the said premises, at the time of the taking of such goods or chattels by virtue of such execution, provided that the said arrears do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent, then the said party at whose suit such execution is sued out, paying the said landlord or his bailiff one year's rent, may proceed to execute his judgment as he might heretofore have done; and the Sheriff or other officer to whom such execution may have been delivered to be executed, is hereby empowered and required in such case to levy and pay to the party at whose suit the said execution is sued out, as well the money so paid for rent as the money directed to be levied on such execution.

No goods, &c., to be taken in execution, &c., unless the party before removal of the goods, &c., pay arrears of rent, not exceeding one year's.

XXXVII. Provided always and be it enacted, That nothing in the foregoing Section contained shall be construed to extend to hinder or prejudice Her Majesty, Her Heirs or Successors, in levying, recovering, or seizing any debts, fines, penalties or forfeitures due or payable to Her Majesty, Her Heirs or Successors, but that it shall and may be lawful for Her Majesty, Her Heirs and Successors, to levy, recover and seize such debts, fines, penalties or forfeitures in the same manner as if this Act had not been passed.

Preceding section not to prevent levying debts, &c., due the Crown.

INITIALS.

XXXVIII. And be it enacted, That in all actions upon bills of exchange or promissory notes, or other written instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration, to designate such persons by the same initial letter or letters, or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

In affidavit to hold to bail, &c., initials may be used.

MONEY PAID INTO COURT.

XXXIX. And be it enacted, That it shall and may be lawful for the defendant in all personal actions pending or to be brought in any Court of Record in this Province, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauchery of the plaintiff's daughter or servant,) by leave of the Court, or a Judge of the Court in which the action is brought, to pay into the said Court a sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs and the form of pleading, as the Supreme Court shall, by any rule or orders by them to be from time to time made, order and direct.

Defendants in certain personal actions may by leave pay into Court money as compensation.

NOTES.

XL. And be it enacted, That all Notes in writing, payable in specific articles, whether for a sum certain or otherwise, shall be deemed and held prima facie to import that they were given for a valuable consideration, in like manner as promissory notes for the payment of money.

Valuable consideration to be implied in Notes payable in specific articles.

PARTICULARS.

PARTICULARS.

Written demand of particulars duly served, to have the effect of a Judge's order.

XLI. ' And whereas it is considered expedient that a demand of particulars in writing, duly served on the opposite party or his Attorney, should have the like effect as a Judge's order for the same ;' Be it therefore enacted, That in all actions brought or hereafter to be brought in any Court of Record in this Province, wherein by law particulars may now be required, a demand in writing duly served on the opposite party or his attorney, shall from the time of such service have the like effect as a Judge's order, that is to say, where served on the plaintiff or his attorney, such demand of particulars shall operate as a stay of proceedings until the same be given, and where served on the defendant or his attorney shall, unless the particulars of set off be given within six days after service of the demand, preclude the defendant from giving evidence of his set off on the trial of the cause ; provided that where either party may be dissatisfied with the particulars given in pursuance of such demand, an order of a Judge may be obtained for further particulars as in ordinary cases ; and provided also, that either party may obtain the order of a Judge of the Court in which the action may be, to set aside such demand, or to enlarge the time for giving the particulars, or for such other order in regard to such demand or particulars as the justice of the case may require.

On dissatisfaction with particulars given, Judge's order may be obtained for further particulars.

SEVERAL MATTERS.

Several matters may be pleaded without actually obtaining a Rule of Court.

XLII. ' Whereas the practice of requiring a Rule of Court to be taken out for pleading several matters in any cause brought in any Court of Record in this Province, is found inconvenient, and may be abolished, leaving to the Court or any Judge the power to set aside any improper or inconsistent pleas as heretofore accustomed ;' Be it therefore enacted, That in all cases where by the law or practice of the Court a party may be authorized or required to take out a rule to plead several matters, such party may plead such several matters without actually obtaining such rule ; and the leave of the Court to plead such several matters, agreeably to the directions of the Statute in such case made and provided, shall always be presumed to have been given ; provided that any pleas may be set aside by the Court or Judge, either on the ground of inconsistency, or any other grounds, (except for not taking out such rule,) where by law or the practice of the Court pleas can now be set aside.

SPECIAL CASE.

Parties may by consent of Court state their case specially, and agree that judgment may be entered on decision.

XLIII. And be it enacted, That it shall be lawful for the parties in any action or information depending in the Supreme Court, after issue joined, by consent, and by order of any Judge of the said Court, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the plaintiff or defendant by confession, or of nolle prosequi, immediately after the decision of the case, or otherwise, as the Court may think fit, and judgment shall be entered accordingly.

WRITS, SERVICE OF.

Non-bailable Writs to be served personally, or by leaving a copy with defendant's wife, &c., at his usual place of abode.

XLIV. And be it enacted, That the service of any non-bailable writ or process issued out of any Court of Record in this Province may be made by the defendant being personally served with a true copy of the process within the jurisdiction of the Court issuing such process, and affidavit thereof duly made as heretofore accustomed, or in case the defendant has a known place of abode within the jurisdiction of the Court from which such writ or process may have issued and shall then be within the same, such writ or process may be served at the usual place

place of abode of such defendant, by delivering a copy of the writ or process with any requisite notice to the wife of such defendant, or to an adult person residing in the house, being a member or inmate of the family of such defendant; provided that such last mentioned service shall not be deemed a good service without the order of the Court out of which the writ or process issued, or a Judge thereof, upon affidavit shewing to the satisfaction of such Court or Judge the circumstances of such service, and that the place where the writ or process was served was at the time of such service the usual place of abode of such defendant.

WITNESSES.

XLV. 'And whereas it is expedient to declare the law with respect to witnesses refusing to answer questions which may tend to subject them to civil suits;' Be it therefore declared, That a witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture of any nature whatsoever, by reason only or on the sole ground that the answering of such question may establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit either at the instance of Her Majesty or of any other person or persons.

Witnesses cannot by law refuse to answer relevant questions which have no tendency to self accusation, &c.

XLVI. And be it enacted, That throughout this Act, in the construction thereof, (except there be something in the subject or context inconsistent with or repugnant to such construction,) the words or expression "any Court of Record," shall extend to and mean the Supreme Court, any Inferior Court of Common Pleas, and the Mayor's Court in and for the City and County of Saint John.

Construction of term 'Court of Record.'

CAP. XL.

An Act to consolidate and amend the several Acts of Assembly relating to Summary Actions.

Passed 14th April 1849.

WHEREAS it is considered expedient that the several Acts of Assembly relating to Summary Actions, both in the Supreme and Inferior Courts of Common Pleas, should be arranged and consolidated into one Act;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several Acts and parts of Acts hereinafter mentioned shall be and the same are hereby repealed, (save as hereinafter otherwise is provided,) that is to say: The fifth, sixth, seventh and eighth Sections of an Act made and passed in the thirty fifth year of the Reign of His Majesty King George the Third, intituled *An Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions*; also an Act made and passed in the forty second year of the same Reign, intituled *An Act in addition to an Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trial of actions*; also an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to establish and regulate a Summary Practice in the Supreme Court*; also an Act made and passed in the fifth year of the same Reign, intituled *An Act to amend the Law relating to a Summary Practice in the Supreme Court*; also an Act made and passed in the sixth year of the same Reign, intituled *An Act to amend the Law relating to the Summary Practice in the Inferior Courts of Common Pleas*; also the second and subsequent Sections of an Act made and passed in the sixth year of the Reign of Her present Majesty, intituled

The following Acts and parts of Acts repealed:

35 G. 3, c. 2, s. 5, 6, 7 & 8.

42 G. 3, c. 7.

4 W. 4, c. 41.

5 W. 4, c. 39.

6 W. 4, c. 48.

6 V. c. 33, s. 2, et. seq.

Reservations from the effect of the repeal.

The several Courts of Record may proceed in a summary way in actions of debt, &c., not exceeding £20.

Contents and service of writs and bill of particulars.

Bail or appearance.

General issue.

Trial.

Judgment by default.

Defendant may file a demurrer to the writ in lieu of the general issue.

Court to give judgment as the right of the cause may require; and if for plaintiff, damages to be assessed.

No defendant to be held to bail for less than £5, and unless affidavit be made.

intituled *An Act to amend the Law relating to the practice in the Inferior Court of Common Pleas, and render the same uniform in the several Counties*: Provided always, that nothing in this Act contained shall extend to repeal any of the said recited Acts, so far as they or any of them repeal any former Acts; provided also, that any rules of Court or regulations heretofore made, under and by virtue of any authority given in and by the said recited Acts, shall be and still continue valid and applicable to the provisions of this Act, so far as consistent with the same, until such rules and regulations may be altered; and provided also, that all actions commenced before the passing of this Act may still be proceeded with to their final termination, in the same manner as if this Act had not been made and passed.

II. And be it enacted, That the several Courts of Record in this Province are hereby empowered in all actions of debt, covenant, assumpsit, trover, and conversion and trespass to personal property, instituted in any of the said Courts, the sum total whereof shall not exceed twenty pounds, to proceed in a summary way, by the examination of witnesses in open Court, or other legal evidence, to try the merits of such causes wherein no dilatory plea shall be admitted, and to determine thereon according to law or equity, and enter up judgment accordingly, unless such cause shall be put to issue by a Jury, in which case such causes shall be tried according to the rules and practice of said Courts respectively, as in other cases, and that the finding of the Jury in such cases shall be final.

III. And be it enacted, That in the said causes the bill of complaint or declaration shall be inserted in the writ, a copy of which, with a copy of the particulars of the plaintiff's demand, in cases where the defendant is entitled to the same, shall be served on the defendant, who shall, at the term to which the writ is returnable, or within thirty days after, put in bail or enter his appearance in the said action, and if he intend to defend the same, file the general issue, and give a copy thereof to the plaintiff or his attorney; and the said cause shall be tried and determined by the Jury according to the rules and practice of the Court made or to be made for such purpose; and in case the defendant shall fail to enter his appearance and plead within the time aforesaid, that then judgment may be entered by default in the said cause without any rule to plead; or if the cause be bailable, and the defendant should fail to enter special bail within the said term of thirty days, then the plaintiff may proceed against the Sheriff or on the bail bond, as in ordinary cases; provided always, that the Court, or a Judge thereof, may let in the defendant to appear and defend, or give relief to the Sheriff or bail, in like manner and upon such terms as in actions not summary by the practice of the said Court may be done, after interlocutory judgment or proceedings had against the Sheriff or on the bail bond.

IV. And be it enacted, That in such summary actions the defendant may file a demurrer to the writ, in lieu of the general issue, and give a copy thereof to the plaintiff or his attorney, which demurrer shall be in a brief and summary form, and notice in writing of the ground thereof shall be given to the plaintiff or his attorney at the same time with such copy; and upon such demurrer, the Court shall give judgment according as the very right of the case shall require, without regarding any imperfection, defect, or want of form in the writ; and if judgment be given for the plaintiff, the Court may proceed to assess the amount to be recovered, in like manner as in the case of judgment by default, and no arrest of judgment shall be allowed in such summary actions.

V. And be it enacted, That no defendant shall be held to bail in any such summary action unless the plaintiff's cause of action shall amount to upwards of five pounds, and affidavit thereof be made and filed as heretofore accustomed.

VI. And be it enacted, That in such summary actions any matters in bar to the action which in actions not summary ought to be pleaded specially, may be given in evidence under the general issue, provided that notice in writing of such matters be given to the plaintiff or his attorney at the same time with the plea; and infancy or coverture of the defendant shall not in any summary action be given in evidence unless notice thereof be given.

Special matter may be given in evidence under the general issue.

Infancy or coverture.

VII. And be it enacted, That after the expiration of twenty days after the day on which any such judgment by default shall be entered, the damages or the amount to be recovered, may be assessed by a Judge of the Court in term or vacation; and upon the production of such assessment, signed by such Judge, it shall be lawful for the Clerk of such Court to tax the costs and sign judgment, whereupon execution may issue forthwith; provided that the defendant in any such action, may, upon due application therefor, have such inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry or assessment, shall have power to order the same to be made by a Jury, in like manner as is now the law and practice in cases before the Court in Term; and provided also, that a true copy of the taxed bill of costs shall be filed with the judgment papers in all summary actions, for which a fee of one shilling shall be allowed and no more; and no execution shall issue on any judgment hereafter to be entered, unless such bill of costs shall be so filed.

Twenty days after judgment by default, damages, &c., may be assessed by a Judge.

Assessment on application to be made by a Jury.

VIII. And be it enacted, That every judgment to be entered by virtue of this Act, may be entered as the judgment of the Court, although the Court may not be sitting on the day of entry and signing thereof; and every execution issued by virtue of this Act on any judgment taken in vacation, shall and may bear teste on the day of the issuing thereof, (if issued before the next term after judgment was so signed,) and such judgment and execution shall be as valid and effectual as if the same had been entered of record, signed and issued in the ordinary course.

Judgment to be entered as of the Court, although not sitting.

Teste of Execution.

IX. And be it enacted, That the Clerk of the said Court shall keep a Book in which shall be entered a memorandum of every final judgment so given, whether by default, or tried or determined in a summary way, under the provisions of this Act, a copy of which said judgment, certified by the Clerk, under the Seal of the Court, shall be evidence of such judgment in all Courts in this Province.

Clerk of Court to record judgments.

Certified copy of judgment to be evidence.

X. And be it enacted, That no Attorney at Law shall have any privilege in any such summary actions, but may be proceeded against in all respects the same as any other person, and may in like manner be held to bail.

No Attorney at Law to have any privilege in summary actions.

XI. And be it enacted, That the venue in all summary actions within the meaning of this Act, instituted in the Supreme Court, shall be set forth in the margin of the writ, subject to be changed by rule or order of such Court according to the ordinary practice thereof; and if any cause in which the venue shall be laid or changed in or to any other County than the County of York, shall be defended and put to a Jury as aforesaid, the same shall be tried at Nisi Prius in the County in or to which the venue is laid or changed, in such manner and form as the said Supreme Court by general rule or order shall prescribe and direct.

Venue to be set forth on the writ, subject to be changed.

Trial to be had where venue laid or changed.

XII. And be it enacted, That no judgment in summary actions shall affect or bind lands; nevertheless, in summary actions brought in the Supreme Court, lands may be taken in execution, and sold under the like regulations as in other cases.

Judgment not to bind lands.

XIII. And be it enacted, That no defendant shall remove any such action into the Supreme Court by habeas corpus or certiorari.

No defendant to remove action to the Supreme Court.

XIV. And be it enacted, That the Supreme Court may establish such general rules and regulations in regard to summary actions, to be observed as well in the Supreme

Supreme Court to make general rules for summary actions.

Supreme Court as in the several Inferior Courts, not repugnant to this Act, as they from time to time consider necessary; provided that the ordinary practice of the said Courts respectively shall regulate the proceedings in such actions in matters not herein or by some general rule or regulation of the Supreme Court specially provided for.

No Attorney to commence any action unless authorized in writing.

XV. And be it enacted, That no Attorney shall commence any action in any Court in this Province, either by himself or his agent, unless first having been authorized in writing by the plaintiff or his agent.

Construction of Term 'Court of Record.'

XVI. And be it enacted, That throughout this Act, in the construction thereof, (except there be something in the subject or context inconsistent with or repugnant to such construction,) the words or expression "Courts of Record," shall extend to and mean the Supreme Court, any Inferior Court of Common Pleas, and the Mayor's Court in and for the City and County of Saint John.

Fees to be as herein specified.

XVII. And be it enacted, That the Fees attending the prosecution and defence of summary actions shall be as follows:—

Judges.

For the Judges of the Court.

On entry of the Cause,	£0	2	0
On final Judgment after judgment by default or confession, (including assessment of damages, if any,)	0	2	6

Clerk.

For the Clerk.

Signing, sealing, and filing every Writ,	0	1	6
Filing every Paper not otherwise provided for,	0	0	6
On entry of Cause, including filing Writ and Return,	0	1	0
On interlocutory Judgment and for Certificate of same, if required,	0	1	0
Entry of final Judgment, whether after default, confession, demurrer or trial,	0	2	0
Taxing Costs,	0	1	0

Attorney.

For the Attorney.

Writ, Declaration, (including particulars, if any,)	0	11	8
Each copy,	0	2	6
If bailable, for Affidavit and Oath,	0	2	0
(No copy of Writ to be served on or taxed for bail.)			
Alias or Pluries Writ, &c.,	0	3	0
Each copy,	0	2	0
Entry Docket on filing the Writ, and entry of Cause after service,	0	2	6
Interlocutory Judgment,	0	2	6
Copy of Bill of Costs, to file,	0	1	0
All other proceedings after interlocutory to final Judgment,	0	5	0
Every Execution,	0	2	9

[No Execution to be taxed or allowed in Bills of Costs, but to be endorsed on Execution and levied for with debt and costs, being 5s. made up thus—

Attorney,	£0	2	9
Clerk, signing, sealing and filing,	0	1	6
Sheriff on return,	0	0	9
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And when the suit is defended, all further proceedings by the plaintiff after appearance, and also the costs of defence by the defendant, shall be for the Justices,

Justices, Clerk and Attornies respectively, the same as are now allowed and taxable by law in actions not summary in the Inferior Court of Common Pleas for like services ; provided that no fee shall be allowed for making up a record or for a venire, or any other service not actually performed.

For the Counsel.

Counsel.

On every cause entered for trial, and for every argument before the Court in term, a fee of not less than eleven shillings and eight pence, nor more than two guineas, as the presiding Judge may determine ; provided that no Counsel fee shall be taxed for any argument, except in such cases as the Supreme Court can by law tax for similar services.

For the Sheriff, Constable, Crier, or Witness.

Sheriff, &c.

The same as in actions not summary in the Court where the action is brought.

XVIII. And be it enacted, That if the plaintiff proceed according to the ordinary practice of the Court, in any case in which by the provisions of this Act the proceedings ought to be summary, or when the true debt or damages to be recovered shall not exceed twenty pounds, although the actual amount of judgment entered may be for a penalty, or on confession, for a larger sum than twenty pounds, with a condition or agreement for the payment of a lower sum, not exceeding twenty pounds, he shall not be entitled in any such case to more costs than if he had proceeded in a summary manner, unless he obtain the order of the Court, or of a Judge of the Court in which the judgment is obtained, for the larger costs, upon good cause shewn therefor.

Costs where plaintiff does not proceed summarily when authorized by this Act.

XIX. And be it enacted, That no fees for the execution or service of writs in summary actions, shall in any case be taxable or allowed in the costs, unless such writ shall have been served by the Sheriff or his Deputy, or in cases where the Sheriff is a party, by the Coroner.

No fees taxable for service of writs, unless done by the Sheriff.

Example of Bill of Costs to be taxed under this Act, on a judgment by default.

Pro forma
Bill of Costs.

A. B. vs. C. D.

Writ,	£0	11	8
Copy of Writ,	0	2	6
Clerk, signing and sealing,	0	1	6
Judge on entry and return of Writ after service,	0	2	0
Clerk on entry of cause and filing Writ and Return after service,	0	1	0
Attorney on entry as aforesaid,	0	2	6
Attorney on Interlocutory Judgment,	0	2	6
Clerk on Certificate of same,	0	1	0
Attorney for copy of Bill of Costs filed,	0	1	0
Judge on assessment of Damages and final Judgment,	0	2	6
Clerk on taxing Costs,	0	1	0
Clerk on final Judgment,	0	2	0
Attorney on proceeding to final judgment,	0	5	0
	£1		16 2

Sheriff's fees to be added ; also, if a bailable cause, 2s. for affidavit and oath.

CAP. XLI.

An Act to amend the Laws relating to Juries.

Passed 14th April 1849.

Repeal of the following Acts and parts of Acts:

26 G. 3, c. 6.

131 G. 3, c. 6.]

45 G. 3, c. 9.

6 G. 4, c. 19.

6 W. 4, c. 47.

7 W. 4, c. 13.

7 W. 4, c. 14, s. 31.

4 V. c. 1.

4 V. c. 2, s. 3.

11 V. c. 15.

Reservations from effect of repeal.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and declaring the qualifications of Jurors*; also an Act made and passed in the same year of the same Reign, intituled *An Act in addition to an Act, intituled "An Act for regulating Juries, and declaring the qualifications of Jurors,"* also another Act made and passed in the forty fifth year of the same Reign, intituled *An Act in addition to an Act, intituled "An Act for regulating Juries, and declaring the qualifications of Jurors*; also another Act made and passed in the sixth year of the Reign of His late Majesty George the Fourth, intituled *An Act to provide for the more effectual recovery of fines imposed upon Jurors and Officers attending the Courts of Justice in this Province*; also another Act made and passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act in addition to an Act for regulating Juries, and declaring the qualifications of Jurors*; also another Act made and passed in the seventh year of the same Reign, intituled *An Act to amend the Act for the more effectual recovery of fines imposed upon Jurors and Officers attending the Courts of Justice in this Province*; also the thirty first Section of another Act made and passed in the same year of the same Reign, intituled *An Act for the amendment of the Law and the better advancement of Justice*; also another Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts in this Province*; also the third Section of another Act made and passed in the same year of the same Reign, intituled *An Act in addition to the Acts relating to Circuit Courts*; also another Act made and passed in the eleventh year of the same Reign, intituled *An Act in addition to the Law relating to Juries*; be and the same are hereby repealed, except so far as the said Acts or any of them may repeal the whole or any part of any other Acts not hereby repealed, and except also that for all acts done or liabilities incurred under and by the authority of the said Acts, or any of them, hereby repealed, proceedings may still be had or continued, if already commenced under and by authority of the said Acts, or any of them, as if the said Acts had not been repealed.

SUMMONING AND SELECTING JURIES BEFORE TRIAL.

Qualification of Grand and Petit Jurors.

II. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person shall be qualified to serve as a Grand Juror unless such person shall be possessed of a freehold in the County where he resides of the clear yearly value of ten pounds, or of personal estate of the value of one hundred pounds; and that no person shall be qualified to serve as a Petit Juror unless he hath a freehold estate of the value of twenty shillings a year, or is possessed of real or personal estate of the value of fifty pounds; and if any of a lesser estate be returned it shall be good cause of challenge, and the party returned shall be discharged upon said challenge, or upon his own oath.

Lesser estate to be ground of challenge and discharge.

Jurors to have six days summons or notice.

III. And be it enacted, That no Sheriff or other officer shall return any person to have been summoned (A) unless such person shall have been duly summoned six days before the day of appearance; and in case any Juror be absent from his habitation, a summons shall be given by leaving a note (A) in writing under the hand of such officer, at the dwelling house of such Juror with some person there inhabiting.

IV.

IV. And be it enacted, That it shall be the duty of the Sheriff of each County, upon notice to be given him of the time and place appointed for the holding of any of the Courts herein after specified by the Clerk of the Court at which the trials are to be had, and without any notice where the time is fixed by law for holding any of the said Courts, and also without any venire, distringas, precept, or other process whatever, duly to summon (A) from the body of the County generally, twenty four men qualified as by law required, to serve as Grand Jurors, and twenty four other men also qualified as aforesaid, to serve as Petit Jurors, to attend at and for the Courts of Nisi Prius, Sittings after Term, Oyer and Terminer and General Gaol Delivery, or for any of the said Courts where they may be held together or separately, and also at and for the General Sessions of the Peace and Inferior Courts of Common Pleas in each County, at the time and place hereinbefore mentioned for holding such Courts respectively, provided that nothing herein shall be construed to prevent any distringas or other Jury process being issued for the summoning of any Jury in any case where by law the Sheriff cannot act, or not otherwise provided for by this Act.

Sheriff on notice from the Clerk of herein specified Courts to summon 24 Grand and 24 Petit Jurors.

Distringas or Jury process may issue where by law Sheriff cannot act, &c.

V. And be it enacted, That it shall be the duty of the Clerk of the Circuits on receiving any Commission of Oyer and Terminer and General Gaol Delivery, to give notice (B) to the Sheriff of the County where the said trials are to be had, of the time and place appointed for holding the said Courts respectively, requiring him to summon twenty four men qualified by law to serve as Grand Jurors at such Court, and twenty four other men qualified in like manner to serve as Petit Jurors at the said Court; and the said Clerks and Sheriffs respectively shall be liable to the penalties for any disobedience of the provisions of this Act as herein-after provided; provided always, that where such Court of Oyer and Terminer and General Gaol Delivery is appointed to be held at the same time and for the same County as the Court of Nisi Prius, (the time for holding which is fixed by law,) the Sheriff shall not be required to summon more than one Petit Jury in the first instance, which shall serve for both Courts.

Clerk of the Circuits to give notice to Sheriff on receiving Commission of Oyer and Terminer, &c.

When the Court is held simultaneously with Court of Nisi Prius, one Petit Jury to serve for both Courts.

VI. And be it enacted, That the Sheriff of each County shall between the first day of January and the fourteenth day of February in each year, make out a list of all persons qualified to serve upon Juries, who have resided within the said County for three months preceding, with their titles and additions, between the age of twenty one years and the age of sixty years, and return the same into the office of the Clerk of the Peace in their respective Counties, which Clerks respectively shall cause the same to be fairly entered in a Book to be by them provided and kept for that purpose, among the Records of the Sessions of the said County; and no Sheriff shall empanel or return any person or persons to try any issue joined in any Court of Record in this Province, that shall not be named and mentioned in such list.

Sheriff annually to make a list of persons qualified to serve as Jurors, and file it with the Clerk of the Peace.

Clerk to record the lists.

VII. ' And whereas it is necessary to make provision for the more convenient striking of special Jurors; Be it enacted, That upon motion made in the Supreme Court on behalf of Her Majesty, or on motion of any prosecutor or defendant in an indictment or information for any misdemeanor, or information in the nature of a quo warranto, or on motion of any plaintiff or defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the Clerk of the Peace of the County in which the venue is laid; and the party obtaining such order shall get an appointment from the said Clerk, of the time and place for striking the said Jury, and shall serve a copy of the said order and appointment on the opposite party or his attorney; at which time and place the said Clerk of the Peace, or his Deputy, shall attend with the Jury list returned

Mode of obtaining and striking special Juries.

in the office of such Clerk, and shall then and there, in the presence of the parties, or their counsel or attorneys, proceed to strike a Jury in the manner following:—

First—He shall select from said Jury list entered in his office, the names of forty eight persons whom he shall deem most indifferent between the parties, and best qualified to try such cause, and whose attendance is likely to be procured, and if no such list shall be entered for the current year, the selection shall be made from the list of the preceding year.

Second—The party on whose application such special Jury was ordered, or his attorney or counsel, shall then first strike out one of the said names, and the opposite party, or his attorney or counsel, shall strike out another of such names, and so alternately until each party shall have struck out twelve names.

Third—If either party shall fail to attend for striking such Jury, or shall neglect to strike out any names according to the foregoing provisions, the Clerk or his Deputy shall strike for such party.

Fourth—The Clerk or his Deputy shall thereupon make out a list of the names of the twenty four persons not struck out, and certify the same to be the persons drawn to serve as Jurors, pursuant to the order of the Court, and shall deliver such list so certified to the Sheriff of the County, Coroner, or Returning Officer, as the case may require, who shall proceed to summon the said Jurors pursuant to the directions of this Act, without any writ of distringas or other process whatever.

If Clerk of the Peace be interested Court may appoint two persons to strike the Jury.

VIII. And be it enacted, That if it shall be made to appear to the said Court that the said Clerk is interested in the cause, related to either of the parties, or not indifferent between them, the said Court shall nominate and appoint two fit and proper persons to strike said Jury, who shall have the same powers and shall conduct the striking of the said Jury in the same manner as is herein pointed out for the said Clerk.

CHALLENGES AND OTHER MATTERS ON TRIAL.

Grand and Petit Juries to be the Juries for trial of all civil and criminal cases.

How empanelled for causes not criminal.

IX. And be it enacted, That the Grand and Petit Juries respectively so returned, shall be the Juries for hearing and determining all causes, criminal and civil, to be heard or tried at the said Courts, or any of them, during the several sittings thereof, pursuant to the respective jurisdiction and authority given to such Juries by law; and in all causes other than criminal causes, the name of each Petit Juror summoned, empanelled and returned as hereinbefore mentioned, in either of the said Courts, shall be written on distinct pieces of paper of equal size, as near as may be, and shall be delivered to the Clerk of such Courts respectively, to be rolled up and put into a box; and when a case is brought on to be tried, the said Clerk, or some indifferent person, shall, in open Court, draw out twelve of the papers; and if any of the persons drawn shall not appear, or be challenged, or set aside, then a further number, till twelve be drawn who shall appear; and the said twelve persons so drawn and approved, their names being marked in the panel, and being sworn, shall be the Jury to try the cause; and the names of the persons sworn shall be kept apart in some other box till the Jury have given in their verdict, and the same is recorded, or till the Jury be discharged; and then the same names shall be rolled up again and returned to the former box, and so toties quoties; and if a cause shall be brought on to be tried, before the Jury in any other cause shall have brought in their verdict, or be discharged, the Court may order twelve of the residue to be drawn as before for trial of the cause.

X. And be it enacted, That in all causes criminal or civil, where the Jury is like to remain untaken for default of Jurors, the Justices shall have authority to command the Sheriff or other officer of the Court, to name so many other persons of the County qualified by law then present as shall make up a full Jury, the names of which persons shall be added to the former panel.

Court may order
Talesmen.

XI. And be it enacted, That the neglect of any Sheriff to make out and return such list of Jurors pursuant to the directions of this Act, or of the Clerk of the Peace to enter such list in a Book, or the omission or insertion of the name of any person in such list who may be qualified or not qualified to serve as a Juror, or any error in the description of such Juror, or any other defect in the same, or the empanelling or returning of any person or persons not named and mentioned in such list, shall not be deemed or allowed as any ground of excuse or objection to any person (otherwise qualified) being summoned, sworn or serving as a Grand Juror or a Petit Juror for the trial of any issue joined in any Court of Record in this Province, or of any ground of challenge either to the array or to the poll of the Grand or Petit Jurors.

Default of Sheriff in
making list, or
Clerk in recording,
not to be ground of
challenge, &c.

XII. 'And whereas it is considered desirable to allow either party to challenge peremptorily a limited number of Jurors without assigning any cause;' Be it therefore enacted, That when any Jury, other than a special Jury, may be empanelled for the trial of any issue joined, or any inquisition to be taken in any action or prosecution in any Court of Record in this Province, except in cases where by law a peremptory challenge is now allowed, the party plaintiff, prosecutor, defendant, or prisoner, may, as the Jurors come to the book to be sworn, peremptorily challenge not exceeding three of the Jurors, which challenge shall be allowed by the Court, or Judge, or officer presiding, before whom such issue or inquisition may be tried or taken; provided that this Act shall not be construed to authorize either party to challenge peremptorily more than three Jurors, notwithstanding such party may consist of several persons; and provided also, that nothing herein contained shall be construed to impair or abridge the right to any challenge for cause as heretofore practised.

Three Jurors (not
special) may be
challenged peremp-
torily in any cause.

XIII. And be it enacted, That where a view shall be allowed, six of the Jurors or more (who shall be consented to on both sides, or if they cannot agree, shall be named by the proper officer of the Court, or if need be, by a Judge, or by the Judge before whom the cause shall be brought to be tried,) shall have the view, and shall be first sworn, or such of them as appear on the Jury before any drawing; and so many only shall be drawn to be added to the viewers as shall make up the number of twelve.

Appointment of
Jury of view.

XIV. 'And whereas it may sometimes happen that objection may be taken to the array of the Grand Jury returned by the Sheriff or other officer at the Courts of Oyer and Terminer and General Gaol Delivery for any County, and in consequence thereof, such Grand Jury may be discharged;' Be it therefore enacted, That whenever at any such Court of Oyer and Terminer or General Gaol Delivery, or Sittings after Term, any Grand Jury returned by any Sheriff or other officer, shall be discharged by the Court in consequence of some legal objection being taken to such Jury, or for any other cause satisfactory to the Court, such Court may order a new Grand Jury of twenty four men to be summoned; and the Clerk of the Circuits shall give notice (B) to the Sheriff for the summoning of such Jury; and it shall be the duty of the Sheriff to summon such Jury within such time as the said Court shall order, and as in the said notice shall be mentioned in the like manner as in the case of summoning a second Petit Jury at and for the same Court, as hereinafter mentioned; which said Jury shall be subject to the

Court may on legal
objection to a
Grand Jury, order
a new one.

How effected.

like

like fines and penalties for non-attendance, or for any misdemeanor or default at the Court to which they may be summoned, as if summoned and returned upon the first panel of Grand Jurors.

The Court may, when necessary, order a second Jury during the same sittings.

XV. 'And whereas from the increased business in the Supreme Court, or from other causes, it may sometimes be necessary to require the attendance of a second Jury for the trial of causes at the Circuit Courts, or Sittings, or Courts of Oyer and Terminer and General Gaol Delivery;' Be it enacted, That it shall and may be lawful, whenever the same shall appear to the Court to be necessary, and the said Court shall so order, for the Clerk of the Circuits, or his Deputy, to give notice to the Sheriff of the County where such Court may be holden, requiring such Sheriff to summon twenty four men, duly qualified as by law required, to appear and serve as Jurors for the trial of causes, both civil and criminal, at such Circuit Court, or Sittings, or Court of Oyer and Terminer and General Gaol Delivery, as the case may be, on a day to be named in such notice, which day shall in no case be earlier than the sixth day after the day appointed for the opening and commencement of such Courts respectively; and it shall be the duty of the Sheriff to cause such persons to be duly summoned in like manner as the first Jury, and shall return a panel of such Jurors to the Court on the day named in the notice; and such Jurors, being duly summoned according to this Act, shall give their attendance, and shall be charged and bound in such and the like manner, and upon the like pains and penalties for non-appearance and non-attendance, or for any misdemeanor or default, at the Court to which they may be summoned, as if summoned and returned upon the first panel of Jurors for the trial of causes at such Courts respectively.

The Court may, in capital cases, order a larger number of Jurors to be summoned for the trial of such criminals.

XVI. 'And whereas it may occasionally be necessary for the trial of any person or persons indicted for any capital felony, that more than the ordinary number of Jurors should be summoned;' Be it therefore enacted, That it shall and may be lawful, whenever the same shall appear to be necessary, for any Judge of the Supreme Court, or Commissioner who may preside at any Court of Oyer and Terminer or General Gaol Delivery, or Sittings after Term, holden as aforesaid, at which any indictment may be preferred, or shall come on to be tried against any person or persons, for any felony or crime for which the punishment of death is awarded, to direct the Clerk of the Circuits to give notice (B) to the Sheriff of the County in which such Court may be holden, to summon such number of men, qualified as by law required, as by the same Court may be ordered and in the said notice shall be mentioned, to appear and serve as Jurors for the trial of the person or persons so indicted as aforesaid, on a day to be named in the same notice, which day shall in no case be earlier than the third day, inclusive, after the day on which such notice shall be delivered to such Sheriff; and it shall be the duty of such Sheriff to cause such persons to be personally summoned in the same manner as other Jurors, and shall return a panel of such Jurors to the Court on the day named in the notice, and such Jurors, so summoned, shall give their attendance accordingly; and the names of such Jurors so summoned, empanelled, and returned, shall be called from the said panel when the indictment is to be tried; and if any of the persons so called as Jurors shall not appear, or shall be challenged, excused, or set aside, then a further number shall be called, until twelve shall be allowed and sworn, who shall be the Jury for the said trial; provided always, that in case a sufficient number of Jurors named in such panel shall not appear or be allowed, a tales may be awarded to complete the Jury, as is now by law directed; and provided also, that no Juror shall be fined for non-attendance, according to the exigency of such notice, unless proof be

be duly made by affidavit, or viva voce in open Court, by the summoning officer, that he was personally summoned at least forty eight hours before the time appointed for his appearance.

XVII. And be it declared and enacted, That the Grand Jury and Petit Jury in attendance on any Court of Nisi Prius, Sittings after Term, or Court of Oyer and Terminer and General Gaol Delivery, shall re-assemble and attend at any adjournment of such Courts respectively made, pursuant to an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act in addition to the Act relating to Circuit Courts*, if thereto required by the presiding Judge at the time of such adjournment, and shall be liable to the like pains and penalties for non-appearance and non-attendance, and for any misdemeanor or default, as such Jurors are by law liable to in any Circuit Court or Court of Oyer and Terminer and General Gaol Delivery.

The Court may require the same Juries to re-assemble on any adjournment under the Act 4 V. c. 2,

JURIES ON INQUESTS.

XVIII. And be it enacted, That no person shall be liable to be summoned or empanelled to serve as a Juror in any County in this Province, upon any inquest or inquiry to be taken or made by or before any Sheriff or Coroner in any civil suit, by virtue of any writ of inquiry issuing out of any of the Courts of this Province, or by virtue of any other legal authority or power whatsoever, who shall not be duly qualified to serve as a Juror upon any trial in any Court of Law within this Province.

Jurors on Inquests to have the same qualifications as Jurors in Courts of Law.

FINES AND EXPENSES OF JURORS, AND SUMMONING.

XIX. And be it enacted, That every person summoned as hereinbefore mentioned, to serve as a Grand Juror, and who shall not appear after being openly called three times, upon oath made by the summoning officer that such person so making default had been lawfully summoned, shall forfeit and pay for every such default such fine, (not exceeding the sum of three pounds nor less than twenty shillings,) as the Judge presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by oath, affidavit, or affirmation, to the satisfaction of the said Judge.

Fine of Grand Jurors for default in attendance.

XX. 'And whereas much delay and obstruction have occurred in the administration of justice for the default of Jurors in attendance on some of the Circuit Courts in this Province;' Be it therefore enacted, That every person who may be duly summoned to attend as a Petit Juror at any Court of Oyer and Terminer or Gaol Delivery, or Court of Nisi Prius, or Sittings after Term, and who shall not appear when called, upon the trial of any criminal or civil cause in any such Court, shall, on due proof being made by oath or affidavit of the summoning officer that such person hath been lawfully summoned, forfeit and pay for the first default any sum not exceeding ten shillings, and for every subsequent default any sum not exceeding five shillings, as the presiding Judge at such Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be assigned and proved to the satisfaction of such Judge; provided always, that the amount of said fines to be levied on each Juryman for the several defaults at any one Court, shall not exceed the sum of five pounds; such fines so inflicted as aforesaid to be levied and collected as hereinafter provided.

Fine of Petit Jurors for default in attendance.

XXI. And be it enacted, That if any person or persons having been duly summoned to serve on a Jury in any County in this Province upon any inquest or inquiry before any Sheriff as aforesaid, or Coroner, shall not, after being openly called three times, appear and serve on such Jury, every such Sheriff, or in his

Fines of Jurors summoned upon Inquests.

absence,

absence, the Under-Sheriff, and every such Coroner, is hereby authorized and empowered (unless some reasonable excuse shall be proved on oath or affidavit) to impose such fine upon every person so making default, as they shall respectively think fit, not exceeding ten shillings; and every such Sheriff, Under-Sheriff, and Coroner respectively, shall immediately after taking such inquisition, make out and sign a certificate, containing the christian and surname, the residence and trade or calling of every person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the Clerk of the Court out of which the writ of inquiry in such case shall have issued, within thirty days after imposing such fine; and every such Clerk is hereby required, within such time as aforesaid, to enter the fines so certified on a roll or schedule, in the same manner as all other fines imposed by such Courts respectively on Jurors are entered; and the same shall be levied and applied as herein-after mentioned.

Jurors on Inquests not to be allowed more than 2s. 6d.

XXII. And be it enacted, That no person who shall, after the passing of this Act, serve on any such Jury, in any County of this Province, upon any inquest or inquiry before any Sheriff or Coroner, shall be allowed to take, for serving on such Jury, more than the sum of money which such Sheriff, or in his absence, the Under Sheriff, or such Coroner, shall think just and reasonable, not exceeding the sum of two shillings and six pence.

Costs of special Juries to be paid by party applying for such Jury, unless Court otherwise direct.

XXIII. And be it enacted, That in all cases the party who shall apply for a special Jury shall not only pay the fees for striking such Jury, but shall also pay all the expenses occasioned by the trial of the cause by such special Jury, and shall not have any other allowance for the same, upon taxation of costs, than such as he would be entitled unto in case the cause had been tried by a common Jury, unless the Judge before whom the cause is tried, immediately after the trial, certify in open Court, under his hand, upon the back of the Record, that the same was a cause proper to be tried by a special Jury, and such certificate may be granted as well where the plaintiff may be non-suited as in the case of a verdict against him.

Special Jurors not to receive more than Court allows, limited to 5s. per day.

XXIV. And be it enacted, That any person who shall serve upon any special Jury, appointed or returned by authority of the said Act, shall be allowed to take, for serving on such Jury, no more than the sum of money which the Judge who tries the issue or issues shall think just and reasonable, not exceeding the sum of five shillings per day, and that the Sheriff for summoning and returning such Jury shall be entitled to receive a sum not exceeding thirty shillings, to be taxed at the discretion of the Judge.

Sheriff to be paid out of County Fund for preparing lists of Jurors.

XXV. And be it enacted, That each Sheriff shall have and receive such sum of money for his expenses and trouble in making out and returning the list of Jurors hereinbefore mentioned, as the Justices in their General Sessions shall deem to be an adequate compensation therefor, and they shall thereupon order the same to be paid by the Treasurer of the County, out of the monies in his hands belonging to such County respectively, and such sum so to be allowed to the Sheriff shall be deemed a County charge, and shall be provided for as other County charges are or may be by law.

MODE OF RECOVERY OF FINES.

All fines on Jurors to be recovered by levari facias.

XXVI. And be it enacted, That all fines which may by law be imposed on Grand Jurors, Petit Jurors, Constables and other officers or ministers of the law whomsoever, for non-attendance on any Court on which by law they are bound to attend, shall and may be recovered and levied by writ of general levari facias, issuing

issuing out of the Courts imposing such fines respectively, together with the costs of levying the same; and such fines shall, when received either by the Clerk of the Court imposing the same, or by the Sheriff or other officer by whom the same may be levied, be paid over and accounted for to the Treasurer of the County in which the Court sits, to be from time to time applied by the respective Courts which shall have imposed such fines, for the payment of expenses of witnesses, Constables attending the respective Courts imposing such fines, and other contingent charges on criminal prosecutions, and for the support of criminals in such respective Counties.

XXVII. And be it enacted, That the Clerk of the Court by which any such fine or fines as are mentioned in the said Act shall have been set or imposed, shall, within twenty days after the adjournment of such Court, enter on a roll or list the names of the persons upon whom any fine or fines shall have been set or imposed at such Courts, and their places of residence, together with the amount of fines set or imposed upon each respectively, and shall within such time as aforesaid, prepare and deliver to the Sheriff of the County wherein such Court shall have been held, a writ of general levari facias according to the form in the Schedule to this Act annexed, to which writ the said roll or list shall be annexed; and that it shall be the duty of the Sheriff on receipt of such writ, forthwith to levy or cause to be levied of the goods and chattels of the several persons respectively, the fines mentioned in the said roll or list thereunto annexed, and to pay the amount of the said fines which may be so levied to the Treasurer of the County, whose receipt for the same, endorsed on such roll or list, shall be a sufficient discharge to the said Sheriff; provided always, that if before the issuing of such writ, any person or persons upon whom any such fine may be set or imposed, shall tender the amount thereof to the said Clerk, such Clerk shall, and he is hereby authorized and required to receive and pay the same to the said County Treasurer, and he shall mark the same on the roll or list as so satisfied; and that in such case the Sheriff shall not proceed to levy on such person or persons by virtue of the said writ.

Clerk to prepare lists of fines, and deliver writ of levari facias for the same to the Sheriff.

XXVIII. And be it enacted, That every Sheriff to whom any such writ of levari facias shall be delivered, shall be entitled to levy, recover and receive, in addition to the fine or sum mentioned in the roll or list, the sum of five shillings from each person named in such roll or list, on whom a levy may be made; such sum of five shillings to be received and retained by such Sheriff in lieu of any poundage fees or other charges to which he would be by any law or ordinance entitled, and in full of all such charges and all other charges attending such levy, the reasonable and necessary expenses attending the sale of any goods or chattels which may be levied alone excepted.

Sheriff's fees for service of such writs.

XXIX. And be it enacted, That it shall be the duty of the Sheriff, immediately on the receipt of such writ, to endorse thereupon the day of the month and year on which the same was so received, and within the space of three calendar months from such day, to make due return of his proceedings thereon, and to file such writ, together with the roll or list thereunto annexed, and his return thereto, with the Clerk by whom the same may have been issued, or his successor in office, to remain on file in the office of such Clerk; and that any Sheriff failing in the performance of the duty required by this Act, shall be considered guilty of a contempt of Court, and may for such offence be proceeded against and punished as for a contempt, or shall be subject to the penalty hereinafter mentioned; and it shall be the duty of such Clerk to report to the Court any omission or failure of the duty required of such Sheriff by this Act.

Sheriff to execute such writ within three calendar months.

One writ may be issued by the Clerk of the several Courts when combined.

XXX. ' And whereas the Clerk of the Circuits in this Province is also Clerk of the Courts of Oyer and Terminer and General Gaol Delivery, and such Courts are usually holden in the several Counties at the same time; and in like manner the Clerks of the General Sessions of the Peace are also Clerks of the Inferior Courts of Common Pleas of the several Counties respectively, and the Sessions are holden at the same time or terms as the said Inferior Courts, and defaults are usually committed by the same persons at both the Courts so holden at the same time, it is therefore deemed unnecessary that more than one writ of levari facias should be issued by the Clerks of the said Courts respectively at the same time; Be it enacted, That it shall and may be lawful for the Clerk of the Circuit Courts, and Courts of Oyer and Terminer and General Gaol Delivery, to include in the same roll or list as well any fines which may be set or imposed by the Circuit Court or Court of Nisi Prius, as the fines set or imposed by the Court of Oyer and Terminer and General Gaol Delivery holden at the same time and place, and to issue one writ of levari facias for the recovery of the same; and in like manner it shall and may be lawful for the Clerks of the General Sessions of the Peace and of the Inferior Courts of Common Pleas for the several Counties respectively, to include in the same roll or list the fines imposed by the said Sessions, and those imposed by the Inferior Courts holden at the same time and place, and to issue one writ for the recovery of the same; provided always, that nothing herein contained shall extend or be construed to authorize the imposition of any fines except by the Judge or Judges of the Courts respectively, at which the defaults or offences for which the same are imposed are committed, or to prevent the issue of several writs, should the said Courts so order and direct.

County Treasurer's duty on receiving fines.

XXXI. And be it enacted, That it shall be the duty of the Treasurers of the several Counties respectively, to whom any such fines may be paid, to keep the statements and accounts of the fines imposed by the Circuit Courts and Courts of Oyer and Terminer and General Gaol Delivery, distinct and separate from those imposed by the General Sessions and Inferior Courts of Common Pleas; and in like manner it shall be the duty of the Treasurer for the County of York to keep the statement of the fines imposed by the Supreme Court, or any of the Judges thereof, at any Sittings for the County, distinct and separate from those imposed by the Sessions and Inferior Court of Common Pleas of the said County; and it shall further be the duty of the said County Treasurers respectively to prepare and exhibit a true and correct statement and account, verified by the oath of the said Treasurer, as well of the amount received by him for fines as the sums paid therefrom by order of the Court imposing the same, and that such account shall be delivered on the first day of the sitting of the several Courts respectively, and remain on the files of such Court; and for the services to be performed by such County Treasurers, they shall be allowed to charge and retain two and one half per cent., or six pence in the pound, on the amount so received for such fines, and that any County Treasurer failing in the performance of the duty required of him by this Act, shall be considered guilty of a contempt of Court, and may for such offence be proceeded against and punished as for contempt.

Subsequent Courts to have the same powers as to fines as the preceding Courts.

XXXII. And be it enacted, That the several successive Circuit Courts and Courts of Oyer and Terminer and General Gaol Delivery sitting in and for the same County, shall, for the purposes of this Act, be vested with the like power and authority, with regard to any fines set or imposed, or orders made for the levying, receiving, paying, accounting for and appropriation thereof, at any previous Circuit Court and Court of Oyer and Terminer and General Gaol Delivery, as if such fines were set or imposed, or orders made at the same Courts, although

the

the said Courts may sit by virtue of several commissions or appointments issued or made at different times.

XXXIII. And be it enacted, That if any Clerk of any Court, or any Sheriff of any County, shall neglect or refuse to perform the duties or any of them required of them respectively by this Act, they or either of them so neglecting or refusing shall forfeit and pay the sum of twenty pounds for every such neglect or refusal, to be recovered by any person or persons who will sue for the same, together with full costs of suit, by action of debt or on the case, in any Court of Record; one half to be for the use of the person who shall sue for the same, and the other half to be paid to the County Treasurer, for defraying the expenses of criminal prosecutions and other contingent expenses of the County and of the respective Courts, which recovery shall be over and above any civil remedy to which any party grieved may be entitled.

Clerk and Sheriff to be severally liable to penalties for neglect or refusal of any of their duties.

EXEMPTIONS.

XXXIV. And be it enacted, That the Members of Her Majesty's Executive and Legislative Councils, the Members of the Assembly, Judges of the Supreme and Inferior Courts of Record, the Treasurer of the Province, Deputy Treasurers, Registers of Deeds, Surveyor General of Crown Lands, Secretary of the Province, Clerks of the Council and of the Assembly, Officers of Her Majesty's Customs, and Revenue and Naval Officers, Clergymen and Ministers of the Gospel, Attornies at Law, Officers of Her Majesty's Courts, Justices of the Peace, Physicians and Surgeons duly qualified by Law to practise as such, and licenced Teachers of Schools, shall be excused from serving as Jurors.

Exemptions from Jury services.

CONSTRUCTION OF TERMS.

XXXV. And be it enacted, That whenever in this Act words have been or shall be used importing one matter, the singular number, or masculine gender, or the County only, this Act shall be understood to include several matters as well as one matter, several persons as well as one person, females as well as males, and City and County as well as County, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Construction of Terms.

XXXVI. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be deemed good, valid and sufficient in law.

Forms in Schedule to be valid.

SCHEDULE.

(A)

Form of Summons to Jurors.

Summons to Jurors.

To Mr. A. B.

You are hereby required to attend as a [Grand or Petit Juror, as the case may be,] at the Court of [Nisi Prius, or Sittings, or Oyer and Terminer and General Gaol Delivery, or Inferior Court of Common Pleas and General Sessions of the Peace, or more than one of them, as the case may be,] to be holden in and for the County of _____ at the Court House in _____ in the same County, on the _____ day of _____ next [or instant]; and in case of default you will be liable to be fined, pursuant to the Act of Assembly made and passed in the twelfth year of the Reign of Queen Victoria, intituled *An Act to consolidate and amend the Laws relating to Juries.*—Dated the _____ day of _____ A. D. 184

(Signed)

SHERIFF. (L.S.)

(B)

(B)

Form of Notice to Sheriff.

Form of notice to Sheriff.

To Esquire, High Sheriff, [*or other Officer, as the case may be.*]

You are hereby required to summon, according to law, twenty four men for Grand Jurors, and twenty four other men for Petit Jurors, [*or either one or the other, as the case may be,*] to give their attendance at the Courts of Oyer and Terminer and General Gaol Delivery, to be holden in for the County of _____ at the Court House in _____ for said County, on _____ the _____ day of _____ next [*or instant*]; and you will, in summoning such Jurors, give particular attention to the requisitions and penalties of an Act of Assembly made and passed in the twelfth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to consolidate and amend the Laws relating to Juries.*—Dated the _____ day of _____ A. D. 184

(Signed)

(L.S.)

Clerk (or Deputy Clerk) of the Circuits.

(C)

Levari Facias.

Levari facias.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To the Sheriff of _____ Greeting:

We command you, that of the respective goods and chattels of all and singular the persons mentioned in the Roll or List hereunto annexed, you do, without delay, levy or cause to be levied all and singular the fines and sums of money upon them respectively imposed and set, and in the said Roll or List mentioned, together with the sum of five shillings from each of them for your service and expense in the execution of this Writ, and that you do forthwith pay to the Treasurer of the said County the fines so levied, and make return hereof as by law directed.—Witness _____ Esquire, at _____ in the said County, the _____ day of _____ in the _____ year of our Reign.

A. B. CLERK.

[To be signed by the Clerk or his Deputy, and tested in the name of the presiding Judge or Justice, on the last day of the Term or Sitting the Court.]

CAP. XLII.

An Act in further amendment of the Law relating to the Registry of Deeds and other Instruments.
Passed 14th April 1849.

Preamble.

‘ WHEREAS it is considered expedient to make more effectual provision for preventing doubts or questions in regard to the priority of Deeds or Instruments produced for Registry, and further to declare that such Deeds or Instruments should only be deemed to be received by any Register for Registry when the same are produced at his office, and that every Deed or Instrument should at the same time, when so produced, be immediately distinguished by its proper consecutive number;’

When Deeds to be deemed received for registry.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no such Deed or Instrument shall be deemed to have been received for registry, within the provisions of the Act of Assembly made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Registry of Deeds and other Instruments,*

Instruments, until the same be produced for registry at the office of the Register; and on any such Deed or Instrument, duly proved or acknowledged, being so produced, it shall be the duty of such Register, either by himself or some Clerk, in his office, immediately to mark thereon the registry number of such Deed, according to the order in which it was so received.

II. And be it enacted, That so much of the tenth section of the said recited Act as may be construed to require the hour to be mentioned, be and the same is hereby repealed; and that every Certificate of Registry, endorsed on any conveyance or instrument by the Register since the passing of the said recited Act, mentioning the day of such registry, shall be deemed as effectual for all the purposes of the said recited Act as if the hour had also been mentioned therein, any thing in the said recited Act to the contrary notwithstanding.

III. 'And whereas it is considered expedient to authorize the Register of Deeds, in any County in this Province, to take the proof or acknowledgment of any conveyance or instrument intended for registry in any other County in this Province; Be it therefore enacted, That the proof or acknowledgment of any conveyance or instrument taken before and certified by any Register of Deeds for any County in this Province, may thereupon be registered in the office of Register of Deeds in the County in which the lands, tenements or hereditaments are situate; which registry shall have the like force and effect in all respects the same as if such conveyance or instrument had been proved or acknowledged before and certified by the proper Register of the County in which the same may be so registered, according to the provisions of the said recited Act.

10 V. c. 42, s. 10, in part repealed, and certificate of Register, omitting the hour, deemed sufficient.

Register of Deeds may take acknowledgments of Deeds to be registered in any County.

CAP. XLIII.

An Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province.

Passed 14th April 1849.

6 WHEREAS the Acts of Assembly relating to Bankruptcy in this Province have been found insufficient to answer the purpose for which they were intended; Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act relating to Bankruptcy in this Province*; also 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*; also an Act made and passed in the seventh year of the same Reign, intituled *An Act further to amend the Laws relating to Bankruptcy in this Province*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act further to amend the Law relating to Bankruptcy*; also an Act made and passed in the ninth year of the same Reign, intituled *An Act to extend the provisions of an Act further to amend the Law relating to Bankruptcy*; be and the same are hereby repealed: Provided always, that in cases where a Fiat in Bankruptcy may have been granted and published in the Royal Gazette before the passing of this Act, the same may be proceeded with to the final Certificate and discharge of the said Bankrupt, in the same manner as if the said Acts had not been repealed.

5 V. c. 43.

6 V. c. 4.

7 V. c. 31.

8 V. c. 88.

9 V. c. 59.

Fiats granted and published before the passing of this Act may be proceeded in.

CAP. XLIV.

An Act to amend an Act relating to Insolvent Confined Debtors.

Passed 14th April 1849.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case where a notice of the examination of any Insolvent Confined Examination of debtor may be taken and order

made by any person authorized to take such examination, when requested by person issuing the notice.
6 W. 4, c. 41.
7 W. 4, c. 33.

Examination to be taken at the appointed time, and an entry to be made of the fact.

Limitation.

Confined Debtor shall have been given under the provisions of an Act made and passed in the sixth year of the Reign of King William the Fourth, intituled *An Act relating to Insolvent Confined Debtors*, or an Act made and passed in the seventh year of the Reign of King William the Fourth, intituled *An Act to amend an Act, intituled "An Act relating to Insolvent Confined Debtors,"* by any person or persons authorized to take such examination, it shall and may be lawful (in case of the illness, absence, or inability to attend, of the person or persons who issued such notice of examination,) for any other person or persons authorized to take examinations of confined debtors, who at the request of the person or persons who issued the notice of examination may attend for that purpose, to proceed to the examination of such confined debtor, and to hear and determine his application for support, and to make all such order or orders thereon and on any proceedings subsequently had in regard to the support or withholding the support of such confined debtor, as to such person or persons taking such examination may seem meet; provided always, that such examination shall be had and taken at the time and place specified in the notice of examination, and that an entry shall be made in the Minutes of such examination of the same having been taken by the person or persons who shall take the same, in lieu of the person or persons who issued the notice and the cause thereof.

II. And be it enacted, That this Act shall be in force as long as the Acts of which it is an amendment and no longer.

CAP. XLV.

An Act to amend an Act, intituled *An Act to provide for the support and improvement of the Parish Schools.*

Passed 14th April 1849.

Preamble.

‘**W**HEREAS it is deemed advisable to amend the Act, intituled *An Act to provide for the support and improvement of Parish Schools;*

Licences and Transfers of Licences to be signed by the Secretary of the Board of Education.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all Licences to Teachers of Schools, and all Transfers of Licences, when granted, shall be signed by the Secretary of the Board of Education for the time being, by the order and in the name of the said Board, and that such Licences and Transfers need not be signed as heretofore by His Excellency the Lieutenant Governor or Administrator of the Government for the time being.

Licences to Females may be granted without requiring them to attend the Training School.

II. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the said Board of Education to grant Licences to Female Teachers in certain cases, without requiring their attendance at the Training School, and that such Female Teachers shall rank as Teachers of the Lower or Elementary Class.

Licences may be granted to Teachers for remote Settlements, without attending the Training School.

III. ‘And whereas it may be advisable to grant Licences to Teachers for remote Settlements who cannot conveniently attend the Training School;’ Be it therefore enacted, That notwithstanding the provisions of the said recited Act, it shall and may be lawful for the said Board of Education to grant Licences of the Lower or Elementary Class to Teachers for remote and poor Settlements, without requiring such Teachers to attend the Training School.

Limitation.

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

CAP. XLVI.

An Act to restrain the holding of Parishes in plurality by the Clergy of the Church of England in this Province.

Passed 14th April 1849.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, no Rector of any Parish in the Church of England in this Province shall accept and take to hold therewith, or shall after the passing of this Act hold with such Parish of which he may be Rector, any other Parish in which there may be a resident Priest or Deacon in Holy Orders in the said Church, legally and duly licenced or officiating as such Priest or Deacon in the said last mentioned Parish; any law, usage or custom to the contrary notwithstanding.

No Rector of any Parish shall hereafter hold any additional Parish in which there may be a resident Priest or Deacon in Holy Orders duly officiating.

CAP. XLVII.

An Act in amendment of an Act, intituled *An Act relating to Wrecked Property.*

3 V. c. 68.

Passed 14th April 1849.

‘WHEREAS it is necessary to make further provision relating to wrecked, derelict or abandoned goods or property, which having been found upon the shores of the City and County of Saint John, or within five miles of the said shores, shall remain in the custody or possession of any party not being the owner of the same, or the agent of such owner;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case when shipwrecked, derelict or abandoned goods or property, having been found on the shores of the City and County of Saint John, or in the waters within five miles of the same, shall be and remain in the possession of any person or persons within the City and County of Saint John, not being the owner or agent of the owners of such goods and property, and such person shall, upon demand, refuse to deliver such goods or property to the Commissioners of Shipwrecked Property for the said City and County, it shall and may be lawful for the said Commissioners to apply to any Justice of the Peace for the said City and County of Saint John; and on its appearing on oath to such Justice that such goods or property are in the possession of any such person, not being the owner or agent of the owners of such goods or property, such Justice shall issue a Warrant under his hand and seal to the Sheriff of the City and County of Saint John, commanding such Sheriff to seize, take and safely keep all such goods and property in such Warrant to be specified; which Warrant such Sheriff is hereby authorized and commanded to execute, and shall, with the assistance of two freeholders of the said City and County, make a just and true inventory of all such goods and property as he shall seize and take by virtue thereof, and return the same, signed by himself and the said two freeholders, to such Justice who issued such Warrant; and such goods or property shall remain in possession of the Sheriff.

Commissioners of Wrecks may take out a Warrant from a Justice of the Peace to seize shipwrecked or abandoned goods found within five miles of the City and County of St. John in the possession of a finder who refuses to deliver them up.

Sheriff to execute the Writ, and with two freeholders make an inventory of the property which is to remain with the Sheriff.

II. And be it enacted, That such Justice shall thereupon summon not more than five nor less than three of the Port Wardens of the said City of Saint John, and two Freeholders of the said City, to meet at a time and place to be by him named, and shall give a notice of not less than six days to the person in whose custody such goods shall be found; and in case such person shall not appear, or in case he shall appear and claim the said goods as not having been found abandoned, wrecked or derelict, or to hold the said goods or property for any lien or salvage, the said Justice shall, at such time and place, proceed to swear the said

Justice to summon from three to five Port Wardens and two Freeholders, and notify party who was in possession, and on the appointed day swear the former to try the case.

Port

Port Wardens and Freeholders to assess the salvage, &c., if goods were found wrecked, &c.

Port Wardens and Freeholders well and truly to try whether the said goods and property came into the possession of the said party, as being found abandoned, wrecked or derelict, and if they so came, to assess the amount which such party shall be entitled to for salvage, and costs and expenses attending the recovery, removal and safe keeping of the said goods; and such Justice shall, on such inquisition, have power to examine all the said Commissioners and parties on oath, and any witnesses to be by them produced, which oath such Justice is hereby authorized to administer; and the said Port Wardens and Freeholders, or a majority of them then present, after hearing the said parties, and any witnesses then produced, shall find and certify whether the said goods or property came into the possession of the party against whom such Warrant issued, as found by him wrecked, derelict or abandoned, and if so, what amount they assess for such salvage, costs and expenses.

On payment of all expenses, Sheriff to deliver goods to the Commissioners of Wrecks.

III. And be it enacted, That on payment by the said Commissioners to the said Sheriff of the amount so assessed, and all fees and expenses attending such inquisition, the said Sheriff shall deliver the said goods and property to the said Commissioners, to be by them held and disposed of according to the provisions of the said Act, in the same manner to all intents and purposes as if the said Commissioners had taken possession of the said goods and property under the second section of the said Act; and that the sum so paid by the said Commissioners to the said Sheriff, shall be paid to them with interest, together with all other sums to which they may be entitled, before they can be required to deliver over the said property under the fourth section of this Act.

Liability of Commissioners if the Port Wardens and Freeholders do not find that the property was wrecked, &c.

IV. And be it enacted, That in case the said Port Wardens and Freeholders shall, as aforesaid, certify that the said goods and property did not come into the possession of the person against whom the said Warrant issued, as found by him wrecked, abandoned or derelict, the Sheriff shall restore the property to the said person or persons, and the said Commissioners shall be liable to pay to the said Sheriff all costs and fees due upon the proceedings done under this Act.

CAP. XLVIII.

11 V. c. 27.

An Act to amend an Act, intituled *An Act for ascertaining the Population of this Province, and for other purposes therein mentioned.*

Passed 14th April 1849.

Preamble.

‘ WHEREAS it is the desire of Her Majesty’s Government that a Census should be made in each of the British Colonies in the year of our Lord one thousand eight hundred and fifty one;’

Act 11 V. c. 27, suspended till 1st January, 1851.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the operation of an Act made and passed in the eleventh year of Her Majesty’s Reign, intituled *An Act for ascertaining the Population of this Province, and for other purposes therein mentioned*, be and the same is hereby suspended until the first day of January which will be in the year of our Lord one thousand eight hundred and fifty one.

Persons appointed to take the account of the Population to make return by 1st November, 1851.

II. And be it enacted, That the several persons who may be appointed under the above recited Act to take the account of Population and for other purposes under the said Act, shall deliver or transmit their several or respective answers and returns in duplicate to the Clerks of the Peace for the several and respective Counties, on or before the first day of November next after the said recited Act shall come into operation.

Schedules to this Act substituted for that in 11 V. c. 27.

III. And be it enacted, That instead of the Schedule to the said recited Act annexed, the following Schedules shall be adopted and used.

SCHEDULE

SCHEDULE I.

Dwelling.	Name.	Sex.	Relation-ship.	Age.	Race.	Rank or Occupation.	Date of entering the Colony.	Sick or Infirm.	REMARKS.

Schedule I.

Schedule II.

SCHEDULE II.

Name and description of Parish or City, or District in such Parish or City, and within what County situate.

Question 1st.	Inhabited Houses, By how many Families inhabited,
Question 2nd.	Houses now Building,
Question 3rd.	Uninhabited Houses,
Question 4th.	Stores, Barns and Out-houses,
Births.	Number of Births during preceding year,
Deaths.	Number of Deaths during preceding year,
Grammar Schools.	Number of Children attending Grammar Schools,
Parish Schools.	Number of Children attending Parish Schools,
Cleared Land.	Estimated quantity of Cleared Land,
Crops.	Tons of Hay cut,
	Bushels of Wheat raised,
	Bushels of Barley raised,
	Bushels of Oats raised,
	Bushels of Buckwheat raised,
	Bushels of Indian Corn raised,
	Bushels of Peas and Beans raised,
	Bushels of Turnips raised,
	Bushels of Potatoes raised,
	Bushels of other Root Crops raised,
Stock.	Number of Neat Cattle,
	Number of Cows, how many milked,
	Quantity of Butter,
	Number of Horses,
	Number of Sheep,
Buildings of different kinds.	Number of Swine,
	Number of Churches and places of Worship,
	Number of Schools,
	Number of Saw Mills, and hands employed,
	Number of Grist Mills, and hands employed,
	Number of Tanneries, and hands employed,
	Number of Foundries, and hands employed,
	Number of Weaving and Carding Establishments, and hands employed,
Number of Hand Looms,	
Manufactured Articles, &c. &c. &c.	Number of Yards of Woollen Cloth Manufactured,
	Number of Factories, other than the above, and hands employed,
	Boots and Shoes Manufactured,
	Value of Leather Manufactured,
	Value of Candles Manufactured,
	Value of Wooden Ware Manufactured, other than Cabinet Makers',
	Soap Manufactured,
	Value of Chairs and Cabinet Ware Manufactured,
	Value of Fish caught, and quantities,
	Hats Manufactured,
	Value of Iron Castings Manufactured,
	Quantity of Coal raised,
	Quantity of Iron smelted,
	Number of Breweries,
	Number of Gallons of Malt Liquor Manufactured,
Casks of Lime burnt,	
Number of Grindstones,	
Tons of Gypsum quarried,	
Quantity of Maple Sugar Manufactured,	

CAP. XLIX.

An Act to authorize the widening and enlarging of Mill Street in the City of Saint John.

Passed 14th April 1849.

Preamble.

WHEREAS by a recent disastrous fire in the City of Saint John a large number of buildings situate between Union and Pond Streets, including nearly all those fronting on Mill Street, on either side thereof, in King's Ward, have been destroyed by fire: And whereas it is deemed expedient and necessary to widen and enlarge Mill Street;

Governor in Council to appoint Commissioners for the purposes of this Act.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and 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, and also to re-appoint and supply as it may be necessary or expedient, three or more discreet and disinterested persons Commissioners for the purpose of performing the duties hereinafter in that behalf prescribed, which said Commissioners before they enter on the performance of the duties of their appointment, shall severally take and subscribe an oath or affirmation before any Justice of the Peace in and for the City and County of Saint John, faithfully to perform the trust and duties required of them by this Act.

Commissioners to be sworn.

Commissioners to have the district surveyed, and decide as to the method of widening and enlarging Mill Street.

II. And be it enacted, That it shall be the duty of such Commissioners forthwith to enter on the duties of their appointment, and cause a survey and plan of the said Street and the several Lots of Land fronting thereupon, to be made and prepared, and to fix and decide upon the best mode and method of widening, altering, straightening and enlarging Mill Street aforesaid, in that part extending north, from the north line of Union Street, till it meets the Bridge or Causeway leading to Portland; and for that purpose the said Commissioners shall have full power and authority to enter in and upon the lands and tenements situate or being upon or near to the said Street, and to determine and decide where and in what manner the said Street shall be widened, altered, straightened and enlarged.

To estimate value of land required for widening the Street, and assess parties interested, &c., and file plan and report their proceedings.

III. And be it enacted, That the said Commissioners, so soon as they shall have caused such survey and plan to be made, and shall have decided where and in what manner the said Street shall be widened, altered, straightened and enlarged, shall proceed to make a just and equitable estimate and assessment of the value of the lands, tenements and hereditaments required for widening, altering, straightening and enlarging the said Street; and shall assess and apportion one half the amount of such estimated value on all the parties owning or interested in any lands, tenements and hereditaments fronting on the said Street, including the parties interested in such lands, tenements and hereditaments, required for the purpose of the said Street, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said Street; and shall thereupon file the said plan with the Common Clerk of the said City, as and for a record of their doings in that respect, and shall forthwith report their proceedings, and all matters and things connected with their duties as such Commissioners, to the Common Council of the said City; and in the said Report, the Commissioners who shall make the same shall set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in such lands, tenements, hereditaments and premises mentioned in the said Report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments and premises that may be required for the purpose of widening, altering, straightening and

Contents of Report.

and enlarging the said Street, and also of the said respective lots or parcels of land and other tenements, hereditaments and premises that may be required for the purpose of widening, altering, straightening and enlarging the said Street; and also of the said respective lots or parcels of land and other tenements, hereditaments and premises fronting upon the said Street so assessed by the said Commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation and recompense, or the allowance to be made for the value of the land and other tenements, hereditaments and premises so taken for the purposes aforesaid, as also the sums assessed upon the same for the benefit and advantage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments and premises respectively, or for the compensation or damage, and for the assessment for the benefit of the respective owners of the leasehold estate or other interest therein separately; but in all and each and every case and cases, where the owners and parties interested, or their respective estates and interests are unknown, or not fully known to the Commissioners, it shall be sufficient for them to estimate and assess and to set forth in their said Report in general terms, the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands, tenements, hereditaments and premises, and parties interested therein, for the compensation and damage, and for the assessment for the benefit and advantage to such owners, proprietors and parties interested in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of the widening, enlarging, altering and straightening the said Street, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them; and upon the coming in and filing of such Report, the same shall be final and conclusive, as well upon the Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties or persons interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said Report; and the said Mayor, Aldermen and Commonalty shall become possessed of all the said lands, tenements, hereditaments and premises in the said Report mentioned, that shall or may be so required for the purpose of widening, altering, straightening and enlarging the said Street; the same to be appropriated, converted and used to and for such said purposes accordingly, and for none other whatsoever; and thereupon the said Mayor, Aldermen and Commonalty, or any person or persons acting under their authority, may immediately, or at any time or times thereafter, take possession of the same or any part or parts thereof, without any suit or proceeding at law for that purpose, and may at any time thereafter take down and remove all buildings or parts of buildings, erections or improvements of any description whatsoever, on the said lands, tenements, hereditaments and premises; provided that it shall not be lawful for the said Commissioners to allow any sum or compensation whatsoever for any building or buildings which may, after the passing of this Act, be built, placed or erected, in part or in the whole, on such part or parts of the said lands, tenements, hereditaments and premises that may be required for the widening, altering, straightening and enlarging the said Street.

When the parties interested or their estates are unknown.

Report to be final and lands, &c. vested in the City Corporation.

No allowance to be made for buildings erected after the passing of this Act.

IV. And be it enacted, That the said Commissioners after completing their said estimate and assessment, and at least fourteen days before they make their Report to the Common Council, shall deposit a true copy or transcript of such estimate and assessment in the Clerk's office of the said City, for the inspection

Copy of estimate and assessment to be deposited in the Clerk's Office, and public notice to be given before making report.

of

Parties affected
may object.

Assessment may be
amended.

Net damages
awarded to be paid
within one month
after receipt of
amount of assess-
ments.

On neglect parties
may sue.

Proviso for infants,
parties non compos
mentis, &c.

of whomsoever it may concern, and shall give notice, by advertisement, to be published in at least two of the public newspapers printed in the said City, of the said deposit thereof in the said office, and of the day on which it will be finally filed as and for a record of their proceedings; and any person or persons whose rights may be affected thereby, and who shall object to the same or any part thereof, may, within ten days after the first publication of the said notice, state his, her or their objections to the same in writing to the said Commissioners, and the said Commissioners, or such of them as shall have made such estimate and assessment, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

V. And be it enacted, That the said Mayor, Aldermen and Commonalty shall within one calendar month after the several assessments made and to be made, as herein provided for the purposes of this Act, are collected and received by them, pay to the respective persons and parties mentioned or referred to in the said Report, in whose favour any sum or sums of money shall be estimated and reported by the said Commissioners the respective sum or sums so estimated and reported in their favour respectively, deducting in each case any sum or sums that such parties respectively, may in the said Report and assessment of the Commissioners, be declared liable to pay by reason of the benefit to them respectively accruing from the improvement of the said Street; and in case of neglect and default in payment of the same within the time aforesaid, the respective person or persons, party or parties in whose favour the same shall be so reported, his, her or their Executors or Administrators, at any time or times after application first made by him, her or them to the said Mayor, Aldermen and Commonalty in Common Council convened, for payment thereof, may sue for and recover the same with lawful interest from and after the said application therefor, and the costs of suit in an action of debt or assumpsit against the said Mayor, Aldermen and Commonalty, in any Court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein, by virtue of this Act, for premises taken for the purpose herein mentioned, and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration; and this Act and the Report of the said Commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action: provided that whenever the owners and proprietors of any such lands, tenements, hereditaments and premises so to be taken for any of the purposes aforesaid, or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons in whose favour any such sum or sums or compensation shall be so reported, shall be under the age of twenty one years, non compos mentis, feme covert, or absent from the said City of Saint John, and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments or premises that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said Report, or where the said owners, parties or persons respectively being named therein, cannot upon diligent inquiry be found, it shall be lawful for the said Mayor, Aldermen and Commonalty to pay the sum or sums mentioned in the said Report payable, or that would be coming to such owners, proprietors, parties or persons respectively, into the

Court

Court of Chancery in this Province, to be secured, disposed of and improved as the said Court shall direct, and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, as if they had been known, and had all been present, of full age, discreet and compos mentis; and provided also, that in all and every case and cases where any such sum or sums, or compensation so to be reported by the said Commissioners in favour of any person or persons, or party or parties whatsoever, whether named or not named in the said Report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, party or parties, it shall be lawful for the person or persons, party or parties to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received for his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

Compensation due to one party but received by another may be recovered by the former from the latter.

VI. And be it enacted, That the respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons respectively in the said Report mentioned, as owners and proprietors of or parties interested in lands and premises deemed to be benefited by the widening, altering, straightening and enlarging of the said Street mentioned in the said Report, shall be borne and paid to the said Mayor, Aldermen and Commonalty by the said parties and persons respectively, and the residue or remainder of all the monies which may be due for and on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favour of the respective persons and parties deemed to be entitled thereto, and also all expenses, disbursements and charges which may arise or be incurred under the provisions of this Act, shall and may be assessed upon that part of the said City of Saint John which lies on the eastern side of the Harbour, excluding from the assessment the lands, tenements and hereditaments fronting upon the said Street which have been already assessed in the Report of the said Commissioners; and the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, are hereby authorized and required to order and direct the said residue and remainder of the said monies, and the expenses hereinbefore mentioned, together with the charges of assessing, levying, and collecting the same, to be forthwith assessed, levied, collected and paid in such proportions and in the same manner as any rates for public charges are or may be assessed, levied, collected and paid under and by virtue of any Act or Acts of Assembly made or to be made for assessing, levying and collecting rates for public charges.

Assessment on property benefited to be paid to the City Corporation, and remainder of compensation, &c. to be assessed on the part of the City on the eastern side of the Harbour, exclusive of the district assessed by the Commissioners.

VII. And be it enacted, That the several and respective sums or assessments hereinbefore directed to be paid to the said Mayor, Aldermen and Commonalty, shall be a lien or charge on the lands, tenements, hereditaments and premises in the said Report of the Commissioners mentioned, or upon the estate and interest of the respective owners, lessees and parties in such lands, tenements, hereditaments and premises, for and on account of which the said respective sums shall be so assessed by the said Commissioners, upon the said respective owners and proprietors thereof, or parties interested therein, and as well the said owners and proprietors thereof and parties interested therein; and also the occupants of each and every of them shall moreover be respectively liable to pay on demand the respective sum or sums mentioned in the said Report of the Commissioners, at which the respective lands, tenements, hereditaments and premises so owned

Assessments to be a charge on the lands, &c.

Proceedings on default of payment.

or occupied by him, her or them, or wherein he, she or they are so interested, or at which the owners and proprietors thereof shall be so assessed, to such person or persons as the said Mayor, Aldermen and Commonalty shall appoint to receive the same; and in default of payment of the same or any part thereof, it shall be lawful for the said Mayor, or the Recorder of the said City, and any three of the Aldermen or Assistant Aldermen of the same City, by Warrant, under their hands and seals, to levy the same with lawful interest thereon from and after thirty days from the time of the filing of the said Report of the Commissioners, together also with the charges and expenses to be had for the collection thereof, by distress and sale of the goods and chattels of such owner and owners, occupant or occupants, or party or parties interested, so refusing or neglecting to pay the same, rendering the overplus (if any overplus there shall be) after deducting all just charges, to such owner or owners, occupant or occupants, or party or parties interested, or the said respective sums, with lawful interest as aforesaid, may be recovered, with all costs and charges, by the said Mayor, Aldermen and Commonalty, from and against the owner or owners of the respective lands, tenements, hereditaments and premises, whereon or in respect of which the same may be assessed or set forth in the said Report of the Commissioners, or from or against either or any of them the said parties or owners, without joining any other or others of them the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this Act to the said Mayor, Aldermen and Commonalty, and every matter may be given in evidence under such general declaration; provided that nothing herein contained shall affect any agreement between landlord and tenant, or any other contracting parties respecting the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this Act contained concerning the same had never been made; and if any money so to be assessed be paid by or collected, or recovered from any person or persons, when by agreement or by law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, or from whom the same shall be recovered by distress, suit or otherwise, to sue for and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same, and the said Report of the Commissioners, with proof of payment, shall be conclusive evidence in the suit.

Money paid by one party which was payable by another may be recovered by the former from the latter.

Three Commissioners may act and their proceedings to be as valid as if all the Commissioners had concurred therein.

VIII. And be it enacted, That it shall be competent and lawful for any three of such said Commissioners so to be appointed to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the said Commissioners so to be appointed for such said purpose if they had acted therein would have been, and further that in all cases the acts, decisions and proceedings of the major part of such of the Commissioners to be appointed for the purposes aforesaid, as shall be acting in the premises, shall always be as binding, valid and effectual, as if the said Commissioners named and appointed for such purpose, had all concurred and joined therein.

Compensation to Commissioners.

IX. And be it enacted, That the Commissioners to be appointed under and by virtue of this Act, who shall enter upon the duties of their appointment, shall each be entitled to receive such sum for each day they shall respectively be actually employed in the duties of their appointment, as the said Mayor, Aldermen and Commonalty in Common Council convened, shall name; to be paid by the

the said Mayor, Aldermen and Commonalty, and included in the beforementioned sums of money, and considered as part of the disbursement and expenses incurred by virtue of this Act, besides all reasonable expenses for maps, surveys and plans, Clerk hire, and other necessary expenses and disbursements.

CAP. L.

An Act for regulating the shipping of Seamen at the Port of Saint John:

Passed 14th April 1849.

‘WHEREAS great frauds have been practised and much inconvenience felt from the system of shipping Seamen at the Port of Saint John ;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to constitute and appoint during pleasure, a fit and proper person to be Shipping Master for the said Port of Saint John, who shall previously to entering upon his duties as Shipping Master, himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of five hundred pounds currency each, for the faithful discharge of his duty, and the said Shipping Master shall, before entering on his office, take and subscribe the following oath before any one of Her Majesty's Justices of the Peace for the said City and County of Saint John :

A Shipping Master for the Port of Saint John to be appointed by the Governor in Council.

To give security and be sworn.

‘ I, A. B., do solemnly swear, that I will faithfully and truly perform the office and duty of Shipping Master, according to the true intent and meaning of an Act passed by the Legislature of this Province in the twelfth year of Her Majesty's Reign, intituled *An Act for regulating the shipping of Seamen at the Port of Saint John* ; that I will not directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatsoever, by reason of any function of my office as Shipping Master, except such as are allowed to me by the said Act, and I will not directly or indirectly accept of any bill or draft, bond, note or money from any Seaman whatsoever, and that I will act without partiality, favour or affection, and to the best of my knowledge.—So
‘ HELP ME GOD.’

Which oath and bond shall be filed and kept among the Records of the Office of the Secretary of the Province.

II. And be it enacted, That the said Shipping Master shall be, and is hereby empowered to appoint such and so many deputies for the said Port, as shall be necessary, which said deputy or deputies shall have the power and authority given to him or them by this Act, and shall take and subscribe the above oath before any of Her Majesty's Justices of the Peace, and the same shall be filed in the Office of the Provincial Secretary ; and any deputy so appointed, shall himself with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of two hundred pounds each, for the faithful discharge of his duties, which bond shall enure to the benefit of all parties who may be damnified by misfeasance, malfeasance or nonfeasance of the said deputy ; all parties damnified shall be entitled to recover from the said deputy and his sureties, before any Court of competent jurisdiction, upon such bond, by suit or action, to the amount to which they may have been so damnified.

Empowered to appoint deputies who are also to give security.

III. And be it enacted, That no person selling or vending any spirituous liquors, tavern keepers, or boarding house keepers, or bailiffs, shall be eligible to the situation of Shipping Master or Deputy.

Certain employments to disqualify for the office of Shipping Master or Deputy.

IV.

Fee of 2s. 6d. allowed for each seaman shipped, payable by the Ship Master.

Open Registry of seamen shipped to be kept.

Seamen previous to shipping to exhibit registry ticket.

No person other than the Shipping Master, &c. to supply seamen for vessels, or obtain the registry tickets.

No seaman hired contrary to this Act to be received on ship-board.

Penalty for foregoing offences.

No person other than Shipping Master or Deputy to be employed to procure seamen.

Penalty.

Penalty on seamen for absence from duty.

No advance of pay to be made for seamen's wages.

Penalty for receiving money for shipping seamen from others than the owner, &c.

IV. And be it enacted, That for each seaman shipped the Shipping Master shall be entitled to take and receive the sum of two shillings and six pence currency, from the Master of the Ship or Vessel on board of which such seaman shall be shipped, or to which he shall belong.

V. And be it enacted, That the said Shipping Master shall keep a registry of all seamen shipped, which shall be open for public inspection.

VI. And be it enacted, That every seaman desirous of shipping shall first exhibit his Registry Ticket to the Shipping Master or Deputy, previously to being shipped; and unless the seaman shall exhibit such ticket, or shew to the satisfaction of the said Shipping Master or Deputy why he does not exhibit the same, such seaman shall not be shipped.

VII. And be it enacted, That no person, not being such Shipping Master or Deputy as aforesaid, or not being the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, shall hire, engage, supply or provide a seaman to be entered on board any merchant ship; and no person whatever, other than the owner, part owner, master, or other person in charge of a merchant ship, or ship's husband, shall demand or obtain the Register Ticket of any seaman, for the purpose or under the pretence of engaging him on board of any merchant ship.

VIII. And be it enacted, That no owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall knowingly receive or accept to be entered on board the said ship any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act.

IX. And be it enacted, That every person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied or provided to be entered on board, and for every Registry Ticket demanded or obtained contrary to the provisions of this Act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, any sum of money not exceeding ten pounds, upon conviction thereof, for each offence, although several seamen may be included in the same contract, or several tickets may be obtained, or several seamen may be received, or permitted, or remain at the same time.

X. And be it enacted, That it shall be unlawful for any person or persons, other than such Shipping Master or Deputy, to be employed for the purpose of engaging or providing seamen to be entered on board merchant ships; and that any such Shipping Master or Deputy knowingly employing any other person for the purpose aforesaid, shall forfeit and pay a sum not exceeding ten pounds currency, and in addition thereto, shall forfeit and lose his office; for every day any seaman shall be absent without leave he shall forfeit to the ship two days pay; and every seaman absent when unmooring or getting the ship ready for sea, shall forfeit to the ship one pound.

XI. And be it enacted, That the owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall not pay in advance, nor give any note in writing, or otherwise in the nature of and purporting to be an advance note for any part of the wages for the seaman hired, engaged, supplied or provided to be entered on board the said ship, until three days after the sailing of the ship or vessel, with the men certified by the master of said ship or vessel to be on board at the time of sailing.

XII. And be it enacted, That if any person shall demand or receive from any seaman, or from any person other than the owner, part owner, master, or person in

in charge of a merchant ship, or ship's husband, requiring seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying or providing any such seamen, he shall forfeit for every such offence a sum not exceeding five pounds currency.

XIII. And be it enacted, That it shall not be lawful for any person, other than any officer or person in the employment of Her Majesty's Government, Harbour Master, Health Officer, Emigration Officer, and Custom House or Treasury Officer, to go and be on board of any merchant vessel arriving or about to arrive at the port of her destination, before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of the said vessel; and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock, or at the wharf or place of her discharge, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding fifty pounds currency; and for the better securing the person of such offender, the master or person in charge of the said vessel is hereby authorized and empowered to take any person so offending as aforesaid into custody, and to deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices of the Peace, or Police Magistrate, to be dealt with according to the provisions of this Act.

None other than certain public officers to board any vessel before actual arrival, without consent of the Master.

Penalty.

Offender may be taken into custody.

XIV. And be it enacted, That if any person shall go on board any merchant vessel, within twenty four hours after her arrival at any port as aforesaid, and solicit any seaman to become a lodger at the house of any person letting lodgings for hire, or shall take from and out of such ship any chest, bedding, or other effects of any seamen, except under the personal direction of such seaman, without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence a sum not exceeding ten pounds.

Penalty for boarding vessels within 24 hours of arrival, and soliciting lodgers, &c.

XV. And be it enacted, That if any person shall demand and receive of and from any seaman payment in respect of his board or lodging in the house of such person, for a longer period than such seaman shall have actually resided and boarded therein, or shall receive or take into his possession or under his control any monies, documents or effects of any seaman, and shall not return the same, or pay the value thereof, when required so to do by such seaman, and after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such seaman, he shall forfeit and pay a sum not exceeding ten pounds currency, over and above the amount or value of such monies, documents or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such seaman, under the conviction by the Justices before whom such offences shall be heard and determined.

Penalty for demanding more than is actually due for lodging seamen, or detaining effects, &c.

XVI. And be it enacted, That all penalties and forfeitures imposed by this Act, shall and may be recovered with costs, by summary proceedings before any two Justices of the Peace, or Police Magistrate; and if the sum imposed as a penalty to be paid shall not be forthwith and immediately paid on conviction, it shall be lawful for the said Justice or Justices, or Police Magistrate, to commit the offender or offenders to the Common Gaol of the City and County of Saint John, there to be imprisoned and kept to hard labour according to the discretion of said Justices or Police Magistrate, for any term not exceeding three calendar months, the commitment to be determinable upon payment of the amount of costs; and all such penalties and forfeitures shall be paid and applied in manner following, (that is to say:) one moiety of such penalty shall be paid to the informer, and

Penalties to be recoverable with costs by summary proceedings before two Justices of the Peace or the Police Magistrate.

and the residue shall be paid to the Commissioners for the benefit of the Marine Hospital at the Port of Saint John.

Form of conviction and commitment.

XVII. And be it enacted, That the Justices or Police Magistrate before whom any person shall be summarily convicted against this Act, may cause the conviction and commitment to be the same as set out in Form N. in the Schedule to *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within this Province, with respect to summary convictions and orders*, passed at this Session of the Legislature.

Convictions and commitments not voidable for want of form, &c.

XVIII. And be it enacted, That no such conviction shall be quashed for want of form, or be removed into any of Her Majesty's Superior Courts, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Definition of 'Merchant Ships.'

XIX. And be it enacted, That the words "Merchant Ships," inserted in this Act, shall be understood to include all vessels trading to Foreign Ports, or Ports within the British Dominions, and not such vessels as are prosecuting the Coasting Trade.

Opposing Acts suspended.

XX. And be it enacted, That so much of any Act or Acts now in force as are at variance and interfere with the working of this Act, shall be and the same are hereby suspended and inoperative during the continuance of this Act.

Commencement and limitation of Act.

XXI. And be it enacted, That this Act shall take effect upon, from and after the first day of July next, and not before, and shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.

CAP. LI.

An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John.

Passed 14th April 1849.

Preamble.

WHEREAS it has become necessary to increase the Capital Stock of the Saint John Water Company, and to make provision for a greater and more efficient supply of Water in the City of Saint John;

Capital Stock may be increased by £10,000.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the shareholders of the Saint John Water Company shall be and are hereby authorized to increase the Capital Stock of the said Company to an amount not exceeding ten thousand pounds, which additional Stock shall be divided into shares of five pounds each.

Additional shares to be divided among present stockholders, and on neglect to accept to be open to subscription.

II. And be it enacted, That the additional shares in the Capital Stock of the said Company shall be divided among the present shareholders in the said Company, in the proportion of one additional share to every two shares held by such shareholders; and if any of the said shareholders shall neglect or refuse to accept such additional shares, within thirty days after the passing of this Act, then such additional shares, so refused or neglected to be taken up, shall be open to public subscription, or may be disposed of by the Directors of the said Company in such manner as they may deem advisable.

Periods of paying in the capital.

III. And be it enacted, That twelve and one half per cent. of the amount of each of such additional shares shall be paid to the Treasurer of the said Company, within one year after the passing of this Act, and that the residue of each of the said additional shares shall be paid by instalments of twelve and one half per cent. to the Treasurer of the said Company, at intervals of six months, after the payment of the first instalment, until the whole amount of each of such additional shares shall be fully paid up.

IV.

IV. And be it enacted, That in case default be made in payment of all or any of the instalments in the said additional shares, or any of them, it shall and may be lawful for the Directors of the said Company for the time being, within thirty days after any such default, forthwith to sell and dispose of any of the said additional shares on which such default may be made, at their discretion, to the best advantage, to any purchaser or purchasers of the same; and any instalment or instalments which, previously to such default, may have been paid on such additional shares, shall be forfeited to and become the property of the said Company.

On default of payment shares may be sold.

V. And be it enacted, That the additional Stock of the said Company shall be expended and applied as the same is paid up, in procuring a more efficient supply of water by the said Company, and in the erection of all necessary works, buildings, reservoirs and machinery therewith connected, and in laying down pipes and conduits throughout that part of the City of Saint John, on the eastern part of the Harbour of Saint John, in such manner and to such extent as will furnish the inhabitants thereof with a more efficient supply of water.

Capital to be applied in procuring a more efficient supply of water, &c.

VI. And be it enacted, That for the purpose of enabling the said Company to procure a more efficient supply of water, they the said Company shall be and are hereby authorized and empowered, by their agents, servants and workmen, to enter upon private property for the purpose of procuring such supply, and there build and set up dams or embankments on any brook, stream, lake or pond, for the purpose of creating artificial ponds or reservoirs, and by such dams or embankments may cause the flowage of such private property, and continue such flowage so long as they the said Company shall see fit; and they the said Company shall have full power and authority to draw water from such artificial ponds or reservoirs exclusively, and to carry pipes or conductors through the private property of individuals, as may be necessary for the conveyance of the said water to the City of Saint John; provided always, that no such dams or embankments be built or set up, artificial ponds or reservoirs made, flowage created, or pipes or conductors laid upon or through the private property of any person, without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for all damage sustained by the operations or works of the said Company, to be agreed upon by the said Company and the respective owners of such private property; and in case of disagreement between the said Company and the owners of the said private property, or any of them, then the amount of such compensation shall be settled and determined in the manner and form prescribed by an Act made and passed in the second year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, or in such manner and form and by such ways and means as may be prescribed by any Act which may be passed at the present or any Session of the General Assembly of this Province; and for all damage the owner or owners of any Mills or other manufacturing establishments may sustain, for or by reason of any of the operations of such Company, the direct and indirect damage, as well present as future, shall be fully considered, and on any investigation under this Act for ascertaining the same, any such owner or owners may be examined under oath touching and concerning such injury or damage.

Power given to enter on private property to procure the supply of water, and erect dams, &c.

Compensation to be made by agreement, or as pointed out by the Act 2 W. 4, c. 26.

Damage to Mills or manufacturing establishments.

VII. And be it enacted, That so soon as the first instalment of twelve and one half per cent. shall have been fully paid on all the additional shares in the said Company as hereinbefore prescribed, that then it shall be the duty of the Directors of the said Company, and they are hereby required to call a general meeting of all the shareholders in the said Company, by giving public notice in one or more

When twelve and a half per cent. on the additional shares is paid in, a meeting to be called for choosing Directors.

of the newspapers published in the City of Saint John, fourteen days previous to such meeting, for the purpose of choosing five Directors from among the shareholders of the said Company, in manner prescribed by law, to manage the business and affairs of the said Company, which said five Directors shall remain in office until the next annual meeting of the said Company, or until others are chosen in their stead, and no more than five Directors shall after the first of such elections be chosen to manage the business of the said Company.

No more than five Directors to be chosen.

Choice of Directors to be made according to Act 2 W. 4, c. 26.

Quorum for business.

Vote of President or Chairman.

Continuance in office of President, Directors and Officers.

Recital of obligations of the Company to the Province.

If the additional capital stock be paid within five years, and the greater part expended to carry out this Act, the Bonds of Company to the Province for £5000 to be cancelled.

VIII. And be it enacted, That in the choice of such five Directors, the shareholders of the said Company shall vote according to the rules and regulations prescribed by the Act of Assembly hereinbefore mentioned for incorporating the said Company; and the said five Directors when so chosen, shall at their first meeting after their election, choose a President out of their number; provided always, that three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their number Chairman in his stead, but that neither the said President nor Chairman for the time being, shall vote as a Director, but in case of an equal number of votes for and against any question before such Board, the President or Chairman for the time being shall have a casting vote.

IX. And be it enacted, That the President, Directors and Officers of the said Company shall continue in office until the first election of five Directors in the manner and at the time hereinbefore prescribed, and no longer; and in case the said additional shares in the said Company shall not be taken up and the first instalment thereon be duly paid as herein provided, then the present Directors of the said Company shall continue in office until the next annual meeting of the Company, after such default, or until others shall be chosen in their stead.

X. 'And whereas divers persons, on behalf of the said Saint John Water Company, are now held and firmly bound unto our Lady the Queen by their certain Bonds or obligations for divers sums of money amounting in the whole to the sum of five thousand pounds, which said sum of five thousand pounds was lent to the said Saint John Water Company by the Province of New Brunswick, and has been expended by the said Company in procuring and furnishing a partial supply of water to the City of Saint John, which has been highly beneficial on many occasions in extinguishing and checking many extensive conflagrations in the said City: And whereas heavy losses have been prevented by such supply of water, and it is highly desirable that the said Company should be aided and encouraged in their endeavour to procure a more extensive supply of water for the said City, as well for the preservation of the public health and the prevention of fires as for the cleanliness and comfort which will thereby be promoted; Be it therefore enacted, that if the said additional Stock in the said Saint John Water Company, hereby authorized and created, shall be actually paid to the Treasurer of the said Company within five years from the passing of this Act, and shall be wholly or for the major part appropriated in carrying out the purposes of this Act, and proof of payment of the same and the appropriation of the whole or the major part thereof for the purposes aforesaid shall be made to the satisfaction of His Excellency the Lieutenant Governor or Officer administering the Government of the Province for the time being, and Her Majesty's Executive Council, that then it shall and may be lawful for the said Lieutenant Governor or Officer administering the Government, to cancel the said bonds or obligations hereinbefore mentioned, and deliver up the same so cancelled to the obligors therein mentioned, and to cancel and release all claims thereon, either

for principal and interest, to such obligors, so that no claim shall thereafter be had either against the said Company or the said obligors for the said sum of five thousand pounds or any part thereof, or for all or any interest on the same, but the same shall be wholly satisfied, cancelled and discharged forever thereafter.

XI. And be it enacted, That for the purpose of furnishing to the Poor of the City of Saint John a gratuitous supply of water, if the Corporation of the City of Saint John shall erect, or cause to be erected within the said City, in such places as the Mayor, Aldermen and Commonalty of the said City may deem most convenient and suitable, tanks, fountains or hydrants, not exceeding six in number, the said Water Company shall, if tanks are constructed, fill with water such tanks once in every day for the free use of the Poor of the said City; and if fountains or hydrants, then shall for two hours in each day furnish a free full flow of water through such fountains or hydrants for the like use; which tanks, fountains or hydrants shall at all times be kept in repair and in good working order by the said Corporation of the said City; and should the said Corporation of the said City deem it expedient to erect or build a greater number of tanks, fountains or hydrants than six, then the said Water Company shall be bound to furnish a full supply of water for such additional tanks, fountains and hydrants for the purpose aforesaid, on payment of such sum or sums of money as may be agreed and contracted for by the Corporation of the said City with the said Water Company.

On the erection of not exceeding six tanks, fountains or hydrants, by the City Corporation, the Water Company are to supply the same with water for the free use of the poor;

If more than six, water to be furnished at a contract price.

XII. And be it enacted, That in order to encourage subscription to the additional Stock hereby created, the subscribers for such additional Stock so created under and by virtue of this Act, shall from time to time, out of the net profits of the said Company, be entitled to receive a dividend of six per centum per annum upon such new Stock, from the date of the payment of such stock respectively, before any division of the profits of the said Company shall be applicable to the original Stock heretofore created; but no dividend exceeding six per centum shall be payable on such new Stock until the proprietors of such original Stock shall receive the like sum of six per centum per annum on such Stock from the time of the passing of this Act, and when the net profits of said Company shall be more than sufficient to pay six per centum on both Stocks, then any surplus of such profits shall be divided pro rata on all the Stock of the said Company without distinction.

Rate of dividends on additional and original stock,

CAP. LII.

An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John.

Passed 14th April 1849.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all and every of the provisions of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, shall and are hereby made to extend to saw dust as well as to slabs, edgings, rinds, bark, or chips, in the same manner and as fully and effectually as if the said saw dust had been included with the said slabs, edgings, rinds, bark or chips in the said recited Act at the time of the passing of the same.

Provisions of 7 V. c. 37, extended to saw-dust.

II. And be it enacted, That whenever any proceedings may be commenced before any Justice of the Peace under this Act, or the said recited Act, it shall and may be lawful for such Justice, by Summons, to require the attendance of any witness or witnesses that may by him be considered necessary to give evidence,

Attendance of witnesses, and production of documents may be enforced in proceedings under this or the recited Act.

evidence, or to produce any document before him in such proceedings; and if any witness who shall be summoned to give evidence or produce any documents as aforesaid, shall not appear at the time and place specified in such Summons, or if the said Justice shall deem it to be necessary, before issuing any Summons, it shall and may be lawful for such Justice to issue his Warrant, under his hand and seal, to any Constable of the City and County of Saint John, requiring such Constable to bring the said witness before him at the time and place therein specified, in order to compel the attendance of the said witness to give evidence or produce the documents aforesaid, touching any breach of the provisions of this Act or of the said recited Act.

CAP. LIII.

An Act to make provision for a Public Burial Ground in and for the City and County of Saint John.

Passed 14th April 1849.

Preamble.

‘ WHEREAS it is found necessary to provide a Public Ground for the interment of the dead in the City and County of Saint John, in consequence of the Burial Ground in the City of Saint John being closed by law;’

Justices in Session authorized to purchase land for a Public Burial Ground.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the City and County of Saint John, at their General Sessions, or at any Special Sessions for that purpose to be holden, be and they are hereby authorized and empowered to contract and agree with any person or persons, or body corporate, for the purchase of any piece or parcel of land in the City and County of Saint John, which to them in their discretion may seem meet as and for a Public Burial Ground for the said City and County of Saint John, and to take, accept and receive a conveyance of such piece or parcel of ground so to be purchased for the purpose aforesaid; provided always, that the purchase money of such piece of land shall not exceed the sum of four hundred pounds.

Land to be vested in the Justices of the Peace, in trust for free interments.

II. And be it enacted, That the said land, so to be purchased in pursuance of this Act, shall be and forever remain vested in the Justices of the Peace for the City and County of Saint John, in trust, as a Public Burial Ground for the said City and County of Saint John, for the free interment of the dead of all religious denominations, without any charge for such interment; and that all charges which may be necessarily incurred in marking out such ground in lots for interments, and superintending the said Burial Ground, shall be annually paid out of the contingent funds of the said City and County; and that the said Justices, in Sessions, may make such rules and regulations for the management and government of the said Public Burial Ground as to them may seem meet.

Charge of superintendence to be defrayed from the contingent funds.

III. And be it enacted, That the purchase money of the said Burial Ground shall be paid by the said Justices, in Sessions, in five equal instalments; and the said Justices are hereby required and directed, in ordering the assessment for the contingencies of the said City and County for this current year, and for the four years next ensuing, to add thereto a sum not exceeding eighty pounds, together with the expenses of levying and collecting the same.

Purchase money to be paid by instalments, and assessed with the contingencies.

CAP. LIV.

An Act to authorize the sale of a Lot of Land and Premises purchased for a Sailors' Home in the City of Saint John.

Passed 14th April 1849.

WHEREAS the sum of one thousand five hundred pounds was granted by the Legislature towards the erection of a Sailors' Home at Saint John, the same to be taken from the Marine Hospital Fund: And whereas a portion of such Grant has been drawn from the Treasury and applied by the Commissioners appointed for expending such money, in the purchase of a lot of Land and Premises in the City of Saint John: And whereas there is a large sum of money due for principal and interest on such purchase, and the said Marine Hospital Fund is inadequate to pay the whole of such Grant: And whereas difficulties have arisen in carrying out the intention of the Legislature, and it is desirable that the said lot of Land and Premises should be sold, and the balance of the purchase money and interest due be paid;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners appointed by His Excellency the Lieutenant Governor for expending such money, and in whose name the said lot of Land and Premises stand conveyed, shall, as soon as conveniently may be, sell and dispose of, by public auction, the said lot of Land and Premises, and pay the balance due on such purchase money, with all interest; and after deducting all expenses attending such sale, shall render to the Treasurer of the Province a full account thereof, and pay the net balance into the Treasury, to be appropriated to the Marine Hospital Fund.

Preamble.

Commissioners of Sailors' Home authorized to sell the purchased land and pay the balance due thereon;

To render account, and pay balance into Treasury.

CAP. LV.

An Act for the appointment of Commissioners of Sewers for the Parish of Sackville, in the County of Westmorland, and to divide certain Marsh Lands in the said Parish into several Bodies or Districts.

Passed 14th April 1849.

WHEREAS there are several large tracts of Marsh Land in the Parish of Sackville, in the County of Westmorland, which require the superintendence of Commissioners of Sewers, and it will diminish the expense of taking care of the said Marsh by dividing it into Districts;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the bodies of Marsh Land in the Parish of Sackville, in the County of Westmorland, now under the actual care and superintendence of Commissioners of Sewers, be divided into Districts, and classed as follows, namely: All that body of Marsh known by the name of the Ram Pasture Marsh, to be District Number One; all those bodies of Marsh known by the names of West Cole's Island Marsh, and East Cole's Island or Sunken Island Marsh, to be District Number Two; all those bodies of Marsh Land known by the names of the New and Old West Marshes, to be District Number Three; all those bodies of Marsh known by the names of Bear Island Marsh, and Middle Village Marsh, and King's Marsh, to be District Number Four; all those Marshes known by the names of Spectacle Island Marsh, and Dixon Island Marsh, to be District Number Five; and all that body of Marsh Land known by the name of the Great Marsh, together with all the Bogs and Low Lands lying to the northward and westward thereof, to be District Number Six.

Preamble.

Marsh Lands now under charge of Commissioners of Sewers divided into districts and classed.

II. And be it enacted, That the Districts Number One, Number Two, Number Three, Number Four, and Number Five, shall each choose one Commissioner of Sewers,

Commissioners of Sewers to be chosen for the districts

annually on the
third Tuesday in
April, at Sackville.

Sewers, and District Number Six shall choose two Commissioners of Sewers, to be elected in the manner and for the period hereinafter provided for ; which persons so elected shall be Commissioners of Sewers for the said several Districts ; that is to say : that on the third Tuesday in April next ensuing the passing of this Act, and on the third Tuesday in April in every third year thereafter, between the hours of eight and nine in the forenoon, a meeting of the proprietors of the said Districts be held at or in front of the Temperance Hall, in Sackville, for the purpose of choosing the said Commissioners ; at which meeting the senior Magistrate residing in the said Parish shall preside, and in case of his absence or refusal, the senior Magistrate resident in the said Parish present at the said meeting shall preside ; and in case of his likewise refusing to preside, or there being no Magistrate present at the said meeting, then that the majority of the said proprietors present, shall at once elect some person to preside over the said meeting ; that the said Magistrate or person so presiding over the said meeting, shall appoint some impartial person to act as Clerk at the said election, and who shall be sworn by the said presiding officer to a true and faithful discharge of his duties as such Clerk, in the words set out in the Schedule to this Act, which oath shall be written on the Poll Book for the said election, and which oath the said presiding officer is hereby empowered to administer ; that the said presiding officer shall cause this Law to be read to the meeting, and then proceed to take the Poll for the said Commissioners of Sewers ; and the said Clerk shall enter the votes for the said Commissioners of Sewers in a Book to be provided for that purpose, in the form in the Schedule hereto annexed, or in words and figures to the like intent, which Poll shall be kept open until twelve o'clock ; and in case there be a contest, then the Poll shall be continued and kept open until six o'clock in the evening of the same day, when it shall be finally closed.

Chairman to
appoint a Poll
Clerk.

Law to be read.

Clerk to enter the
votes in the
Schedule form.

Duration of poll.

Chairman to declare
the successful
candidates.

When votes are
equal in number,
the chairman to
determine.

Commissioners to
be sworn.

Neglect to be
sworn deemed a
refusal of office.

Record of oaths.

III. And be it enacted, That the Magistrate or Chairman presiding at the said meeting shall forthwith after closing of the Poll, proceed to ascertain from the Poll Book which of the candidates has the highest number of votes, and declare the same, and certify upon the Poll Book that candidate duly elected a Commissioner of Sewers for the said several Districts by that District for which he has the highest number of votes ; and for District Number Six in like manner declare and certify on the Poll Book that candidate having the second highest number of votes for that District also duly elected a Commissioner of Sewers by the said District for the said several Districts ; that if upon such examination of the Poll Book it shall appear that two or more candidates for any one District have an equal number of votes, the said Magistrate or Chairman shall then determine which of such candidates shall be deemed to have a majority over the other or others ; which several Commissioners of Sewers so elected shall be sworn into office ; which oath any Justice of the Peace of the said County resident in said Parish of Sackville, or the Chairman presiding at the said meeting, is hereby authorized and required to administer ; and any Commissioner so elected who shall neglect for the period of one week to take the oath of office, shall be deemed to have refused to accept such office ; that such oath of office if taken before the Magistrate or Chairman presiding at such meeting, shall be in writing upon the Poll Book, and if taken before any other Magistrate, that the same be in writing, and filed with the Chairman presiding at such meeting, to be by him attached to the Poll Book, which Poll Book, certificates of election, and oaths of office, shall be by him transmitted to and filed with the Clerk of the Peace for the said County.

IV. And be it enacted, That every proprietor of Marsh Land situate in any of the said Districts, whether male or female, shall be entitled to vote at such elections, under the regulations hereinafter provided, except children under the age of sixteen years; that is to say: each proprietor shall have as many votes as he owns acres of Marsh in such Districts, exclusive of all fractional parts; and in case the number of votes claimed by any voter should be disputed at the time he offers to vote, by any other proprietor, then before such votes are received and entered, the person claiming the right to vote shall take the following oath:—

Qualification of voters, and number of votes to be given by each.

[Challenged voters to be sworn.]

‘ You do swear that you are the proprietor of _____ acres of Marsh, situate in District Number _____ [or _____ acres in District Number _____ and _____ acres in District Number _____ as the case may be, where the person claims the right to vote for more than one District,] and that you are entitled to vote therefor at this election of Commissioners of Sewers, and that you have not before voted at this election.’

That no proprietor of Marsh Land in one District shall give any vote upon the same for a Commissioner or Commissioners to be elected for any other District; and provided always, that in District Number Six that no proprietor shall be entitled to vote for or upon any Marsh or Bog not yielding the annual value of two shillings and six pence per acre, except such Marsh or Bog has at the time of such election been assessed to the amount of two shillings and six pence per acre; and in case the number of votes claimed by any voter in District Number Six should be disputed at the time he offers to vote, by any other proprietor, then before such votes are received and entered, the person claiming the right to vote shall take the following oath:—

‘ You do swear that you are the proprietor of _____ acres of Marsh, [or Bog, as the case may be,] in District Number Six, that the same is of the annual value of two shillings and six pence per acre, [or has been assessed to the amount of two shillings and six pence per acre,] that you are entitled to vote therefor at this election of Commissioners of Sewers, and that you have not before voted at this election of Commissioners of Sewers.’

Which oaths the presiding officer is hereby authorized and required to administer, and no other proof of qualification shall be required of such voter.

V. And be it enacted, That the persons so elected, certified and sworn as Commissioners of Sewers shall be Commissioners of Sewers in and for the said several Districts for and during the term of three years then next ensuing; and such Commissioners shall be authorized and empowered during the term of office to convene and meet together from time to time as occasion may require, to consult, consider and devise means and methods for building, erecting or repairing such Aboideaux, Dikes and Wears as are or may be necessary to prevent inundation, and for drowning or draining of Marshes, Swamps and other unreclaimed Lands, either diked or undiked, and to employ labourers and workmen for such reasonable wages as may be agreed on for that purpose, and to take and assess all such persons from time to time as shall or may be owners of such Marshes, Meadows or unreclaimed Lands as aforesaid, for defraying the expenses thereof, having regard to the quantity and quality of land of each person and benefits thereby to be received, as equally as they can according to their best judgment, and shall appoint and swear a Collector or Collectors for collecting such assessments and paying the same to such persons as by the said Commissioners shall be appointed, with powers to distrain upon the property of all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like

Commissioners to continue three years in office.

Empowered to meet;

Erect and repair dikes;

Assess for expenses;

Appoint collectors, with power to distrain and call them to account;

[Collector's remuneration.]

Appoint a Clerk ;

Repair the roads, and assess.

Repairs may be stayed.

Commissioners to keep separate accounts and transfer the vouchers to their successors.

Commissioners compensation.

Vacant Commissionerships to be filled up by an election.

Other bodies of Marsh Land not less than two hundred acres, may be subjected to the superintendence of Commissioners of Sewers under this Act on requisition and election.

like manner as is usually done in other cases by distress ; and such Collector appointed as aforesaid, shall be entitled to levy for his services a sum over and above such assessment not exceeding seven and a half per cent. on the amount of such assessment ; and the said sum so to be allowed for collecting to be first regulated by the Commissioners having regard to the amount to be collected ; and to call before them such Collector or Collectors to account for his or their trusts in regard to the premises : and the said Commissioners, or a majority of them, if they deem it fit and proper, may and they are hereby empowered to appoint and swear a Clerk by whom all records, entries, notices and other documents shall be made and kept, and the said Commissioners shall be authorized and empowered to make and repair the Bye Roads leading through or in the said Districts, and in like manner as aforesaid assess the Marshes for the expenses thereof, the said Commissioners first giving notice of such their intention by advertising the same in three or more public places in the said Parish for ten days ; provided always, that if the proprietors of a majority of acres in the District where such road or roads so to be made or repaired shall lie, by order in writing to the Commissioner or Commissioners elected for such District, desire the said Commissioners not to proceed with such making or repairing so advertised, the said Commissioners shall not proceed in the same for the period of one year, and not then unless by again advertising such proposed repairing or making ; and the said Commissioner or Commissioners of each District is and are hereby required to keep separate and distinct accounts of all labour performed in their several Districts during the period for which they are appointed ; and during the last half year of their term of office the said Commissioners shall arrange, collect, settle up and satisfactorily arrange as far as possible all the accounts arising or accruing during their term of office, and on the expiration thereof, to deliver the same up, together with all vouchers and documents whatsoever, to their successors in office ; that the said Commissioners shall receive out of assessments made by them a reasonable compensation for their services, not to exceed seven shillings and sixpence per day for each and every Commissioner.

VI. And be it enacted, That in case of the refusal to act, removal or death of any person elected as Commissioner of Sewers under and by virtue of this Act, the proprietors of the District by which such Commissioner may have been elected, may make application to the Town Clerk of said Parish, to call a public meeting of the proprietors of such District for the election of a Commissioner for such District ; which meeting the said Town Clerk is hereby required to advertise in three or more public places in said Parish ; and such election shall be conducted in the same manner as is provided in the second and third sections of this Act for the election of Commissioners of Sewers at the general election thereof ; provided always, that such Commissioner or Commissioners so elected, shall not hold such office for a longer period than until the general election of Commissioners of Sewers next ensuing such election.

VII. And be it enacted, That if the proprietors of any body of Marsh Land in said Parish, not included within the provisions of the first section of this Act, and containing not less than two hundred acres, should desire the superintendence of Commissioners of Sewers to take care of the same, they may make application in writing, signed by the proprietors of a majority of acres in said body, requiring the Town Clerk of said Parish to call a public meeting of the proprietors of such body of Marsh Land, for the purpose of electing a Commissioner of Sewers by such body of Marsh ; that thereupon the said Town Clerk shall give ten days notice of the said meeting to be held in the said Parish, by advertising the same

in

in six or more public places in the said Parish; and that at the time and place so advertised for the election of a Commissioner of Sewers by the said proprietors, the election of such Commissioners of Sewers shall be proceeded with, which election shall be conducted in like manner as is provided for in the second and third sections of the Act for the election of Commissioners of Sewers for the District therein named; which Commissioner of Sewers so elected shall be declared a Commissioner of Sewers for the several Districts herein named, and such further bodies of Marsh as may avail themselves of the provisions of this Act, with all the duties, authorities and privileges imposed and conferred by this Act upon the said other Commissioners of Sewers for said Districts; provided always, that such Commissioner of Sewers so elected shall not continue in office for a longer period than until the general election of Commissioners of Sewers for said Districts next ensuing such election, at which time the election for a new Commissioner of Sewers by such District shall proceed as is provided by the said second and third sections of this Act for the several Districts therein named; and provided always, that if the proprietors of a majority of the number of acres in such body of Marsh do not vote at such election so called by the Town Clerk, in such case the said election shall be deemed wholly null and void.

Commissioner elected to be a Commissioner for the other districts.

Election to be void if the proprietors of a majority of acres do not vote.

VIII. And be it enacted, That in case the proprietors of the majority of acres of any body of Marsh in said Parish, shall be desirous of being annexed to any District or body of Marsh having elected a Commissioner of Sewers by virtue of this Act, the said Commissioners of Sewers are hereby empowered and authorized, upon the consent of the proprietors of a majority of acres in both bodies of Marsh, as well of that body desiring to be annexed as of the body or District to which it is to be annexed, to declare such body of Marsh annexed to such District or body, and subject to the jurisdiction and control of the Commissioners of Sewers to all intents and purposes the same as if it had originally been part of such District; and in case any body of Marsh in said Parish shall be desirous of being discharged from the power and control of the said Commissioners of Sewers, the said Commissioners, upon the like consent being had, shall and may declare such District or body of Marsh withdrawn from the jurisdiction and control of the Commissioners of Sewers, from which time the said Commissioners shall cease to have any control over such body of Marsh; provided that any rate made before the time of such order may still be enforced and levied in all respects the same as if such body of Marsh had not been withdrawn.

Other Marsh Lands may, on consent, be annexed to districts already appointed.

Marsh Lands may, on consent, be withdrawn from the superintendence of the Commissioners.

IX. And be it enacted, That every person allowed by law to make an affirmation instead of taking an oath, shall be allowed to affirm in every case where by the provisions of this Act an oath is required to be taken; and if any person taking an oath or making affirmation as required by this Act, shall wilfully swear or affirm falsely, such person shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties by law provided for that offence.

Affirmation may be made instead of oath.

X. And be it enacted, That a copy of a Certificate of Return of Commissioners of Sewers, filed in the Office of the Clerk of the Peace, certified under the hand and seal of office of such Clerk, shall be prima facie evidence of the regularity and legality of all proceedings up to and the election of such Commissioners of Sewers; and that a copy of what regulations the said Commissioners may from time to time make, certified under the hand and seal of office of the said Clerk of the Peace, shall in like manner be evidence of such regulations in all Courts of Record in this Province.

Certified copy of Certificate of Return of Commissioners to be prima facie evidence of the regularity of proceedings, &c.

XI. And be it enacted, That whenever any person shall be aggrieved by the wilful neglect or gross carelessness of any of the said Commissioners, such Commissioner

Commissioners to be personally liable to parties aggrieved.

Commissioner or Commissioners shall be personally liable to the party injured for all damages by him sustained in consequence of such neglect, to be recovered in an action on the case either in the Supreme Court or the Inferior Court of Common Pleas for the County of Westmorland, with costs as in other cases.

Commissions to be deemed cancelled on the choice and swearing in of Commissioners under this Act.

Reservation.

10 & 11 G. 4, c. 29.

3 V. c. 56.

Powers conferred by Act 10 & 11 G. 4, c. 29, save as repealed, extended to Commissioners under this Act.

10 & 11 G. 4, c. 29, s. 2, repealed as to Sackville.

Construction of terms.

Commissioners.

Marsh.

Proprietor.

Number and gender.

XII. And be it enacted, That when and so soon as the said Commissioners or any two of them so chosen, shall have taken the oath of office, any former existing commission for the appointment of Commissioners of Sewers in and for the said Parish of Sackville, shall be deemed to be cancelled and void, and all the powers and duties of any such previous Commissioner shall cease and determine; provided that any matter or thing by them before done under such cancelled commission, agreeably to the directions of an Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, shall be held valid, and all rates hitherto imposed may be enforced by the elected Commissioners; and provided that nothing in this Act contained shall affect or be construed to affect the power or authority of any Commissioner appointed or to be appointed under and by virtue of an Act made and passed in the third year of Her present Majesty's Reign, intituled *An Act in addition to the Acts now in force relating to Commissioners of Sewers*.

XIII. And be it enacted, That all the powers and authority given in and by the said recited Act, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, shall extend to the Commissioners chosen and appointed under the provisions in this Act, save and except where part of the same is by this Act repealed.

XIV. And be it enacted, That the second Section of an Act passed in the tenth and eleventh years of the Reign of His late Majesty George the Fourth, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof*, be repealed, so far as the same extends to the said Parish of Sackville.

XV. And be it enacted, That throughout this Act, in the construction thereof, except there be something in the subject or context repugnant to or inconsistent with such construction, the word "Commissioners" shall mean a majority of such Commissioners; the word "Marsh" shall extend to and mean Marsh, Low Lands and Meadows; the word "Proprietor" shall extend to and mean the owner in fee of any such Lands, either in possession by himself or his tenant under a lease not having seven years to run, the Mortgagor, Tenant by courtesy, Tenant in Dower, Tenant for life, or for years under a lease having seven years to run, or a Tenant in possession of Land under an agreement for the absolute purchase thereof from the owner in fee simple of any such Lands, and having the possession thereof; and when the subject or context requires it, every word importing the singular number or the masculine gender only, shall include and extend to several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals.

SCHEDULES.

Oath of Poll Clerk.

I, A. B., do swear that I will well and faithfully perform the duties of a Poll Clerk at the election of Commissioners of Sewers for the Parish of Sackville, now holden, and a true record make of all votes tendered at said election, according to the law in such case provided.

Form of Poll Book.

Poll Book for Election of Commissioners of Sewers for the Parish of Sackville, County of Westmorland.		District No. 1.		District No. 2.		District No. 3.		District No. 4.		District No. 5.		District No. 6.							
Proprietors' Names.		Candidates' Names.		Candidates' Names.		Candidates' Names.		Candidates' Names.		Candidates' Names.		Candidates' Names.							
Number Acres and Votes.		A.	B.	D.	E.	G.	H.	K.	L.	N.	O.	Q.	R.						
James Jones,	50		50			100		50		10		80							
William Brown,				100	100			50	50			200	200						
Thomas Smith,	60	60		40	40			100	100	100	40	100	100						
Richard Roe,	50		50	10	10	80	80	100	100	40	40	100	100						
Total, ..	150	60	50	150	40	110	180	100	80	150	150	150	100	40	10	380	100	200	80

CAP. LVI.

An Act to authorize and empower the Rector, Church Wardens and Vestry of Saint George's Church, in the Parish of Bathurst, in the County of Gloucester, to sell and convey a certain Tract or Lot of Glebe Land situate in the said Parish, and to vest the proceeds in the purchase of other Lands in a more desirable situation and more productive.

Passed 14th April 1849.

Preamble.

WHEREAS a certain Tract of Land situate on the north side of the 'Tatagouche River, in the Parish of Bathurst, in the County of Gloucester, known as Lot B, containing two hundred and ten acres more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens and Vestry of Saint George's Church, in the Parish of Bathurst, and their successors, for a Glebe, yields no income to the Rector of the said Parish: And whereas it is believed that the said Tract of Glebe Land could be sold at a fair price, and that the monies arising from such sale might be invested in the purchase of other Lands more conveniently situated and more beneficial and productive for the use and benefit of the said Rector;

Corporation of Saint George's Church, Bathurst, authorized to sell Glebe Land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Rector, Church Wardens and Vestry of Saint George's Church, in the Parish of Bathurst, be and they are hereby authorized and empowered to sell, dispose of and convey all and singular the said Lot or Tract of Glebe Land, and make, seal and deliver good and sufficient Deeds of Conveyance of the same in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, signified by either of them being a party to such Deed, and signing the same.

Proceeds of sale to be reinvested in other lands.

II. And be it enacted, That the amount arising from such sale of Glebe Land shall be invested by the said Rector, Church Wardens and Vestry in the purchase of other Freehold property more conveniently situated for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens and Vestry, and their successors, for ever, for a Glebe for the use and behoof of the Rector of the said Church for the time being.

CAP. LVII.

An Act to facilitate the operations of the York and Carleton Mining Company.

Passed 14th April 1849.

Preamble.

WHEREAS the York and Carleton Mining Company have invested a large sum of money in commencing and carrying on their operations in the manufacture of Iron in the County of Carleton, and have, by Petition to the Legislature, prayed that their present Lease for twenty five years may be extended to the term of ninety nine years, and that the present reservation of five per centum on the value of the Ore raised may be commuted into a fixed duty of one penny per ton on the Iron smelted, and that such other encouragement may be extended as may be deemed just: And whereas it is considered advisable to afford every encouragement to the said Company in the prosecution of their important enterprize;

Present lease may be cancelled and a new one issued for the term of 99 years.

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 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, to revoke, cancel and annul the present Lease, and to issue a new Lease

Lease in lieu thereof, for the term of ninety nine years, to commence at and from the date of the former Lease.

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, by and with the advice and consent aforesaid, to reserve in the said Lease a Duty of one penny per ton on the Iron smelted by the said Company, in lieu of the Duty of five per centum now reserved in the present Lease.

A Duty of one penny per ton to be reserved in lieu of Duty in the present lease.

III. ' And for the further encouragement of the said Company ;' Be it enacted, That there be granted to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand five hundred pounds, to be applied towards the purchase of ten thousand acres of Wilderness Lands by the said Company, situated on the north eastern side of the River Saint John, in the said County of Carleton, to be selected by and surveyed at the expense of the said Company ; and that the said money shall be applied as aforesaid, whenever it shall be made to appear to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that the said Company have smelted at least three hundred tons of Pig Iron at their Works in the said County of Carleton.

£1,500 granted to purchase 10,000 acres of land on north east side of the River Saint John, when 300 tons of pig iron have been smelted.

IV. And be it enacted, That this Act shall not come into operation or be in force until the first day of September next.

Act to come into operation on 1st September next.

CAP. LVIII.

An Act in addition to an Act, intituled *An Act to incorporate the British North American Electro-Magnetic Telegraph Association.*

Passed 14th April 1849.

6 WHEREAS in and by the third section of an Act made and passed in ' the tenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the British North American Electro-Magnetic Telegraph Association,* ' the Corporation by the said Act erected are authorized and empowered by ' themselves, their deputies, agents, officers and workmen, to make and complete ' a single or double line of Electro-Magnetic Telegraph communication through ' Campbelltown, Dalhousie, Bathurst, Miramichi, Fredericton and Saint John, ' and thence to the Bend of the Petitcodiac, in this Province, and thence towards ' Halifax : And whereas it is deemed expedient to afford to the said Corporation ' the option of carrying their line or lines of Electro-Magnetic Telegraph com- ' munication from Miramichi towards Halifax, via Richibucto and Shediac ;'

Preamble.

10 V. c. 74.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That any thing in the said Act contained to the contrary notwithstanding, it shall and may be lawful for the said Corporation, and they are hereby authorized and empowered, should they see fit, by themselves, their deputies, agents, officers and workmen, to make and complete a single or double line of Electro-Magnetic Telegraph communication to meet a line or lines of Electro Telegraph to be established from Quebec to the Province Line of this Province, and to continue the same through Campbelltown, Dalhousie, Bathurst, Miramichi, Richibucto, Shediac, and thence towards Halifax, by such route as they may deem most advisable, to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or moveable property as may be necessary for the making and maintaining the said Electro-Magnetic Telegraph communication, and may use, hold and possess the land over which the said Electro-Magnetic Telegraph is to pass, in the manner and under the provisions in the said in part recited Act set forth.

Corporation empowered to construct a line of Electro-Magnetic Telegraph, via Campbelltown, Dalhousie, Bathurst, Miramichi, Richibucto, Shediac, and thence towards Halifax.

Power to be in lieu of any expected Provincial pecuniary reward.

On refusal to transmit communications from St. John or other parts of the Province to Halifax or Quebec, all the corporate powers and privileges to cease.

A preference secured to the Lieut. Governor for public service messages.

II. And be it enacted, That the option hereby granted shall be in lieu of all and every pecuniary reward or bonus of any nature or kind soever granted or expected to be granted by this Province to the said Association.

III. And whereas apprehensions are entertained that in the event of the said line or lines of Electro-Magnetic communication between Quebec and Halifax being completed, the proprietors or agents thereof may refuse to transmit from time to time such information as may be forwarded from Saint John for Halifax or Quebec, or may demand or exact an additional rate therefor, over and above the usual and established rates charged by the said Association; Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That should the said Association, their Managers, Agents or Clerks, or any of them, refuse at any time after the completion of the said line to transmit any information or communication from Saint John or other parts of this Province to Halifax or Quebec at the usual and established rates of the said Association, that then and in such case all the powers, privileges and authorities given and secured by this Act, or by the Act to which this Act is an amendment, shall cease and determine and be and become utterly null and void and of none effect.

IV. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all seasonable times and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and Branches, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any Station or Stations in and throughout the Province; and that the rates of charge therefor shall not in any one case exceed the established and ordinary rates of charge made to private individuals and others for the transmission of like messages.

CAP. LIX.

An Act to amend an Act, intituled *An Act to incorporate the City of Fredericton.*
Passed 14th April 1849.

Preamble.

WHEREAS doubts have been entertained with regard to the construction of some of the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the City of Fredericton*, and it is deemed advisable to declare the Law relative thereto, and to amend the said Act in several respects;

Act 11 V. c. 61, so far as inconsistent with this Act, 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 eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the City of Fredericton*, as is inconsistent with the provisions of this Act, be and the same is hereby repealed; provided that in all other respects the said Act shall continue in full force and effect.

Qualification of voters for Councillors.

II. And be it declared and enacted, That from and after the passing of this Act, every person, being the owner of premises, otherwise qualified to vote for City Councillors according to the provisions of the eleventh section of the said recited Act, shall enjoy such right to vote, although such owner be not a resident within the said City, pursuant to the provisions aforesaid, and although such person or persons may not be in the occupation of the premises in virtue of which such person or persons claim the right to vote; and every male inhabitant of the said City of the age of twenty one years and upwards, who shall actually and within the Ward for which he shall vote, have been for three months previous to the day of the election the bona fide owner of real or personal property of the value

value of one hundred pounds, and otherwise qualified by residence and payment of taxes, as is provided in the said eleventh section of the said recited Act, shall also be entitled to vote for the election of Councillors for the said City; and all future elections of City Councillors may be held before such person or persons, not being a Member or Members of the Council, as the Council shall from time to time appoint; and in all cases of election held after this present year, no person shall be deemed qualified to vote who has not paid the amount of taxes required by the said eleventh section of the said recited Act four months before the day of any such election.

Election to be held before persons appointed by the Council.

III. And be it declared and enacted, That in all questions before the City Council, the Mayor shall be entitled to one vote, and no more, which vote he may give with the other Councillors, or otherwise, in his discretion; and in all cases, whether in the Council or any Committee thereof, a majority of Councillors shall decide and determine all questions; that no Councillor shall be allowed to absent himself from the Council for more than two months without leave, and in such case, or whenever a Councillor leaves the City permanently, the Council shall have full power to vacate his seat and order an election for another Councillor to serve in his stead; and in all cases the Council may meet and transact business at any time, with or without notice, provided all the members of the Council be present.

Mayor to have one vote on all questions, and may give it at his discretion.

Seats of Councillors may be vacated for prolonged absence.

Council may dispatch business without notice of meeting, if all be present.

IV. And be it declared and enacted, That all Firemen in the said City, and each and every of them, during their continuance in office, shall be exempt from the several offices of Constable and Surveyor of Highways, and from serving on any Jury at the General Sessions of the Peace and Inferior Court of Common Pleas for the County of York, and from the performance of all Statute Labour on the Highways; and the sum or sums for which any such Fireman has been or at any time hereafter may be assessed for the repair of the Streets and Highways in the City of Fredericton, shall, for all purposes whatever contemplated by the said recited Act to incorporate the City of Fredericton, be deemed and taken to be paid and discharged, as fully and effectually as if such Firemen had paid the same in money, under and subject to such bye laws, rules and ordinances as the City Council shall from time to time make, ordain and establish relative thereto.

Firemen exempt from office of Constable, Surveyor of Highways, Jury service at Sessions of the Peace, and Statute Labour.

V. And be it enacted, That the said City Council on granting any Retail or Tavern Licences, may impose such fine or sum of money on the person receiving the same, not exceeding fifteen pounds, as they in their discretion may think proper.

Not exceeding £15 to be demanded for Tavern Licences.

VI. And be it enacted, That the Accounts of the income and expenditure of the said City shall be made up and published in one or more of the public newspapers of the said City, from time to time, by the Auditor, instead of the Treasurer, of the said City, as is provided in and by the Act of Incorporation above recited; and such Accounts shall be open for inspection by the inhabitants of the said City, in the office of the City Clerk, at such times and under and subject to such bye laws, rules and ordinances as the Council of the said City may from time to time make, ordain and establish.

Accounts to be made up and published by the Auditor instead of the Treasurer;

and to be open for inspection.

VII. And be it enacted, That nothing in the said recited Act mentioned shall be construed to authorize any greater number than five of the said Councillors, to be named by the City Council for the time being, to sit and vote at any General or Special Sessions of the Peace for the said County.

Not more than five Councillors to sit at any General or Special Sessions of the Peace.

CAP. LX.

An Act in further amendment of the Acts relating to the Incorporation of the Saint Andrews and Quebec Rail Road Company.

Passed 14th April 1849.

Act 11 V. c. 48, s. 2, repealed.

I. **B**E it enacted by His Excellency the Lieutenant Governor, Legislative Council and Assembly, That the second section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act in addition to and in amendment of an Act further to amend and extend the provisions of an Act, intituled "An Act to incorporate the Saint Andrews and Quebec Rail Road Company,"* be and the same is hereby repealed.

Twenty Directors to be chosen at the annual general meeting, thirteen resident in this Province and seven in England.

II. And be it enacted, That at every annual general meeting of the Saint Andrews and Quebec Rail Road Company, it shall and may be lawful for the shareholders present and appearing by proxy, to choose by a majority of votes twenty Directors, being proprietors of at least ten shares each in the said Company; of which Directors thirteen shall be residents of and in this Province, and seven residents of and in that part of the United Kingdom called England; all which Directors residents in England as well as in this Province, shall continue in office for one year or until others are chosen in their place.

Resident Directors to elect a President, and five to be a quorum for business.

III. And be it enacted, That the said thirteen Directors, residents of this Province, shall at their first meeting after their election choose one of their number President of the said Company; and five Directors shall form a quorum for the transaction of business, of whom the President shall always be one, except in case of necessary absence, when the Directors present may choose one of their number Chairman for the occasion; and in case of there being an equal number of votes for or against any question before the Board of Directors, the President or Chairman shall have a casting vote in addition to his ordinary vote as a Director.

President to have a casting vote on equal divisions.

Resident Directors to execute the duties under the Corporation Act;

IV. And be it enacted, That all the powers and duties conferred and imposed upon any Board of Directors mentioned in the Act incorporating the said Company, or any Act in addition to or in amendment of such Act, shall be enjoyed, executed and fulfilled by the said thirteen Directors residents of this Province; and that the powers and duties of the seven Directors residents of that part of Great Britain called England, shall be such as may be given, granted and imposed on them by the said Directors resident in this Province, or by any bye law of the said Company, and the same shall be enjoyed, executed and fulfilled by the said seven Directors under the instructions and control immediate and final of the said thirteen Directors, residents of this Province as aforesaid; provided always, that nothing herein contained shall affect, alter or abridge the powers of the stockholders resident in England as individual members of the Corporation.

The non-resident Directors, such duties as may be prescribed.

CAP. LXI.

An Act in amendment of an Act, intituled *An Act to provide for the Incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland.*

Passed 14th April 1849.

10 V. c. 71.

Preamble.

10 V. c. 71.

WHEREAS by the first section of an Act passed in the tenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the Incorporation of certain Presbyterian Churches in this Province not in connexion with the Established Church of Scotland,* certain persons therein named, and their successors, to be chosen and appointed in manner in and by the said Act mentioned, are incorporated by the name of "The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian

' Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland.'" And whereas the said Corporation are desirous ' that such name should be changed ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much and no more of the first section of the said recited Act as gives the name and designation to the said Corporation of " The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, and not in connexion with the Established Church of Scotland," be and the same is hereby repealed ; and in lieu and place thereof, the said parties in said first section mentioned, and thereby incorporated, and their successors, chosen and appointed, or to be chosen and appointed in the manner in and by the said Act mentioned and specified, shall forever hereafter continue and be a body politic, in deed and name, and shall continue to have succession forever, by the name of " The Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, adhering to the Westminster Standards," and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places in this Province, and shall have all other the powers, authorities, rights and privileges, given and granted by the said Act.

Act 10 V. c. 71, s. 1, in part repealed, and Corporate name changed.

II. And be it enacted, That so much and no more of the fourth section of the said Act as is contained in the words, " and second Book of Discipline as at present recognized and adopted by the Established Church of Scotland," be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said section the words, " and Books of Discipline as at present recognized and interpreted by the Free Church of Scotland."

Sec. 4 in part repealed, and substitution made.

III. And be it enacted, That so much and no more of the seventh section of the said Act as is contained in the words, " Saint John Presbyterian Church in New Brunswick," where the same first occurs in the said section, be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said section the words, " Presbyterian Church in New Brunswick, adhering to the Westminster Standards : " and so much of the said section as is contained in the words, " Trustees of the Saint John Presbyterian Church in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, not in connexion with the Established Church of Scotland," be and the same is hereby repealed ; and in lieu and in place thereof shall be substituted and taken as part of the said section the words, " Trustees of the Saint John Presbyterian Church, in the City of Saint John, in connexion with the Presbyterian Church in New Brunswick, adhering to the Westminster Standards ; " and that in all and every other respects the said Act shall be and remain in full force and virtue.

Sec. 7 in part repealed, and substitution made.

CAP. LXII.

An Act in addition to and in amendment of an Act, intituled *An Act to incorporate the South Bay Boom Company.* 10 V. c. 72.

Passed 14th April 1849.

' **W**HEREAS no provision is made in an Act made and passed in the tenth ' year of Her Majesty's Reign, intituled *An Act to incorporate the South ' Bay Boom Company*, for the election of a Director or Directors for such Boom ' Company, in the event of a vacancy or vacancies occurring by death, removal, ' disqualification or otherwise, the want of which provision renders it inconvenient ' properly to carry on the operations of the Company ;

Preamble. 10 V. c. 72.

I.

Intermediate vacancies in the Directorship to be filled up by the other Directors.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon any vacancy or vacancies occurring in the number of Directors chosen at any annual meeting of the stockholders of the said Company, under and by virtue of the powers conveyed to the said stockholders by the eighth section of the said Act, intituled *An Act to incorporate the South Bay Boom Company*, whether such vacancy or vacancies may arise by death or resignation, or in case any Director should disqualify himself by the sale, disposal or transfer of his shares or of any of them, so as to reduce his interest in the said stock to less than twenty five shares required by the said Act for the qualification of a Director, the remainder of the said Directors shall or may fill up the said vacancy or vacancies as they may occur, by choosing one of the stockholders in the said Company, being duly qualified as is provided in the said Act of incorporation, and the said person so chosen by the said Directors, shall serve until another be chosen in his room at the next annual meeting.

Directorships may be vacated for absence.

II. And be it enacted, That should any Director chosen at any general annual meeting of the stockholders, be absent from the Province for three months at any one time, it shall then be lawful for the said Directors, at any meeting held by them, to declare the said member to have become disqualified, and thereupon to choose a stockholder duly qualified as aforesaid, to be a Director in his place, which Director shall serve until the next annual meeting for the election of Directors.

CAP. LXIII.

An Act to amend an Act to incorporate the New Brunswick Electric Telegraph Company.

Passed 14th April 1849.

Act 11 V. c. 53, s. 7, repealed.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the seventh section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act to incorporate the New Brunswick Electric Telegraph Company*, be and the same is hereby repealed; and in lieu thereof,

Preference in the transmission of messages on public service secured to the Lieut. Governor at ordinary charges.

II. Be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said Line of Electric Telegraph and Branches, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any Stations in and throughout the Province; and that the rates of charge therefor, shall not in any one case, or at any one time, exceed the established and ordinary rates of charge made to private individuals and others for the transmission of private messages.

CAP. LXIV.

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in New Brunswick.

Passed 14th April 1849.

Preamble.

‘ **W**HEREAS a Grand Division and numerous Subordinate Divisions of the Order of the Sons of Temperance have been formed in this Province: And whereas in addition to the moral objects which that association has in view, they are established for the purpose of raising and securing a fund for the mutual assistance and benefit of Members thereof and of their families, in case of sickness, inability or death: And whereas for the purpose of managing their pecuniary affairs and no other, the said Order should be protected by an Act of Incorporation;’

I.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Alexander Campbell, Asa Coy, Samuel L. Tilley, James Johnston, George A. Garrison, Richard Seely, Reverend James Porter, John R. Marshall, and their associates, Members of the Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick, and their successors, members of said Grand Division according to the rules and bye laws thereof, be and they are hereby erected into a body corporate by the name of "The Grand Division of the Order of the Sons of Temperance of the Province of New Brunswick," with the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of managing the pecuniary affairs of said Grand Division.

Members and their successors of the Grand Division of the Order of the Sons of Temperance incorporated.

II. And be it enacted, That the said Grand Division, in their corporate name, shall be capable of acquiring and holding property, real or personal, and the same to sell, convey, control, lease or otherwise manage and dispose of at pleasure; provided that the real estate to be held by the said Grand Division shall at no time exceed in value the sum of one thousand pounds.

Grand Division, under their corporate name, to be capable of holding property.

Limitation in value.

III. And be it enacted, That the said Grand Division shall have power to appoint any of their present officers or such other members or officers for the management of their funds and property as they may deem expedient, to prescribe their duties, and to require such security as they may from time to time deem proper from said officers, or any of them, for the faithful performance of their respective duties, and may remove them or any of them at pleasure, and may make, ordain and put in execution such bye laws and rules as they may deem necessary for the purposes aforesaid, not inconsistent with the Laws of this Province.

Grand Division may appoint managing officers and prescribe their duties.

IV. And be it enacted, That each Subordinate Division now instituted or which may hereafter become instituted within this Province, may in the manner hereinafter specified, be and become a body corporate, by the name, number and place of location, by which it is or may be designated in the Order; and that each Subordinate Division, upon so becoming incorporate, shall have all the powers and privileges made incident to a Corporation by Act of Assembly aforesaid, for the sole purpose of managing their funds and property; provided that the real estate to be held by each incorporated Subordinate Division shall at no time exceed in value the sum of five hundred pounds.

Each Subordinate Division may become a corporate body.

V. And be it enacted, That each Subordinate Division which may be desirous of becoming incorporated, shall and may by a vote of two thirds of its members present at any regular meeting, (of the intention to propose which vote two weeks notice at least shall be given in regular meeting of such Subordinate Division by some member thereof in writing,) decide to become so incorporated; and that upon a copy of the vote of such decision, specifying also the name, number and place of location of such Subordinate Division, and the names of not less than ten of the Members of such Subordinate Division, under the seal of such Subordinate Division and the signature of its Recording Scribe and presiding Officer, together with a Certificate of the Grand Division, under its corporate seal and the signature of its presiding Officer, and Scribe, that such Subordinate Division is in full standing in the Order, being filed in the Office of the Secretary of the Province, the members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their associates and successors, members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with the Secretary as aforesaid, a body corporate as aforesaid, for the purposes aforesaid, by the style or name, number and place of location of such Subordinate Division.

Subordinate Divisions, on a vote of two thirds of its members, and the filing of certain Certificates in the Provincial Secretary's Office, incorporated.

VI.

Treasurers of Subordinate Divisions to invest the surplus corporate funds, under direction.

VI. And be it enacted, That it shall and may be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered from time to time by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by their bye laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Division, in real estate, or on mortgage, or in public or other stock or funds, or in such other manner as such Subordinate Division may deem best, and from time to time with the like consent, to alter, sell and transfer such securities, real estate or funds respectively, and otherwise re-invest or dispose of the same; and that the Certificate, Bill of Sale, Deed or other Instruments of transfer, sale or discharge of such estate or funds or security shall be made under the seals of such Subordinate Division, and signed by the Treasurer and presiding Officer of such Subordinate Division; and that all such investments shall be made and securities taken, and sales and transfers made in the corporate name and capacity of such Subordinate Division.

Security may be taken from the Treasurers.

VII. And be it enacted, That it shall and may be lawful for each Subordinate Division so incorporated, when so incorporated, to receive from the Treasurer thereof from time to time in their corporate name sufficient security by bond, with one or more surety or sureties or otherwise as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for and pay and invest from time to time all such sum or sums of money, funds or other property as may come to his hands or under his control, belonging to said Subordinate Division, as directed by said Subordinate Division.

No assignment of interest in corporate funds to be made by individual members.

VIII. And be it enacted, That no member of any Subordinate Division so incorporated shall have any power to assign or transfer to any person or persons whomsoever any interest which he may have to or in the funds or property of such Subordinate Division; but the same shall at all times be and remain under the control of such Subordinate Division; and that no property or stock of any kind belonging to such incorporated Subordinate Division shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member or members of such Subordinate Division.

Corporation property alone responsible for debts.

IX. And be it enacted, That the property of each of said Subordinate Divisions when incorporated, shall alone become responsible for the debts and engagements of the Subordinate Division owning such property.

Disposition of corporate property on the dissolution of a subordinate division.

X. And be it enacted, That upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of said dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold or conveyed in such manner as the members present at any regular meeting, when said dissolution shall have been determined upon by a two third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property as such Subordinate Division may be possessed of at the time of such dissolution shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the payment of any debts or liabilities of such dissolved Subordinate Division, and the balance (if any) in such manner as said Grand Division may deem best for the general interests of the Order in this Province.

Limitation.

XI. And be it enacted, That this Act shall continue and be in force for the period of seven years from the time of the passing thereof.

CAP. LXV.

An Act to incorporate the Trustees of the Wesleyan Academy, at Mount Allison, Sackville.

Passed 14th April 1849.

WHEREAS Charles F. Allison, of Sackville, in the County of Westmorland, in the Province of New Brunswick, Esquire, for the purpose of founding and establishing an Academy for the instruction of Youth in the various branches of Science and Literature upon Christian principles, did by Indenture bearing date the twenty sixth day of May, in the year of our Lord one thousand eight hundred and forty, grant to William Temple, Sampson Busby, and Enoch Wood, Wesleyan Missionaries of the New Brunswick District; five acres and twenty five perches of Land, more or less, situate in the said Parish of Sackville, and particularly described in the said Indenture, upon trust, that the said William Temple, Sampson Busby, and Enoch Wood, or the survivor of them, or the heirs, executors and administrators of such survivor, should execute such further conveyance thereof to such person and upon such trusts as might be agreed upon and appointed by the British Wesleyan Methodist Conference, and signified in writing to the said William Temple, Sampson Busby, and Enoch Wood, or the survivor of them, or the heirs, executors or administrators of such survivor; and the said Charles F. Allison did also give and expend a large sum of money to promote his said benevolent purpose: And whereas Buildings have been erected on the said lot of Land now called Mount Allison, by means of the said gift and the contributions of other piously disposed and benevolent individuals, and the said Academy has been organized and established, and is now in efficient operation: And whereas it is believed that the incorporation of the said Academy will more effectually promote the benevolent designs of its founder, and tend to a larger diffusion of its benefits, by simplifying the management thereof: And whereas the Missionary Committee of the British Wesleyan Conference having charge of the Missions established and maintained under the authority of the said Conference, have signified their assent to the incorporation of the said Academy, and to the assumption by the said Corporation of the lands and premises aforesaid, without any formal conveyance thereof:

Preamble, reciting the establishment of the Academy at Mount Allison.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Reverend Richard Knight, Chairman of the New Brunswick District of Wesleyan Ministers, the Reverend William Temple, Secretary of the said District, the Reverend Ephraim Evans, Chairman of the Nova Scotia District of Wesleyan Ministers, the Reverend Thomas H. Davis, Secretary of the said District, Charles F. Allison, of Sackville, Esquire, John Owen, of Saint John, Esquire, Martin G. Black, of Halifax, Nova Scotia, Esquire, Ralph Brecken, of Charlotte Town, Prince Edward Island, Esquire, and the Reverend Humphrey Pickard, of Sackville, the Principal of the said Institution, their associates, successors and assigns, be and they are hereby declared to be erected into and created a body politic and corporate by the name of "The Trustees of the Wesleyan Academy at Mount Allison, Sackville," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of supporting and maintaining the said Academy, and for carrying on, conducting and managing the same.

Persons herein named, and their associates, &c. incorporated by the name of "The Trustees of the Wesleyan Academy at Mount Allison."

II. And be it enacted, That the first meeting of the said Corporation shall be held at Sackville, after fifteen days notice thereof published in the Royal Gazette; which notice shall be given by the Reverend Richard Knight, or in case of his death, neglect or refusal to give such notice, then by any other person incorporated by this Act; and such meeting so holden, shall be adjourned from day to day till the business required to be done thereat is completed.

First meeting to be held at Sackville, on notice.

III.

Certain ex officio and elective members to constitute the Corporation after the first meeting.

III. And be it enacted, That after the first meeting of the said Corporation, the said Corporation shall consist of the Chairman of the New Brunswick District of Wesleyan Ministers for the time being—the Secretary of the said District for the time being—the Chairman of the Nova Scotia District of Wesleyan Ministers for the time being—the Secretary of the said last mentioned District for the time being—the Chairman and Secretary of each and every District of Wesleyan Ministers for the time being, into which the Provinces of New Brunswick, Nova Scotia, and the Island of Prince Edward may be divided, by and under the authority of the British Conference of Wesleyan Methodist Ministers, originally established by the Reverend John Wesley, A. M.—the Principal of the said Academy for the time being—and two laymen to be selected annually by each of the Districts of Wesleyan Ministers into which the Provinces of New Brunswick, Nova Scotia, and the Island of Prince Edward are now or may at any time hereafter be divided, by the authority of the aforementioned Conference, the appointment of which laymen shall be duly certified by the Chairman of the District for which they may be respectively appointed, and such Certificate shall be countersigned by the Secretary of the said District; and the said Members of the said Corporation shall be the Trustees of the said Academy, and as such Trustees the Governors thereof: provided always, that in case the election of the said lay members of the said Corporation, or either of them, be omitted by the said District meetings, or either of them, it shall and may be lawful for the lay members of the previous year to remain and continue in office during the following year, and until their successors shall be duly elected by the said District meetings as aforesaid.

Lay members to continue in office on omissions to elect.

Annual meeting to be held on third Saturday in June.

IV. And be it enacted, That a meeting of the said Corporation shall be annually holden on the third Saturday in June in each and every year, in or near the said Academy in Sackville.

Extraordinary meetings may be called by two members.

V. And be it enacted, That any two of the members of the said Corporation shall have power, at any time after fifteen days notice, to call extraordinary meetings of the said Corporation, specifying in such notice the time and object of such meeting, which meeting shall be holden in or near the said Academy at Sackville, and no business shall be done thereat other than what is specified in such notice.

Six members to be quorum for business, and consent of four essential to a binding vote.

VI. And be it enacted, That six members of the said Corporation shall form a quorum for the transaction of business, but any less number may adjourn from time to time till a full attendance can be obtained, and in no case shall any corporate act or vote be binding unless it is assented to by at least four members of the said Corporation.

Power to appoint and remove the Principal.

VII. And be it enacted, That in the event of the death, resignation or removal from office of the Principal of the said Academy, the surviving members of the said Corporation shall have power to appoint a Principal, and whenever they may consider the interest of the said Academy requires it, may remove the Principal from office; provided that in all such cases a majority of the members of the Corporation for the time being shall agree to such appointment or removal.

Constitution of meetings.

VIII. And be it enacted, That at all meetings of the said Corporation the members present shall be deemed to constitute a Board, and the Chairman of the New Brunswick District of Wesleyan Missionaries shall preside thereat; and in case of his sickness, or other necessary absence, the members present shall elect a Chairman.

Officers to be appointed by the Corporation.

IX. And be it enacted, That the said Corporation shall have power to appoint a Treasurer, Secretary and such other officers and servants as they may from time to time deem necessary for carrying on the financial, educational and other departments

departments of the said Academy, and allow them such compensation for their respective services as they may deem advisable.

X. And be it enacted, That on the organization of the said Corporation at the first meeting thereof to be holden in the manner provided by the second section of this Act, the said Corporation shall be deemed to be fully vested with the title and possession, and fully and legally seized of the said piece or parcel of Land conveyed in the said Indenture bearing date the twenty sixth day of May in the year of our Lord one thousand eight hundred and forty, without any formal transfer or conveyance thereof from the Trustees mentioned in the said Indenture, as fully and effectually to all intents and purposes as if it had been conveyed to the said Corporation by the said Trustees according to the terms and provisions in the said Indenture mentioned.

Certain real estate vested in the Corporation on its organization.

XI. And be it enacted, That no person shall teach, maintain, promulgate or enforce any religious doctrine or practice in the said Academy or any department thereof, or in any religious services held upon the said premises, contrary to what is contained in certain Notes on the New Testament, commonly reported to be the Notes of the said Reverend John Wesley, A. M., and in the first four Volumes of Sermons commonly reputed to have been written and published by him.

No religious doctrine contrary to certain Works of the Reverend John Wesley, A. M., to be taught.

XII. And be it enacted, That the annual value of the lands, tenements and hereditaments which the said Corporation may at any time hold, shall not exceed the sum of one thousand pounds.

Annual value of estate to be held, limited.

CAP. LXVI.

An Act to incorporate the Fredericton Mutual Insurance Company.

Passed 14th April 1849.

WHEREAS the establishment of a Mutual Insurance Company within the City of Fredericton, for the purpose of insuring against losses by Fire, would tend much to promote the public interests;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Honorable Thomas Baillie, William J. Bedell, Harvey Garcelon, James S. Beek, Duncan Robertson, Thomas R. Robertson, George Lee, Junior, George Thompson, Thomas W. Bliss, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of "The Fredericton Mutual Insurance Company;" and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of insuring against loss by Fire; and that the said Company, or the major part them, shall from time to time, and at all times, have full power and authority to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such bye laws and ordinances be not contradictory or repugnant to the Laws and Statutes of the Province, and those in force within the same.

"Fredericton Mutual Insurance Company" incorporated, with powers incident to Corporations.

II. And be it enacted, That all persons who shall insure with this Corporation, and also their executors, administrators and assigns, shall thereby become members thereof during the period for which they shall remain insured, and no longer.

Persons insuring with the Company thereby become members.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Fredericton, and shall be called by James S. Beek, or in case of his death, refusal or neglect, by any three of the said Company, by giving notice thereof in one of the newspapers printed in the said City, at least one week

First meeting of the Corporation to be held on public notice, after certain Insurances have been applied for.

previous to such meeting; provided such meeting shall not be held until applications for insurance have been made to the amount of two thousand pounds.

IV. And be it enacted, That all funds received by or remaining with the said Corporation, shall be invested in stock or personal or landed securities; provided that such securities shall not be taken for a less period than one year or more than two years.

CAP. LXVII.

An Act to incorporate the Saint Stephen Upper Mills Boom Company.

Passed 14th April 1849.

Preamble.

WHEREAS the erection of a Boom or Booms at the Upper Mills in the Parish of Saint Stephen, in the County of Charlotte, on the Saint Croix River, has been of great benefit to persons engaged in the Lumber business, by enabling them to secure Timber, Masts, Logs and other Lumber floating down the said River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for the purpose of managing said Booms;

“Saint Stephen Upper Mills Boom Company” incorporated, with powers incident to a Corporation.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Porter, Horatio N. Hill, Samuel S. King, Daniel Hill, George M. Porter, Samuel Hamilton, Ansel Daley, and Daniel K. Chase, their associates, successors and assigns, being Mill and Log owners, be and they are hereby declared to be a body corporate, by the name of “The Saint Stephen Upper Mills 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 Boom or Booms, Piers and any other works on the shore connected therewith, at the Upper Mills, Saint Stephen, for the more convenient collecting, picking up, securing or rafting Timber, Logs, Masts or other Lumber intended to be manufactured at the Upper Mills, Saint Stephen, and at Baring, opposite thereto, and for passing through and turning over the Dam at said Upper Mills, Saint Stephen, and Baring, all Timber, Logs, Masts or other Lumber belonging or intended to be manufactured below the said Upper Mills, Saint Stephen, and Baring, and for carrying on and managing the same.

Capital to be £1,500.

II. And be it enacted, That the Capital Stock of said Corporation shall be fifteen hundred pounds current money of New Brunswick, to be divided into shares of twenty five pounds each.

First meeting to be held on notice.

III. And be it enacted, That the first meeting of said Corporation shall be called by John Porter, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in writing first being posted in two open and conspicuous places at the Upper Mills, Saint Stephen, aforesaid, at Baring, at Mill Town, Saint Stephen, and at Mill Town, Calais, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice; and no person shall until forty eight hours from the opening the Books, subscribe for more than three shares of the Capital Stock of the said Corporation.

Limit to early subscription.

Right of entry on and occupation of certain lands, &c. granted.

IV. And be it enacted, That said Corporation may enter upon, occupy and use any rocks, islands or other land which at any time have been covered by the water of the Saint Croix River, the banks thereof, and the lands adjoining, for the purposes aforesaid, between the dam extending across said River at the Upper Mills, Saint Stephen, and Baring, and the head of Marpoles Island, for the purposes aforesaid, and may also use the same for passing and repassing on foot by the members of said Corporation, their servants and agents, in the care, use and management of the works aforesaid, and for stopping, controlling, securing, managing and

and disposing of the Timber, Masts, Logs and other Lumber aforesaid, and may take, use and keep the piers, cross booms, side, eddy and other booms, and the erections and fixtures used in connection therewith, now existing between the dam aforesaid, and the head of Marpoles Island, and shall therefor, and also for the rocks, islands, banks of the said River, and land near thereto aforesaid, make the owners thereof, or persons entitled to it, a reasonable compensation, to be by the parties agreed upon, or fixed and determined by three persons, by said parties to be mutually chosen, or by a Jury of twelve disinterested Freeholders of the County of Charlotte, to be summoned and appointed in a similar manner as Jurors for assessing damages for roads passing over private property.

Compensation to be paid.

V. And be it enacted, That all Timber, Logs, Masts and other Lumber which shall be floated into or stopped by said Booms or other works of said Company, to be used or manufactured below the Upper Mills, Saint Stephen, and Baring, shall be by the said Company turned out of and from said Booms and other works of said Company, with all convenient and reasonable despatch, and at said Company's expense, so they may pass down said River and over the dam before mentioned; and for any and all unreasonable delay therein, and for all damages to any person by or in consequence of such delay, said Company shall be responsible and make compensation therefor to the person or persons so delayed or damaged, to be recovered in an action on the case before any Court of competent jurisdiction to try the same; and said Company shall be responsible for any, and pay all damages happening to any person or persons by any unreasonable neglect or omission to keep all their said works in repair, or suitably attended by a sufficient number of competent men to stop and take care of, properly control, manage and dispose of all said Timber, Logs, Masts and other Lumber which may be drifted into or against their said works, and which should be stopped by them to be recovered as last aforesaid.

All Timber, &c. to be used below the Upper Mills, Saint Stephen, and Baring, to be duly turned out of the Booms at the Company's expense.

VI. And be it enacted, That if any person or persons shall wilfully injure or destroy the said Boom or Booms, or any of the piers or other works in connection therewith, such person or persons so offending, shall upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Charlotte, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, to be levied by Warrant of Distress and sale of the offender or offenders' goods and chattels; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for the said Justices to issue their Warrant to commit such offender or offenders to the common gaol of the County, there to remain without bail or mainprise, for such period as may be specified by such Warrant, not exceeding one day for each two shillings of such penalty; provided such offence be more aggravated, the person or persons so offending may be prosecuted for damages by the said Corporation in the Supreme Court of this Province, and upon conviction, the Justices of the Supreme Court, or any one of them, is and are hereby empowered to inflict upon such offender or offenders such fine and imprisonment as in his or their opinion the nature of the offence and injury inflicted would sanction.

Penalty for wilful injury to the Company's works.

Proviso for prosecution in the Supreme Court in aggravated cases.

VII. And be it enacted, That said Company shall without any unreasonable delay, but with all reasonable despatch, and so far as they can be, and as fast as they may be wanted, turn out of their main or back Boom or Booms, all the Logs, Masts, Timber and other Lumber which may come into them, and which are to be used and manufactured at the Upper Mills, Saint Stephen, and Baring opposite thereto, and put them into the side or eddy Booms of said Company, if need be; and when wanted at the Mills, shall without unnecessary delay, raft and run them

Company to raft and run to the Mills, Logs, &c. to be used at the Upper Mills and at Baring.

Toll granted.

Lien granted.

Recovery.

Unclaimed Logs to
be sold for the
benefit of the
Company.

Limitation.

to the Mills when needed ; and for all Timber, Logs, Masts and other Lumber so turned out, rafted and run to Mills at Upper Mills, Saint Stephen, and Baring, said Company shall be entitled to collect, demand and receive of and from any owner or owners thereof as toll, one shilling for every thousand feet board measure ; and said Company shall have a lien on all Timber, Logs, Masts and other Lumber to be used at or manufactured in said Mills last named, for the toll on all the Logs and other Lumber above named, of the same mark, and may detain the same under their control until the toll on the Logs and other materials of that mark is paid ; and in case of a refusal to pay said toll, or of a neglect to do so for a space of ten days after demanded by said Company, said Company may sell by public vendue so many and much of said Logs and other materials as will raise the amount so due and demanded, and all the costs and expenses incurred concerning the same, after posting written notices thereof in two open and conspicuous places in each of the four Villages mentioned in the third Section of this Act, at least ten days before the day of said sale, stating the marks of said Logs and other materials to be sold, the amount claimed, and the place, day and hour of sale.

VIII. And be it enacted, That all prize Logs, or Logs, Masts or other Timber or Lumber floated down the River Saint Croix, and into or against the said Booms, upon which no marks are found and for which no owner appears, may be sold by said Company by public vendue after ten days notice of the hour, day and place of such sale, and the proceeds thereof to be appropriated towards paying the expenses of said Company.

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 fifty two.

Anno Undecimo VICTORIÆ Reginae.

CAP. LXII.

An Act in addition to an Act, intituled *An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province.*

Passed 30th March 1848.

‘ **W**HEREAS it is deemed reasonable and just that the authorized Ministers of other Religious Denominations in this Province should enjoy equal privileges in the solemnizing of Marriage with the Ministers of the Churches of England, Scotland and Rome;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all Ministers of the New Brunswick Wesleyan District, all Ministers of the Presbyterian Church of New Brunswick adhering to the Westminster Standard, all Ministers of the Baptist Church in connexion with the New Brunswick Baptist Association, all Ministers of the Independent or Congregational Church in connexion with the Congregational Union of Nova Scotia and New Brunswick, and all Ministers of the Reformed Presbyterian Church of New Brunswick, being British Subjects, and not engaged in any secular calling, and having charge of a Congregation, shall be and they are hereby authorized and empowered, in virtue of their ordination respectively, to solemnize Marriage within this Province, agreeably to the forms and usages of their respective Churches or Denominations; provided always, that immediately upon any person being hereafter ordained in this Province, as a Minister of and in any of the said Denominations, and being a British Subject, such ordination shall be certified by the person or persons performing the same, and such certificate shall be forthwith transmitted to the Secretary of the Province; and also provided, that upon any ordained Minister of any of the said Denominations arriving in this Province, and being associated with the resident Ministers thereof, a Certificate signed by any two of such resident Ministers, certifying his ordination and connexion with their Denomination, shall be forthwith transmitted as aforesaid to the Office of the Provincial Secretary.

Ministers of certain religious denominations authorized to solemnize Marriage agreeably to the forms of their respective denominations.

Certificates of Ordination to be transmitted to the Provincial Secretary's Office.

II. And be it enacted, That any Minister so certified as aforesaid shall immediately upon the receipt of such Certificate at the Office of the Provincial Secretary as aforesaid, be fully authorized and empowered to solemnize Marriage within this Province, and shall continue so authorized and empowered so long as he may remain in connexion with the Denomination with which he may be associated at the time of such Certificate as aforesaid.

Authority aforesaid vested in the said Ministers upon receipt of the said Certificate.

III. And be it enacted, That in the event of any Minister so authorized as aforesaid, leaving or being expelled from the Denomination to which he may belong when so authorized as aforesaid, the same shall be forthwith notified in writing, signed by two of the Ministers of the Denomination to which such Minister may belong, to the Provincial Secretary, and upon receipt of such notification, the said power and authorities of such Minister shall cease and determine.

Authority aforesaid to cease on any Minister leaving or being expelled from his denomination.

IV. And be it enacted, That every Marriage to be solemnized under this Act shall be subject to all the provisions, and every person or persons concerned therein shall be subject to all the pains and penalties prescribed in and by the

Marriages solemnized under this Act to be subject to the Act 4 W 4, c 46.

second, third and fourth sections of an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province*, in the same manner and to the same extent in every respect as if such Marriage had taken place by a Minister regularly licenced to celebrate and solemnize Marriages under the authority of the Lieutenant Governor or Commander in Chief of this Province, as therein mentioned.

Suspendig clause.

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

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 27th day of June, 1848, and published and declared in the Province, the 19th day of July, 1848.*]

CAP. LXIII.

An Act to extend the provisions of an Act, intituled *An Act to facilitate the making of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof.*

Passed 30th March 1848.

Preamble.

WHEREAS the Saint Andrews and Quebec Rail Road Company have actually commenced the construction of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and it hath been deemed advisable further to encourage the said undertaking, and thereby lead to a more speedy completion of the work, by increasing the rate of interest on a portion of the capital sum to be invested in the undertaking, for the payment of which the faith and credit of this Province stands pledged, and to extend the period of time during which such increased interest shall be paid;

Rate of interest for which the Province stands pledged by Act 10 V. c 84, increased to six per cent. per annum.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the rate of annual profit or interest for which the faith and credit of the Province stands pledged to the Saint Andrews and Quebec Rail Road Company, by the fifth section of an Act made and passed in the tenth year of Her Majesty's Reign, intituled *An Act to facilitate the making of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof*, shall be increased from five per centum, per annum, to six per centum, per annum, on such capital sum, not exceeding the sum of one hundred thousand pounds, as may be invested in the undertaking aforesaid; and that the faith and credit of the Province shall stand pledged and hereby is pledged to the said Company to make up and pay any deficiency of the clear profits arising from the traffic of merchandize and passengers, and otherwise, on the said described Rail Road and its Branches, whereby the said Company may realize a less annual profit than six per centum on the sum of one hundred thousand pounds, expended in the undertaking, agreeably to the terms, conditions and specifications of the fifth section of the said Act of Assembly hereinbefore mentioned.

Term of years during which the guaranteed rate of interest is to be paid increased to 25 years.

II. And be it enacted, That the term of years during which such deficiency of annual profit or interest shall be made up and paid by this Province to the extent of six per centum, per annum, on such capital sum of not exceeding one hundred thousand pounds, as shall be invested in the said undertaking, shall be extended from the term of ten years, mentioned in the sixth section of the Act for facilitating the construction of the said Rail Road hereinbefore mentioned, to the term of twenty five years; and that during the said term of twenty five years, the said deficiency, if any, shall be made good by this Province, and shall be paid

to

to the said Company in manner and form and according to the stipulations and conditions mentioned and contained in the said sixth section of the hereinbefore mentioned Act.

III. 'And for the further encouragement of the said undertaking; Be it enacted, That on the completion of the said part of the said contemplated Rail Road, it shall and may be lawful for the said Company, at their own proper costs and charges, and under the supervision of the Surveyor General of the Province, to cause a survey of the ungranted Crown Land on each side of the said Railway, between Saint Andrews and Woodstock, to be made and laid out in lots of forty rods in width, fronting on the said Rail Road, and extending back a distance of one mile and a half from the said Road; and it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, and he is hereby authorized and empowered to grant in fee simple to the said Company, free from any charge, save and except the expenses of the survey as aforesaid, every second or alternate lot on both sides of the said Rail Road, not exceeding, in the whole, the quantity of twenty thousand acres.

Corporation authorized to lay out the land adjoining the Railway in lots of 40 by 480 rods.

A Grant in fee simple to be made to the Corporation of each alternate lot, not exceeding in the whole 20,000 acres.

IV. And be it enacted, That the fourth section of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to facilitate the making of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof*, be and the same is hereby repealed.

Act 10 V. c 84, s 4, repealed.

V. And be it enacted, That nothing in this Act contained shall be construed to impair or lessen the right of Her Majesty's Government to purchase the said Rail Road and its Branches, and all other the property of the said Company, thereunto appertaining, on the terms and conditions contained in the eleventh section of an Act passed in the tenth year of the Reign of Her present Majesty, intituled *An Act further to amend and extend the provisions of an Act, intituled "An Act to incorporate the Saint Andrews and Quebec Rail Road Company."*

Act not to impair the right of purchase reserved to Her Majesty by the 11th sect. of Act 10 V. c 27.

VI. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

Suspending clause.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 27th day of June, 1848, and published and declared in the Province, the 19th day of July, 1848.*]

CAP. LXIV.

An Act relating to Immigration, and the care and safe keeping of the Children and Property of deceased Emigrants.

Passed 30th March 1848.

WHEREAS in consequence of the great influx of diseased and pauper Emigrants into this Province, not only have heavy burthens been brought on the community, but the Emigrants themselves and their families have undergone much distress for want of any adequate provision being made for their necessities; for further remedy whereof,

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Treasurer of the Province, and Deputy Treasurers respectively, shall keep a separate account of all sums received by them respectively as Head Money or Tax upon Emigrants from Europe arriving in this Province; which sums so received shall be applied from time to time towards relieving destitute and diseased Passengers and Emigrants, and in assisting them to reach their several places of destination, and shall be paid by Warrant of the Lieutenant Governor or Administrator of the Government for the time being.

Treasurer to keep a separate account of the Emigrant Head Money;

which is to be applied towards their relief, and drawn by Warrant.

II.

The orphan or deserted Children of the Emigrants may be bound out to tradesmen, &c. by the Overseers of the Poor.

II. And be it enacted, That the orphan or deserted Children of such Emigrants, or the Children of such as may be Paupers, may be bound out by the Overseers of the Poor of the Parish, or Commissioners of Alms Houses of the Counties, as the case may be, where such Children may be left Orphans, or deserted, or be the Children of Paupers as aforesaid, to any tradesman, farmer, or other fit person engaged in any useful calling, until the age of twenty one, or in the case of girls, until the age of eighteen.

Indentures of Apprenticeship to be entered into.

III. And be it enacted, That in case of such binding out, there shall be regular Indentures of Apprenticeship, in two parts, one part to be filed with the Clerk of the Peace of the County or City and County where the same may be made, between the said Overseers of the Poor or any two of them, or the said Commissioners of Alms Houses or any three of them, on the part and behalf of the child or person to be bound, and the Master, or Mistress (if an unmarried woman,) which shall contain an agreement on the part of such Master or Mistress, as the case may be, that he or she shall teach or cause such child or person to be taught to read and write, and some of the general rules of arithmetic.

To contain an agreement that the Child shall be taught to read, &c.

Indentures to be executed in the presence and with consent of the Mayor of St. John, or a Justice of the Common Pleas in other Counties.

IV. And be it enacted, That every such Indenture of Apprenticeship shall be executed in the presence and by the consent of the Mayor or Recorder of the City of Saint John, or of one of the Justices of the Common Pleas of any of the Counties of this Province, which consent shall be subscribed or endorsed on the said Indenture.

Not to be assignable without the like consent.

V. And be it enacted, That no such Indenture shall be as signed without the consent of the said Mayor or Recorder, or Justice of the Common Pleas, subscribed to or endorsed on the said Indenture, under their hands respectively.

Overseers of Poor or Commissioners of Alms House made the Guardian of Child bound.

VI. And be it enacted, That the said Overseers of the Poor or Commissioners of the Alms House as aforesaid, and each and every of them, shall be and they are hereby constituted Guardians of every person so bound out as aforesaid, in their respective Parishes or Counties, to take care that the terms of the Indentures are fulfilled, and to defend the child or person bound from all cruelty, neglect or breach of contract on the part of the Master or Mistress; and it shall be their and each of their special duty, and they and each of them are hereby required to inquire into the treatment of every such child or person so bound as aforesaid, and redress every grievance sustained by them or any of them, according to law.

Property of deceased Emigrants to be received by the Treasurer at the port of arrival.

VII. And be it enacted, That the Province Treasurer, or Deputy Treasurer at any port or place where any Passenger Vessel may arrive, shall be and is hereby empowered to demand, sue for and recover the money, property and effects of deceased Emigrants, and keep a separate account of the same, which account shall be published in the Royal Gazette; and all monies so received by the said Province Treasurer, or any Deputy Treasurer, as the former property of a deceased Emigrant, shall be deposited in one of the Savings' Banks of the Province, to the credit of the Province Treasurer, there to remain until claimed by some person or persons legally entitled thereto, when the same shall be paid over to such legal claimant.

Publication to be made in the Royal Gazette, and money lodged in a Savings' Bank.

Masters of Vessels to deliver, on oath, previous to entry, Lists of Passengers who embarked and arrived, or died;

VIII. And be it enacted, That whenever any Ship or Vessel shall arrive or come from Europe to any port or place within this Province, the Master or person having charge of such Ship or Vessel, before such Ship or Vessel shall be admitted to entry, shall make oath before the Treasurer of the Province, or the Deputy Treasurer at the port or place where such Vessel may arrive, that no passenger embarked or sailed on board of such Ship or Vessel on her said voyage to this Province, or otherwise shall deliver to the said Treasurer of the Province, or Deputy Treasurer, a Schedule or List, in writing, signed by him, the said

Master

Master or person having charge as aforesaid, setting forth the name, profession or employment of every passenger respectively who may have embarked or sailed on board of such Ship or Vessel on her said voyage; and shall also at the same time deliver to the said Treasurer of the Province, or Deputy Treasurer as aforesaid, a Schedule or List, in writing, signed as aforesaid, of the names and ages or supposed ages of each and every passenger on board such Ship or Vessel who may have died during the voyage; and an account in writing, signed as aforesaid, of all property, goods, chattels or effects, if any, on board such Ship or Vessel belonging to the estate of such deceased passenger; and if required by the Treasurer of the Province, or any Deputy Treasurer as aforesaid, shall deliver such property, goods, chattels and effects to the said Treasurer or Deputy Treasurer immediately after entry, for safe keeping; and if any or either of such Schedules or Lists, or such account of property, shall be false in any particular, then and in every such case the Master or person having charge, who shall make, sign or deliver the same as aforesaid, shall forfeit and pay the sum of fifty pounds, to the use of Her Majesty, to be sued for and recovered by the said Province Treasurer, or any Deputy Treasurer, by summary proceeding before two Magistrates, in the same form and levied in the like manner as is mentioned in the next section of this Act for recovering compensation to passengers.

Render accounts of the latter, and deliver the goods on requisition made.

Penalty of making a false list or account.

Recovery.

IX. And be it enacted, That any passenger arriving in this Province in any Ship or Vessel, who may not, during the voyage, have received the quantity of provisions to which they were entitled by law, shall recover compensation for the deficiency, in a sum not exceeding five pounds, from the Master or Owner, or person having charge of such Ship or Vessel, by summary proceeding before two Magistrates, on the oath of one or more credible witness or witnesses, or other competent testimony, or by confession of the party charged, with costs, to be levied by Warrant of Distress against the goods and chattels of such party, or the tackle, apparel or furniture of the said Ship or Vessel, directed to some Constable of the Parish or place where the said Ship or Vessel may be, and the overplus, after deducting the costs of levy and sale, to be paid to the said Master or person having charge of such Ship or Vessel, or owner as aforesaid.

Compensation for deficient issues of provisions may be recovered by summary proceedings before two Magistrates.

X. And be it enacted, That such Magistrates may grant an order that such Master or person having charge of such Vessel as aforesaid, shall give security for payment of such compensation on affidavit, shewing sufficient cause for requiring such security.

Security for payment of the compensation may be ordered.

XI. And be it enacted, That no Ship or Vessel which may have arrived at any port or place in this Province with Passengers and Emigrants from Europe as aforesaid, shall be cleared out or allowed to proceed to sea until all and every sum and sums of money, penalty or penalties, which the Master or person having charge of such Ship or Vessel shall have been legally adjudged to pay for any violation or violations of an Act of the Imperial Parliament made and passed in the fifth and sixth years of the Reign of Her present Majesty, Chapter one hundred and seven, intituled *An Act to regulate the carriage of Passengers in Merchant Vessels*, or of an Act in amendment thereof, made and passed in the tenth and eleventh years of the Reign of Her present Majesty, Chapter one hundred and three, intituled *An Act to amend the Passengers' Act, and to make further provision for the carriage of Passengers by Sea*, shall first have been paid and satisfied.

No Vessel which may have arrived with Passengers to be allowed to proceed to sea until all penalties, &c. legally adjudged for violations of the Passengers Act, shall have been paid.

XII. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

Suspending clause.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 27th day of June, 1848, and published and declared in the Province, the 19th day of July, 1848.*]

CAP. LXV.

An Act relating to the Election of Representatives to serve in the General Assembly.

Passed 30th March 1848.

Preamble.

‘ WHEREAS it is deemed expedient to amend and consolidate the Laws relating to the Election of Representatives to serve in the General Assembly;’

Forty days allowed between the Teste and return of Writs.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any new Assembly shall at any time hereafter be summoned in this Province, as also in case of any vacancy during this present Assembly, there shall be forty days between the Teste and return of the Writs or Summonses, and that the Clerk of the Crown in Chancery shall issue out the Writs for the Election of Members to serve in the same Assembly, with as much expedition as the same may be done, and that as well upon summoning of any new Assembly as also in the case of any vacancy during the present or any future Assembly, the several Writs shall be delivered to the respective Sheriffs; and that every such Sheriff shall upon the back thereof endorse the day he received the same, and within six days after he has received the same Writ, and at least ten days previous to the day appointed for the opening of the respective Polls, shall cause public notice in writing, or by printed handbills, of such Election, to be posted up in three or more of the most public places within each Parish and Ward in his Bailiwick or County; which notice shall contain the time at which such Election shall be opened and declared at the Shire Town or City, as also the day and places at which the Polls are to be opened within the said County or City, and the Districts, Towns, Parishes or Wards, for which such Polls shall be so opened, in case a Poll shall be demanded, as hereinafter mentioned; which day so to be appointed for holding the said Poll in the different Districts, Towns and Parishes within the said County, and Wards in such City, shall not be less than three days nor more than six days after the first day of holding his Court for the said Election, and the said Sheriff shall also give the like notice to two or more of the Constables of each Town or Parish within the County.

Sheriffs to endorse date of receipt of Writs, and within a specified period to give public notice of places and times of holding Elections.

Remuneration of Sheriffs, Deputies, or presiding Officers and Poll Clerks.

II. And be it enacted, That the Sheriffs of the respective Counties shall each be entitled to have and receive for every Election within their respective Counties, for providing the temporary Booths, or other polling places required by this Act, and discharging the duties required of them respectively by this or any other law or custom now in force, the sum of ten pounds for each and every Election; and for each of his Deputies or presiding Officers appointed under the provisions of this Act to open and hold the Poll at the respective places for that purpose appointed within the County, the sum of twenty five shillings for such Deputy, Under Sheriff or presiding Officer, for his services in opening and holding such Poll, and six pence per mile for each mile in travelling to and from the same, till the final closing of the Poll by the Sheriff of the County, and also for returning the Poll Book to such Sheriff; and for each Poll Clerk to be by such Sheriff appointed for taking such Polls in the manner hereinafter directed, at the respective places at which the Poll is by this Act directed to be opened and held, the sum of twenty shillings; and in case of a Scrutiny to be granted, as hereinafter mentioned, such Sheriff shall be entitled to have and receive, in addition to the above mentioned allowance, the sum of fifteen shillings per day for each day the said Scrutiny shall continue; which allowance to the said Sheriffs respectively, and to the said Deputies and Poll Clerks for holding the Poll, shall be paid out of the Province Treasury, upon the account thereof being submitted to, and audited by the Assembly, at their next Session; but the allowance for holding the

the Scrutiny shall be paid by the party or parties losing his or their Election upon such Scrutiny, and shall be recovered by such Sheriff by action of debt in any Court of Record in this Province having jurisdiction thereof.

III. And be it enacted, That hereafter at every Election of a Member or Members to represent any County or City in the General Assembly of this Province, at which a Poll shall have been duly demanded and granted according to law, a separate Poll shall be opened and held for every District, Parish, Town or Ward, as the case may be, into which such County, City or Town may be divided, and the polling shall commence in all the Districts, Towns, Parishes or Wards of such County or City respectively, at eight o'clock in the forenoon of the day fixed for taking the Polls for such election, and such Poll shall be kept open till four o'clock in the afternoon, when it shall finally close.

When a Poll is demanded, a separate Poll to be opened in each District at and for appointed hours.

IV. And be it enacted, That whenever any Town or City in the Province is divided into Wards for Municipal purposes, the Poll for every such Election for such Town or City, shall be held at the place in every such Ward which the Sheriff or returning Officer for the time being shall appoint, such place always being the most central, public and convenient place in such Ward; provided always, that in King's Ward, in the City of Saint John, it shall be lawful for the Sheriff of the City and County of Saint John, and he is hereby required to appoint two public and convenient places for polling in the said Ward, one of such polling places to be to the eastward, and the other to the westward of a line running northwardly through the centre of Charlotte Street and the continuation of such centre line to the City line.

Sheriffs to appoint polling places in Towns or Cities divided into Wards for Municipal purposes.

Proviso for King's Ward in St. John.

V. And be it enacted, That there shall be a certain number of convenient places in each County for taking the Poll at all contested Elections hereafter to be held for Members to serve in General Assembly in this Province, at which places respectively, within the said County, the Poll shall be opened on the same day and between the hours as hereinbefore directed and appointed, and that the following places in the respective Counties shall be and the same are hereby declared to be the places at which the Poll in the respective Counties at any future Election shall be opened, and at which votes shall be taken, that is to say:

Polling places appointed for each County.

In the County of York :

In the County of York.

For the Parish of Fredericton, at the Court House :

For the Parishes of Saint Mary's and Stanley, at or near Brown's, on the Nashwaak :

For the Parish of Douglas, at or near the Mouth of the Keswick :

For the Parish of Kingsclear, at or near the Lower Village :

For the Parish of Prince William, at or near Marshall's :

For the Parish of Queensbury, at or near Lewis Huestis' :

For the Parish of Dumfries, at or near Asa Dow's :

For the Parish of Southampton, at or near Lenentine's.

In the County of Saint John :

In the County of Saint John.

District number one, to comprise that part of the City of Saint John lying on the east side of the Harbour; the Electors who reside in that part of the City of Saint John lying on the east side of the Harbour, shall assemble in the different Wards in which they reside, and poll their votes at such place in each Ward as the Sheriff or returning Officer for the time being shall appoint; and notice of such place so by him appointed shall be given in manner and at the time provided by the first section of this Act; and in the other Districts for the said County

County mentioned, the term "Freeholder" shall extend and be applied to all persons entitled to vote within the said Districts:

District number two, to comprise that part of the City of Saint John lying on the west side of the Harbour, and the Freeholders thereof shall assemble at or near the Market House in Carleton :

For the Parish of Portland, at or near the National School House :

For the Parish of Lancaster, at Musquash :

For the Parish of Saint Martins, at Quaco :

For the Parish of Simonds, the Sheriff to divide the Parish into three Districts: Loch Lomond, number one; Black River, number two; Red Head, number three: the different boundaries to be defined by the Sheriff, and to give notice in the manner prescribed in the first and eleventh sections of this Act.

In the County of Westmorland:

The Sheriff to name the place of polling in each Parish, to be as central as may be convenient, and notice to be given thereof at the same time and in the same manner that public notice is given of the Election, under the provisions of the first section of this Act; provided always, that in the Parish of Dorchester, the Court House shall be the place of polling.

Sheriff to name
the polling places
in the County of
Westmorland.

In the County of Charlotte :

For the Parish of Saint James, at or near the Kirk on the Scotch Ridge :
For the Parish of Saint Stephen, at Salt Water, near the head of Tide Waters :
For the Parish of Saint David, at the head of Oak Bay :
For the Parish of Saint Andrews, at the County Court House :
For the Parish of Saint Patrick, at Digdeguash Mills, and at the Rolling Dam :
For the Parish of Saint George, at the Lower Falls :
For the Parish of Pennfield, at the School House, near the Episcopal Church :
West Isles and Campo Bello, at Indian Island :
Grand Manan, at Grand Harbour.

Polling places in
the County of
Charlotte.

In the County of Northumberland :

For the Parish of Newcastle, at the Court House in the Shire Town :
For the Parish of Nelson, at or near M'Gee's Tavern, in said Parish :
For the Parish of Alnwick, at Lower Neguac :
For the Parish of Glenelg, at Ullock's Farm, Mouth of Bay du Vin River :
For the Parish of Chatham, at or near the Town of Chatham :
For the Parish of Northesk, at or near Cuppage's residence :
For the Parish of Blackville, at or near Bartholomew's Mills :
For the Parish of Blissfield, at or near John Decantlin's, in said Parish :
For the Parish of Ludlow, at or near John Wilson's, in said Parish.

In the County of
Northumberland.

In the County of King's :

For the Parish of Kingston, at the Court House :
For the Parish of Sussex, at or near Sheck's :
For the Parish of Studholm, at or near J. Ryan's ;
For the Parish of Springfield, at or near White's :
For the Parish of Upham, at or near J. Wannamaker's :
For the Parish of Hampton, at or near W. Ketchum's :
For the Parish of Norton, at or near J. Hayes' :
For the Parish of Greenwich, at or near Oak Point :
For the Parish of Westfield, at or near Jacob Waters'.

In the County
of King's.

In the County of Queen's :

In the County
of Queen's.

- For the Parish of Gagetown, at the Court House :
- For the Parish of Petersville, at or near Government House, (so called) :
- For the Parish of Hampstead, at or near Roberts' :
- For the Parish of Wickham, at or near Robert Golding's :
- For the Parish of Johnston, at or near Thomas Thorn's :
- For the Parish of Brunswick, at or near Charles Kieth's :
- For the Parish of Waterborough, at or near John Farris' :
- For the Parish of Chipman, at or near Andrew M'Donald's :
- For the Parish of Canning, at or near George W. Hoben's.

In the County of Sunbury :

In the County
of Sunbury.

For the District comprising the Parishes of Burton and Lincoln, at the Court House :

- For the Parish of Maugerville, at or near the old Perley place :
- For the Parish of Sheffield, at or near Tilley's :
- For the Parish of Blissville, at or near John Bailey's.

In the County of Gloucester :

In the County
of Gloucester.

District number one, from the Restigouche Line to the Bathurst Line, comprehending the Parish of Beresford, at or near the Church at Little Roche :

District number two, from the Beresford Parish Line to the Big Nepisiquit River, at the Court House :

District number three, from Big Nepisiquit River to Teague's Brook, at or near the Lot number twelve, at Salmon Beach :

District number four, from Teague's Brook, round Missonette, up the South Branch of Caraquet River, at or near the Church in Grand Aunce :

District number five, from the South Branch of Caraquet River to the Blackhall Portage, at or near the Church in Caraquet :

District number six, from the Blackhall Portage, eastward, round by Saint Simon's Inlet, to the Wough Bridge, at or near John Gionett's :

District number seven, all the remaining territory to the eastward of Pokemouche Piver and Saint Simon's Inlet, at or near the Church at Shippegan :

District number eight, Pokemouche Settlement, (so called,) at or near Valentine Gibb's :

District number nine, the rest of the County, at or near William Lousier's in Tracadu.

In the County of Kent :

In the County
of Kent,

For the Parish of Richibucto, at the Court House :

For the Parish of Weldford, at such place in the said Parish as the Sheriff shall appoint, and notice of such place so by him appointed shall be given in the manner and at the time provided by this Act :

For the Parish of Wellington, on the Great Road between the two Rivers :

For the Parish of Dundas, near the Bridge over Cocagne River :

For the Parish of Carleton, at Kouchibouguac Bridge :

And such places as the Sheriff may name, on the day of nomination of the Candidates, for Huskisson and Harcourt :

That the Freeholders comprised in the Lots fronting on the Aldoune River and Bay, in the Parish of Carleton, shall assemble with the Freeholders of Richibucto, and poll their votes at the Court House in the said Parish of Richibucto.

In

In the County
of Carleton.

In the County of Carleton :

District number one, to comprise the Freeholders of the front tier of Lots in the Parish of Woodstock, and the whole Parish of Northampton, and who shall assemble at the Court House in the Shire Town :

District number two, to comprise the remaining part of the Parish of Woodstock, and the Freeholders shall assemble at the place commonly called Richmond Corner :

District number three, to comprise the Parish of Wakefield, and that part of the Parish of Brighton lying to the southward of the Becaguimic Stream, and the Freeholders thereof shall assemble at the place commonly called Victoria Corner :

District number four, to comprise the Parish of Simonds, and the remaining part of the Parish of Brighton lying to the northward of said Becaguimic, and the Freeholders thereof shall assemble at or near Big Presqu'isle River :

District number five, to comprise the Parishes of Wicklow and Kent, and the Freeholders thereof shall assemble at or near Kerr's, opposite the Monquat :

District number six, to comprise the Parishes of Andover and Perth, and the Freeholders thereof shall assemble at or near Curry's, opposite the Tobique :

For the Parish of Madawaska, viz :

District number seven, to comprise all that part of the Parish lying below the upper line of Lot number twenty five, granted to Joseph Daigle, Junior, and the Freeholders thereof shall assemble at or near Grand River :

District number eight, to comprise all that part of the said Parish not comprised in District number seven, below Joseph Micheau's lower line, and the Freeholders thereof shall assemble at or near the Mouth of the Little Madawaska River :

District number nine, to comprise all that part of the said Parish lying above Joseph Micheau's lower line, and the Freeholders thereof shall assemble at or near John Keaton's.

In the County
of Restigouche.

In the County of Restigouche :

For the District comprising the Parishes of Colborne and Dalhousie, at the Court House in Dalhousie :

For the Parish of Durham, at Robert Hannay's :

For the District comprising the Parishes of Addington and Eldon, at Campbelltown.

In the County
of Albert.

In the County of Albert :

For the Parish of Hopewell, at the Court House :

For the Parish of Elgin, at or near John Barchard's :

For the Parish of Coverdale, at or near William Smith's :

For the Parish of Hillsborough, at or near John Beatty's :

For the Parish of Harvey, at or near William Chapman's, at the Village Corner.

Resident Electors
to vote at the Poll
opened for the
District in which
they reside, or in
which they pay
Parish Rates where
the Parish lines
are doubtful.

VI. And be it enacted, That at every such Election, the resident Electors of such County or City voting at such Election, shall poll their votes for such Election at the Poll which shall be opened for the District, Town, Parish or Ward in which they reside, and at no other, under a penalty of five pounds currency, to be recovered before any Court of competent jurisdiction, with costs of suit, at the suit of the party or parties aggrieved ; provided always, that in cases where the boundary lines between different Parishes, or between different Counties, are doubtful, the Parish in which the Elector is reputed to reside, or has been accustomed to pay Parish Rates, and perform Statute Labour on the Highways, shall be taken and deemed to be the Parish in which such Elector resides for all

all the purposes of this Act, any thing contained in this Act to the contrary notwithstanding.

VII. And be it enacted, That in the event of the division of any Parish, or Parishes in this Province, from and after the passing of this Act, without providing anew for the polling of the votes of the resident Electors of such Parish or Parishes, the resident Electors of such Parish or Parishes shall poll their votes at the same place in all respects as if no such division had taken place, unless otherwise provided by the Law dividing such Parish or Parishes.

Notes in divided Parishes to be polled as if no division had taken place, unless otherwise provided by Law.

VIII. And be it enacted, That it shall be the duty of the Sheriffs of the respective Counties, and they are hereby respectively authorized and required, immediately before the commencement of any Election, to appoint, by Warrant under Seal, a sufficient number of Deputies to preside at the several places appointed for taking the Poll in their respective Counties, and also a sufficient number of Clerks to take the Poll at the Shire Town, and at the several places appointed for taking the Poll in such County; and shall by Precept under his hand and seal, require each of such Deputies to take the Poll of such Election for the District, Town, Parish, or Ward, as the case may be, for which he has been so appointed, according to law, and to return the same to him, under his hand and seal, by the day to which such Sheriff or presiding Officer shall have adjourned the further proceeding in the said Elections; and the Poll Clerks employed at these several places shall at the close of the Poll enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the presiding Officer at such Poll, who shall give a receipt for the same, and forthwith deliver or transmit the same, so enclosed and sealed, to the Sheriff of the County, who shall receive and keep all such Poll Books, unopened, until the re-assembling of the Court at the County Court House, in each County, on the day to which such Court and the proceedings in the said Election shall have been adjourned; and then he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several Books, and shall there openly declare the state of the Poll, and shall forthwith make proclamation of the Members chosen, not later than three in the afternoon of the said day; and shall forthwith make return of such person or persons as have a majority of votes, unless a Scrutiny be demanded by any Candidate at such Election, or by five or more Freeholders of the County, in which case it shall and may be lawful for such Sheriff, and he is hereby required to grant the same, and to proceed thereupon within three days after the day of such proclamation, causing the same to be kept open during the continuance of such scrutiny, six hours at the least in each day, between the hours of eight, A. M., and four, P. M., unless prevented by unavoidable accident, but so as that in all cases of an Election of any new Assembly, or to fill any vacancy in the present or any future Assembly, every Sheriff having the return of a Writ shall close such scrutiny, and make his return upon such Writ, on or before the day on which such Writ is returnable.

Sheriffs to appoint Deputies and Poll Clerks for the several polling places.

Clerks, at the close of the Poll, to seal up their Books and deliver them to the Sheriff;

To be opened at the adjourned Court, votes cast up, and Members declared, unless a Scrutiny be demanded.

IX. And be it enacted, That whenever a scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such scrutiny, the Sheriff shall decide alternately, or by turns, on the votes given for the different Candidates who shall be parties to such scrutiny, or against whom the same shall be carried on, beginning with the votes objected to by the party first demanding the scrutiny.

Votes to be scrutinized alternately.

X. And be it enacted, That upon every Election of any Member or Members to serve in this or any future Assembly, it shall and may be lawful for the Sheriff or Under Sheriff presiding at such scrutiny, if he see cause, and he is in such case authorized,

Sheriff may administer an oath in scrutiny cases.

authorized, during the continuance of any scrutiny which shall be granted as aforesaid, to administer an oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such Election, or touching any other matter or thing material or necessary towards carrying on such scrutiny.

At the commencement of every Election, Sheriffs to hold a Court in the Shire Town, when the Candidates shall be nominated, and Members declared if no Poll be demanded.

XI. And be it enacted, That at the commencement of every Election of any Member or Members to serve in this or any future Assembly, the Sheriff of the County or City in which such Election shall be made, either in person or by his sufficient Under Sheriff, shall in the first instance open and hold his Court for such Election at the Court House in the Shire Town of the said County or in such City, between the hours of ten, A. M., and twelve of the clock at noon, on the day appointed and notified for that purpose, agreeably to the provisions of this Act, and shall continue the same open till the hour of two, P. M. on that day, when and where the names of all the Candidates that shall then offer, or be handed in by one or more substantial Freeholders of such County or City, to such Sheriff or Under Sheriff presiding at such Election, shall under the direction of such Sheriff or presiding Officer, be entered and recorded by the Poll Clerk to be appointed at such Election, in the Poll Book to be provided for that purpose; and in case no Poll shall be then and there demanded, it shall and may be lawful for the said Sheriff or presiding Officer at such Election, and he is hereby required, then and there to proceed to such Election by a shew of hands, and to declare the Member or Members so chosen, and to finally close the said Election, and to make his return accordingly; and in the event of a Poll being demanded, it shall be the duty of the Sheriff or presiding Officer, and he is hereby required to grant the same, and forthwith by public proclamation give notice of the time and places at which the Poll of such Election shall be taken in the several Districts, Towns, Parishes or Wards of such County or City as hereinbefore provided, and shall thereupon adjourn the Court there holden, and the further proceedings in such Election, to some day within four days after the day fixed for taking such Poll in the several Districts, Towns, Parishes or Wards as aforesaid.

Poll being demanded, proclamation of time and places of holding the Election to be made, and Court adjourned *pro tempore*.

No Candidate's name to be received for the first time at the polling places.

XII. And be it enacted, That it shall not be lawful for the Sheriff, Under Sheriff, or presiding Officer or Officers, at the respective polling places in any of the Counties in this Province, or for any of the Poll Clerks at such places, to receive or record the name of any person as a Candidate at such Election, or to receive or poll any vote or votes at such Election, for any person whatever, unless the name of such Candidate shall have been previously entered and recorded in the Sheriff's Poll Book, at the Court House in the Shire Town or City, according to the hereinbefore mentioned provisions of this Act.

A further limited adjournment of the Court may be made when all the returns have not been received.

XIII. And be it enacted, That in all cases where from any one or more of the Precepts for taking the Polls in the several Districts, Towns, Parishes or Wards in such City or County, not having been returned to the said Sheriff by the return day therein named, the said Sheriff shall not be prepared on the day to which he had adjourned the Court, and further proceedings in the said Election, to proceed to sum up, ascertain and declare the state of the general Poll of such Election, such Sheriff, instead of proceeding to examine such of the returns as shall have been already made, shall further adjourn the Court and proceeding in such Election to the following day, and so on from day to day until the said Precepts shall have been all returned; provided always, that in proclaiming every such adjournment, he shall publicly declare the reason thereof; and provided also, he shall in no case continue such adjournment to so late a day as shall interfere with his being able to return the Writ of Election by the return therein named; and provided also, that he shall in no case adjourn such Court, and proceedings in such Election,

Election, to Sunday, Christmas Day or Good Friday, but in all cases when such adjournment shall be necessary, adjourn over every such Sunday, Christmas Day or Good Friday.

XIV. And be it enacted, That the names of all the Candidates, in the order of their nomination and entry on the Poll Book, shall be posted up in large letters in some conspicuous place on the Polling Booth or other place where such Election is holden, during the day of such Election, at the Shire Town and in the other Districts, Towns, Parishes or Wards into which the County or City is divided, and also the Districts, Towns, Parishes or Wards, or the limits thereof, in case of Districts or Wards for which such Poll is held, at each and every polling place in such City or County, into which, for the purposes of such Election, such City or County shall be divided; and it shall be the duty of the Sheriff, and the several Deputies he shall appoint, to hold the Polls in the several Districts, Towns, Parishes or Wards of such County or City, to carry into effect the provisions of this section.

Names of Candidates to be conspicuously posted up at the polling places.

XV. And be it enacted, That in case any Sheriff or Deputy appointed to hold any Election, or take a Poll, after commencing the same, shall before the final termination of the same die or become incapacitated by accident or sickness, it shall and may be lawful for his Poll Clerk to act in his stead, who shall be authorized to appoint his Poll Clerk and finish the Election, and make the return in the same way and manner as though he, the said Poll Clerk, had been appointed originally the Sheriff or Deputy; provided always, that such Poll Clerk, before entering upon his duties as Sheriff or Deputy, shall appoint his Poll Clerk, and who with the said new or acting Sheriff or Deputy, previous to entering upon their duties respectively, shall take and subscribe the oaths prescribed by law for Sheriff, Deputy or Poll Clerks.

Appointments of substitutes for Sheriff, Deputy, or Poll Clerk, in cases of death, &c.

XVI. And be it enacted, That no Poll shall be opened or held on Sunday, Christmas Day or Good Friday.

No Poll to be held on Sunday, Christmas Day, or Good Friday.

XVII. And be it enacted, That the Members to be chosen to serve in such Assembly, shall be chosen in every County which hath right to choose, by male persons of the full age of twenty one years, not subject to any legal incapacity, every one of whom shall have a freehold in such County, of the value of twenty five pounds, in case such persons reside in such County; and in case such persons do not reside in such County, shall have a freehold in such County of the value of fifty pounds, and shall have respectively possessed the same, and have had their titles registered six months before the teste of the said Writ; and such Candidates qualified as by law is required, as have the greatest number of votes of Electors qualified as aforesaid, shall be returned by the Sheriffs, Members to serve in such Assembly, by indentures between the said Sheriff and the said Electors; provided always, that any person who may have mortgaged his lands, and remain in possession of the same, shall not be debarred from voting.

Qualification of Voters.

[Members elect to be returned by Indenture.]

XVIII. And be it enacted, That in cases where persons claim to vote upon a freehold derived by inheritance, devise, or as tenant by the courtesy, or any estate or interest contingent upon the life or lives of another, it shall not be necessary to the legality and sufficiency of such vote that the title of the person claiming to vote shall have been possessed or registered for six months, so that the title of the person through whom such person derives his title shall have been registered for six months.

Qualification of Voters by inheritance, &c.

XIX. And be it enacted, That every Sheriff shall at the commencement of every Election, immediately after reading the Writ or Precept for the Election of such Member or Members, take and subscribe the following oath:—

Sheriffs to be sworn.

'I, A. B., do swear, that I have not directly or indirectly received any sum or sums or money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise of gratuity whatsoever, either by myself, or any other person, to my use, benefit or advantage, for making any return at the present Election of Members to serve in Assembly, and that I will return such person or persons as shall to the best of my judgment appear to me to have a majority of legal votes.'

Under Sheriffs or
presiding Officers
and Poll Clerks
to be sworn.

and each of the Under Sheriffs or other Officers that shall be appointed by the said Sheriff to preside or hold a Court for polling or receiving votes for the Election of any Member or Members to serve in the General Assembly of this Province, and also each and every of the Clerks appointed to take the Poll at the Shire Town, and also at the several places appointed for taking the Poll, shall at the opening of the Poll at the commencement of such Election, and before such Under Sheriff or other Officer or Clerk shall receive any votes, take and subscribe the following oath:—

'I, A. B., do solemnly swear, that I have not directly or indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use, benefit or advantage, for making any return at the present Election of a Member or Members to serve in the General Assembly, and that I will well and faithfully discharge my duty at the present Election to the best of my knowledge and judgment, * and I will return to the Sheriff a true and faithful account of the votes polled at the present Court at which I am appointed and authorized to preside.'

and the Poll Clerk, instead of the words after the asterisk, shall swear, 'and I will faithfully enter and record the votes received at the polling place I have been appointed to act as Poll Clerk.'

which oaths respectively, any Justice of the Peace for the County where such Election shall be made, or in his absence any two of the Electors, are hereby authorized and required to administer, at or immediately before eight o'clock of the morning of the day appointed to hold the Poll for taking the votes at the Shire Town, and the several polling places; and such oath so taken and subscribed shall be prefixed at the time to the Poll Book, and form part thereof.

Writ of Election,
or a certified copy,
and this Act, to be
read at the several
polling places.

XX. And be it enacted, That every Sheriff, Under Sheriff, Deputy or Officer appointed to preside at such Election, or at any of the polling places within the City or County for which such Election is held, is hereby required to read the Writ or Precept for such Election, or at any of the places appointed for polling out of the Shire Town, a true copy thereof, certified under the hand of the Sheriff or Officer presiding at such Election at the Shire Town, who is hereby required, prior to the opening of the Poll at such polling places, to furnish each of the Deputies appointed to preside at the respective polling places with such copy, together with a list of the Candidates whose names shall have been entered in the general Poll Book by such Sheriff at the Shire Town, agreeably to the provisions of this Act, for the purpose of being so publicly read; and the said Sheriff or Officer so presiding at such Shire Town, is hereby required immediately after the reading of such Writ or Precept, or a copy thereof as aforesaid, and taking and subscribing the oaths respectively as aforesaid, to read or cause to be read openly before the Electors then assembled, this Act; and the said Deputies or persons so presiding at such polling places, are hereby required and directed respectively to enter and record in their respective Poll Books the names of such Candidates as shall be so furnished as aforesaid to such Deputies or presiding Officers respectively,

respectively, as directed by this section of this Act, and to state the names of such Candidates to any Elector requiring the same, or who is coming forward to vote.

XXI. And be it enacted, That for the more due and orderly proceeding in the said Poll, the said Sheriff or his Under Sheriff, or person presiding at the Poll at the Shire Town, shall appoint for each Candidate such one person as shall be nominated to him, by or on behalf of such Candidate, to be Inspector of any Clerk who shall be appointed for taking the Poll; and every Elector, at the time of polling, shall distinctly name the Candidate or Candidates for whom he votes; and before he be admitted to poll at the same Election, shall if required by the Candidates, or any one of them, or in his absence, by the substitute for or on behalf of such Candidate, first take the oaths hereinafter mentioned, or any or either of them, viz:—

‘I do swear that I am a British subject, and qualified by law to vote at this Election, and that I have not before polled at this Election; and the place of my abode is at —So HELP ME GOD!’

and also the following oath:—

‘I swear that I have not received or had by myself or any other person whatsoever in trust for me, or for my use and benefit directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office, or employment or gift, in order to give my vote at this Election.—So HELP ME GOD!’

or being one of the people called Quakers, shall if required as aforesaid, solemnly affirm to the effect of each and every of the said oaths which shall be required as aforesaid; which said oaths or affirmations the Sheriff, his Deputy, Under Sheriff or such sworn Clerk by him appointed for taking the said Poll or Polls as aforesaid, are hereby respectively authorized to administer; and if any Elector being thereunto required as aforesaid, shall refuse or neglect to take the said oaths hereinbefore appointed to be taken, or either of them, or to affirm the effect thereof as aforesaid, that then the poll or vote of such person so neglecting and refusing shall not be taken, and the same is hereby declared to be null and void, and as such shall be rejected and disallowed; and if any Sheriff, Deputy, Under Sheriff or Poll Clerk shall neglect or refuse, when thereunto requested as aforesaid, to administer the said oaths and affirmations, or shall otherwise offend in the premises contrary to the true intent and meaning of this Act, every such Sheriff, Deputy, Under Sheriff or Poll Clerk shall for every such offence forfeit the sum of fifty pounds, together with full costs of suit, to be recovered by action of debt, bill, plaint or information, in any of Her Majesty's Courts of Record in this Province, at the suit of any Candidate at such Election, or of any Elector of the City and County for which such Election was holden; provided always, that nothing herein contained shall alter or affect the oath now required by this Act to be taken by Freemen of the City of Saint John voting at Elections for that City, but that Freeholders voting on their freeholds, at such City Elections, shall be required to take the above oaths; and that such Freeman shall, if required so to do, take in addition to any oath or oaths required by this Act the oath secondly herein prescribed.

XXII. And be it enacted, That if any person or persons shall wilfully, falsely and corruptly take any of the oaths or affirmations appointed and required by any of the provisions of this Act, and be thereof lawfully convicted by indictment or information, or if any person or persons shall corruptly procure or suborn any other person or persons to take the said oaths or affirmations, or either of them, and

Inspectors of Poll Clerks may be appointed.

Elector to state distinctly for whom he votes, and before voting may be sworn.

Authority to administer the oath.

Votes of Electors refusing to be sworn, to be rejected.

Penalty for refusing to administer the oath.

Not to affect the Saint John Freemen's oath.

Penalty for corruptly taking a false oath, or procuring any person to take the same.

and the person so procuring or suborning, shall be thereof convicted by indictment or information, every person so offending shall for every such offence incur and suffer such penalties, forfeitures and disabilities as persons convicted of wilful and corrupt perjury are liable to.

No Elector to be required to take the oath of allegiance, &c.

XXIII. And be it enacted, That no Elector at any Election shall be required to take the oaths commonly called the oaths of allegiance, abjuration and supremacy, nor any oath or oaths required to be taken by any Act of the General Assembly in lieu thereof, any Law or Statute to the contrary notwithstanding.

Penalty for corruptly voting or forbearing to vote.

XXIV. And be it enacted, That if any person or persons who hath or claimeth to have, or hereafter shall have or claim to have any right to vote at such Election, shall take any money or other reward by way of gift, loan or other device, or contract or agree for any money, gift, office, employment or other reward, to give or to forbear to give his vote at any such Election, or if any person by himself, or any person employed by him, doth or shall by any gift or reward, or by any promise or agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes, or to forbear to give his or their vote or votes, or shall by any threats, force or violence, intimidate or compel any person or persons to give his or their vote or votes, or to forbear to give his or their vote or votes at any such Election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of twenty pounds, to be recovered as before directed in the twenty first section of this Act, with full costs of suit; and every person offending in the cases aforesaid, in this clause mentioned, from and after judgment obtained against him, in any such action of debt, bill, plaint or information, or being in any other wise lawfully convicted, shall for ever be disabled to vote for any Member or Members of the Assembly of this Province.

Recovery.

Penalty for polling more than once at an Election, or polling if not qualified.

XXV. And be it enacted, That if any person shall cause himself or themselves to be polled more than once at the same Election in the same County, or if any person who is not duly qualified to vote and be polled according to the provisions of this Act, shall wilfully vote and cause himself to be polled at any Election for any Candidate, such person so offending in either case aforesaid, shall for every such offence forfeit the sum of fifteen pounds, to be recovered as before directed in the twenty first section of this Act, with full costs of suit, or such fines and penalties shall and may be recovered before any Justice of the Peace for the County or City in which the offence was committed, at the suit of any Candidate at such Election, or any Elector of the County or City for which such Election was holden.

Recovery.

Qualification of Candidates, when questioned, to be declared in writing within a specified time.

XXVI. And be it enacted, That if the qualification of any Candidate at any Election to be hereafter holden be openly questioned at any time after the commencement of the Election at the Shire Town, and during the time prescribed by the eleventh section of this Act for the nomination of Candidates, it shall be the duty of the Sheriff or returning Officer forthwith to give the Candidate, his agent, or person nominating him, whose qualification is so questioned, notice of such questioning, and in default of the declaration provided by the forty fourth section of this Act being filed with the Sheriff or returning Officer by eight o'clock in the evening of the day of such nomination, the said Sheriff or returning Officer shall strike the name of the Candidate whose qualification is so questioned from the Poll Book.

Temporary Booths to be provided at the polling places.

XXVII. And be it enacted, That the Sheriffs of the respective Counties are hereby authorized and required immediately prior to any Election, to erect or cause to be erected temporary Booths at such of the respective polling places within

within their respective Counties, or of the Shire Town, or to procure any house or houses, or other building or buildings, at the respective places appointed for taking the Poll, as such Sheriffs respectively may and shall from time to time deem necessary and proper.

XXVIII. And be it enacted, That every Sheriff who hath the execution and return of any such Writ for electing Members to serve in General Assembly, which shall be issued for the future, shall on or before the day that any future Assembly shall be called to meet, and with all convenient expedition after any Election made by virtue of any new Writ, either in person or by his Deputy, make return of the same to the Clerk of the Crown in Chancery, to be by him filed in the Crown Office; and every Sheriff having execution and return of any such Writ as aforesaid, who shall not make the returns according to the true intent and meaning of this Act, shall forfeit for every such offence one hundred pounds, one moiety of which shall go to Her Majesty, and the other moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of Her Majesty's Courts of Record in this Province.

Due return of Writs of Election to be made to the Clerk of the Crown in Chancery.

Penalty.

Recovery.

XXIX. And be it enacted, That in taking any Poll which shall be required as aforesaid, the Sheriff and Clerks, Under Sheriffs, Deputies or presiding Officers respectively, or any of them, shall enter in the Poll Book not only the place of the Elector's freehold, but also the place of his abode, as he shall declare the same at the time of giving his vote, and shall also make or enter "Jurat" against the name of every such voter who shall take the oath or oaths herein required to be taken by Electors; and that the said Sheriff or returning Officer shall within the space of twenty days next after such Election, faithfully deliver over upon oath, (which oath any one of the Justices of the Peace of the County in which such Election is held, is hereby authorized and required to administer,) unto the Clerk of the Peace of the same County, all the Poll Books of such respective Elections, without any embezzlement or alteration, to be carefully kept and preserved among the Records of the Sessions of the Peace of and for the said County.

Place of each Elector's freehold, and residence, and 'Jurat,' if sworn, to be entered in the Poll Book.

Poll Books to be delivered to the Clerk of the Peace, to be filed.

XXX. And be it enacted, That all false returns which shall be wilfully made of any Member to serve in the Assembly of this Province, are against law, and hereby prohibited; and in case any person or person shall return any Member to serve in the Assembly of this Province for any County, City or place, contrary to the rights of Elections established in and by the provisions of this Act, or of any of the Acts now in force in this Province relating to Elections, such return so made shall and is hereby adjudged to be a false return, and the party aggrieved, to-wit, every person that shall be elected to serve in such Assembly for any County, City or place, by such false return, may sue the Sheriff or returning Officer, and persons wilfully making and procuring such false return, and every or any of them, at his election, in the Supreme Court of this Province, and shall recover the damages he shall sustain by reason thereof, together with his full costs of suit; and if any Sheriff or returning Officer shall wilfully, falsely and maliciously return more persons than are required to be chosen by the Writ or Precept on which any choice is made, the like remedy may be had against him or them, and the party or parties that shall willingly and knowingly procure the same, and every or any of them, by the party aggrieved, at his election.

All returns contrary to the right of Election to be deemed false, and suits may be maintained by parties aggrieved.

XXXI. And be it enacted, That the Sheriff, Deputy, Under Sheriff, or person presiding at the respective polling places at every such Election, after such Sheriffs, Deputies, Under Sheriffs, or persons presiding as aforesaid, shall have taken and subscribed the oath required by this Act to be taken by such Sheriffs, Deputies, Under Sheriffs, or persons presiding, shall be during the day and days

Sheriff and presiding Officer to be conservators of the peace on the day of Election; and vested with powers of Justices of the Peace.

on

on which the Election may be held, and they are hereby declared to be Conservators of the Peace, and severally vested with the same powers for the preservation of the peace, and apprehension and committal for trial, or holding to bail, or trying and convicting violators of the law and good order, as are vested in the Justices of the Peace of the Province; and that for the purpose of keeping the peace, and preserving good order at any Election, it shall and may be lawful for any such Sheriff, Deputy, Under Sheriff, or person presiding as aforesaid, to require the assistance of all Justices of the Peace, Constables, and other persons present at such Elections, to aid and assist him in doing so; and it shall and may be lawful for any such Sheriff, Deputy, Under Sheriff, or person presiding as aforesaid, to commit any person for a breach of the peace, molesting or threatening any Elector at coming to or returning from the said Election, or for any other violation of good order, to the custody and charge of any Constable or Constables, person or persons, on view, for such time as he in his discretion shall or may deem expedient, or by a writing under his hand, to commit to prison for the like offence, for any period not extending beyond the close of the Poll and the day of holding the same; and when thereunto required, all Justices of the Peace, Constables, and others at the said Election, are enjoined to aid and assist such person presiding, and Justice and Justices of the Peace in discharging such duties, under pain of being deemed guilty of a misdemeanor, and liable to punishment therefor; and all Justices of the Peace residing in the City, Town or Parish wherein the Election is held, shall, upon being notified in writing by such person presiding, attend at such Election for the purpose of aiding in preserving peace and order thereat; and such Justice or Justices, or person presiding, shall and may when they consider it necessary, appoint and swear in any number of Special Constables, to act as Peace Officers, and assist in maintaining peace and order at such Election; provided always, that upon the written application of any Candidate, or the Agent of any Candidate, or of any two or more Electors, any Sheriff or Deputy shall, and he is hereby required, to swear in such Special Constables.

All Justices of the Peace and Constables to be aiding.

All Justices residing where Elections are held, to attend on requisition.

Members of Assembly may vacate their seats.

After entry in Journal of notice of intention to resign, Speaker to issue his Warrant for the issue of a new Writ.

XXXII. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for any Member of the Assembly of this Province, legally elected, or who shall hereafter be so, who shall wish to abstain from the performance of the duties imposed on him by his Election, to vacate his seat in the manner hereinafter provided.

XXXIII. And be it enacted, That such Member, in his place in the Assembly, may give notice in writing of his intention of resigning his seat, and immediately after such notice shall have been entered by the Clerk of the Assembly in the Journal, it shall be lawful for the Speaker, and he is hereby required to issue his Warrant to the Clerk of the Crown in Chancery, to cause a Writ to be issued for the Election of a Member in the room of the Member who shall have so resigned; and that the said Clerk of the Crown shall, upon the receipt of such Warrant, issue out a Writ for that purpose, with as much expedition as the same may be done; provided always, that the Member so tendering his resignation, shall be, and be held and considered as being, to all intents and purposes, the Representative for the place for which he was elected, until the return of the Election of such new Member to serve in his room shall have been duly made.

Resignation during recess may be effected by delivering to the Speaker the necessary declarations, who may thereupon issue a Warrant for a new Writ.

XXXIV. And be it enacted, That if any Member shall wish so to resign in the interval between two Sessions of the General Assembly, it shall be lawful for him so to do, by addressing and causing to be delivered to the Speaker a declaration to that effect, made under his hand and seal, before two witnesses, an entry of which declaration shall be made in the Journal of the proceeding on the

first

first day of the Session of the General Assembly then next ensuing; and that it shall be lawful for the Speaker, upon receiving such declaration, forthwith to issue his Warrant in like manner for the election of a Member in the room of the Member so tendering his resignation.

XXXV. And be it enacted, That no Member shall ask for leave to vacate his seat in the first Session of any Assembly before the expiration of the first fifteen days of said Session; and that no Member, whose election shall be contested, shall so vacate his seat until after such contest shall have been decided.

Seats not to be vacated during first fifteen days of first Session, nor in cases of contest until after decision.

XXXVI. And be it enacted, That in the event of any vacancy by death, resignation, or appointment to the Legislative Council, in the present or any future Assembly, during any recess of the General Assembly, it shall be the duty of the Speaker, within ten days after the same shall be certified to him in writing, by at least two Members, one of whom to be a Member of the County or City in which the vacancy may happen, or in case such vacancy shall occur in a County only represented by one Member, then in any adjoining County, to send his Warrant to the Clerk of the Crown in Chancery, to cause a Writ to be issued for the election of a Member to fill such vacancy; and that the said Clerk of the Crown shall, upon the receipt of such Warrant, issue out a Writ for that purpose, with as much expedition as the same may be done; and in case such vacancy shall be occasioned by the death or resignation of the Speaker, or by his appointment to a seat in the Legislative Council, or during the time there is no Speaker to the Assembly, during any recess as aforesaid, any four Members, one of whom to be a Member of the County or City for which such Speaker shall have been elected, may send their Warrant to the said Clerk of the Crown, to cause a Writ to be issued for the election of a Member to fill the vacancy so made; and that the said Clerk of the Crown shall, upon the receipt of such Warrant, issue out a Writ for that purpose, with as much expedition as the same may be done; provided always, that if the Speaker shall be a Member for a County represented by only one Member, then the Warrant to the Clerk of the Crown may be made by any four Members.

Warrant for issue of a Writ of Election in cases of vacancies during the recess by death, resignation, &c.

XXXVII. And be it enacted, That the respective Sheriffs for the different Counties shall return the following Members to serve in Assembly, to wit: For the County of York, four; the County of Saint John, four; the County of Westmorland, four; the County of Charlotte, four; the County of Northumberland, four; King's County, three; Queen's County, two; the County of Sunbury, two; the County of Gloucester, two; the County of Kent, two; the County of Carleton, two; the County of Restigouche, two; the County of Albert, two; and for the City of Saint John, two.

Number of Members to be returned to serve in General Assembly.

XXXVIII. And be it enacted, That the Writ for the Election of the said two Members for the said City shall be directed to the Sheriff of the City and County of Saint John, who shall execute the same, and make return thereof in the same manner and under the like regulations, restrictions, penalties and forfeitures, except as is otherwise in this Act prescribed, as Sheriffs holding Elections in Counties are made subject and liable to.

Writs of Election for the City of St. John to be directed to the Sheriff of the City and County.

XXXIX. And be it enacted, That the Members for the City of Saint John shall be chosen by the Freeholders of the said City, qualified in the manner prescribed by this Act, and the Freemen, being inhabitants, who have actually dwelt therein, and been duly registered in the list of Freemen six months before the Teste of the Writ of Election, and possessed of personal estate to the value of twenty five pounds at the time of such Election, which said Freemen so to give their votes, shall be subject to the like regulations, restrictions, forfeitures, penalties and

Members for the City of Saint John to be elected by Freeholders and Freemen.

and disabilities, as Freeholders by this Act are made subject to, except that instead of the oath required to be taken by Freeholders, such Freemen shall take (or being Quakers, affirm the effect of) the following oath:—

'I do swear that I am a British Subject, a Freeman of the City of Saint John, and am duly qualified to vote at this Election, and have not before polled at this Election.—So HELP ME GOD!'

Electors for the City to state whether they vote as Freeholders or Freemen, and an entry to be made accordingly.

XL. And be it enacted, That every person coming to vote at any Election hereafter holden for the City of Saint John, shall distinctly declare whether he claims to vote as a Freeman or Freeholder; and it shall be particularly specified on the Poll Book whether his vote was given as a Freeman or Freeholder; and every Freeholder shall, if required by any Candidate, specify the Ward in which his Freehold is situate, which shall also be noted on the Poll Book.

Copy of Poll to be given on payment of expenses.

XLI. And be it enacted, That every Sheriff shall forthwith deliver to such person or persons as shall desire the same, a copy of the Poll taken at such Election, paying only a reasonable charge for writing the same; and every Sheriff for every wilful offence contrary to this Act, not provided for by particular penalties in and by this Act inflicted, shall forfeit to every party so aggrieved the sum of fifty pounds, to be recovered in manner in the twenty first section of this Act prescribed.

General penalty on Sheriffs for offences.

No person to be elected to give or promise any reward, &c. in order to be elected.

XLII. And be it enacted, That no person or persons hereafter to be elected to serve in Assembly for any County, City or place within this Province, after the teste, or issuing out, or ordering of any Writ of Summons for a new Assembly hereafter to be called, or after any such place becomes vacant hereafter, in the time of this present or any other Assembly in this Province, shall or do hereafter by himself or themselves, or by any other ways or means on his or their behalf, at his or their charges, before his or their election to serve in Assembly for any such County, City or place, directly or indirectly give, present or allow to any person or persons having voice or vote in such Election, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation or engagement to give or allow any money, meat, drink, provision, present, reward or entertainment, to or for any such person or persons in particular, or to any such County, City or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected, or for being elected to serve in Assembly for such County, City or place.

Person giving or promising any reward for being elected, declared incapacitated to serve.

XLIII. And be it enacted, That every person or persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be and are hereby declared and enacted disabled and incapacitated upon such Election to serve in the House of Assembly for such County, City or place, and that such person or persons shall not act, sit or have any vote or place in the House of Assembly, but shall be and are hereby declared and enacted to be to all intents, constructions and purposes as if they had never been returned or elected Members for the Assembly.

Qualification of Members of Assembly.

XLIV. And be it enacted, That no person shall be capable of being elected a Member of the Assembly of this Province who shall not be the age of twenty one years, and who shall not be legally seized as of Freehold for his own use and benefit, of lands or tenements within this Province of the value of three hundred pounds currency, over and above all rents, mortgages, judgments, executions or extents charged upon or due and payable out of or affecting the same, and shall have been seized of such lands or tenements six months previous to the

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Teste of the Writ of such Election; and that every Candidate at any Election of Representatives in the General Assembly, before he shall be capable of being elected, shall, if required by any other Candidate, or any Elector, or by the Sheriff or Officer holding such Election, make before the said Sheriff or other Officer the following declaration:—

Candidates shall, if required, make a declaration as to qualification before the Sheriff or other Officer.

‘I, A. B., do declare and testify that I am of the age of twenty one years, and that I am duly seized as of Freehold for my own use and benefit, of lands and tenements in the Province of New Brunswick; and that such lands are known, distinguished, and situated in the [*here particularly describe the Parish and County, or different Parishes and Counties where the lands comprising the Candidate's qualification are situate, with the number or other specific description, by boundaries of the lot or lots.*] of the value of three hundred pounds currency, over and above all rents, mortgages, judgments, executions and extents, charged upon or due and payable out of or affecting the same; and that I have been seized of such lands or tenements for the period of six months previous to the Teste of the Writ for this Election.’

XLV. And be it enacted, That it shall and may be lawful for any Candidate at any Election hereafter holden, to make and subscribe the declaration mentioned in the forty fourth section of this Act, in the presence of one of Her Majesty's Justices of the Peace, or of a credible witness, and transmit the said declaration to the Sheriff of the County or City for the representation whereof such person so making the declaration is a Candidate; or such declaration may be made on behalf of and for such Candidate, by any reputable Freeholder, in the presence of the Sheriff or Officer presiding at such Election; and in either case shall have the like force and effect, and subject the person making it to all the pains and penalties as if made in the manner prescribed by the said forty fourth section of this Act.

Declaration may be made by the Candidate, or a reputable Freeholder on his behalf.

XLVI. And be it enacted, That if any person shall knowingly and willingly make a false declaration respecting his qualification as a Candidate at any Election as aforesaid, such person shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury, in the County in which such false declaration shall have been made.

Penalty for false declaration of qualification as a Candidate.

XLVII. And be it enacted, That on the trial of any information, indictment, or other action, brought against any person or persons, for the recovery of any of the penalties imposed upon any person or persons who may wilfully vote without being duly qualified, or against any Candidate or other Freeholder, who may make the declaration prescribed for any Candidate, or upon the trial of the qualification of any Candidate before a Select Committee of the House of Assembly, the Certificate of the Register of Deeds and Wills for the County or City and County in which the land upon which such Elector or Candidate's qualification is stated to be situate, that such Elector or Candidate has no such land on record, and a Certificate of the Secretary and Registrar of the Province, that such Elector or Candidate has no grant of any such land upon which he qualified, shall be *prima facie* evidence that such Elector or Candidate is not qualified.

What Certificates shall be *prima facie* evidence of want of qualification in an Elector or Candidate.

XLVIII. And be it enacted, That the present General Assembly of this Province, and every General Assembly of this Province hereafter to be summoned and chosen, shall, notwithstanding any demise of the Crown, continue for four years from the day of the return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Lieutenant Governor or person administering the Government of the Province.

General Assemblies to continue for four years unless sooner dissolved.

Writs, Warrants,
&c. to be in the
form necessary to
carry out this Act.

XLIX. And be it enacted, That all Writs and Warrants to be issued for the election of any Members to serve in all Assemblies in this Province, and all mandates, precepts, instruments, proceedings, and notices consequent upon such Writs, shall be and the same are hereby authorized to be formed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

Prosecutions for
recovery of fines,
&c. to be com-
menced within six
months after cause.

L. And be it enacted, That no action shall be brought or prosecuted for the recovery of the fines and penalties imposed in and by any of the provisions of this Act, unless commenced within six calendar months after the forfeiture or offence for which such fine or penalty is imposed shall have occurred.

Penalty for offences
against this Act not
otherwise provided
for.

LI. And be it enacted, That if any Sheriff, returning Officer, Deputy, Under Sheriff, Poll Clerk, or other person whatsoever, appointed and acting under the authority of this Act, for any Election for any County or City in this Province, shall wilfully contravene or disobey the provisions of this Act, or any of them, with respect to any matter or thing which such Sheriff, returning Officer, Deputy, Poll Clerk, or other person whatsoever, is by this Act required to do, and for which default or offence no specific penalty is provided, he shall for such his offence be liable to be sued in an action of debt in the Supreme Court of this Province, for the penal sum of fifty pounds; and the Jury before whom such action shall be tried, may find their verdict for the full sum of fifty pounds, or for any less sum which the said Jury shall think it just that he should pay for such his offence; and the defendant in such action being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same; provided always, that no such action shall be brought except by a person being an Elector, or claiming to be an Elector, or a Candidate, or a Member actually returned, or other party aggrieved, within four months after the commission of the offence for which such action is brought.

Construction
of Act.

Singular number.

Returning Officer.

Misnomer.

LII. And be it enacted, That in the construction of this Act, except there be something in the subject or context inconsistent with or repugnant to such construction, 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 several persons or things; and the words 'Returning Officer' shall apply to every person or persons to whom by virtue of his or their office, under any Law or Statute, the execution of any Writ or Precept doth or shall belong for the election of a Member or Members to serve in the General Assembly of this Province, by whatever name or names such person or persons may be called; and that no misnomer or inaccurate description of any person, place or thing named or described in any notice required by this Act, shall in any wise prevent or abridge the operation of this Act with respect to such person, place or thing, provided that such person, place or thing shall be so denominated in such notice as to be commonly understood.

Repeal of
6 V. c 44.

8 V. c 108.

11 V. c 71.

LIII. And be it enacted, That an Act made and passed in the sixth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to improve the Law relating to the Election of Representatives to serve in the General Assembly*; and also an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Election of Representatives to serve in the General Assembly*; and also an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to establish the Polling Places in the County of Albert*, be and the same are hereby repealed.

LIV. And be it enacted, That the repeal of the said several recited Acts hereby repealed shall not operate to revive any Act thereby repealed; and every act, matter or thing heretofore done under and by virtue of the hereinbefore mentioned several recited Acts shall be and continue valid and effectual and of the like force and effect as if this Act had not been made and passed.

Effect of repeal of said Acts.

LV. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

Suspending clause.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 11th day of August, 1848, and published and declared in the Province the 20th day of September, 1848.]

CAP. LXVI.

An Act to regulate the Importation of Books, and to protect the British Author.

Passed 30th March 1848.

‘ WHEREAS Her Majesty's Government have intimated their intention of authorizing (under proper restrictions) the importation of literary productions from the United States and other Countries into the British Colonies of North America, upon the Provincial Legislatures passing such enactments as they may deem proper, subject to Her Majesty's approval, for securing the rights of the British Authors or proprietors of the Copyright, so as to protect them from the fraudulent appropriation of the fruits of their labour;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall be lawful to import all Books of whatever nature or kind, and from whatever Country the same shall be imported, and to admit the same into this Province Duty free, save and except Foreign reprints and pirated copies of Books first composed, written or published in Great Britain, and protected by the Law of Copyright passed by the Imperial Parliament of Great Britain now in force, and as hereafter provided.

Books of all kinds may be admitted Duty free, save Foreign reprints, &c. of Books first published in Great Britain and protected by the Law of Copyright.

II. And be it enacted, That on the importation of all Books and Reviews of whatever nature or kind, when the same shall have been first composed, written or published in the United Kingdom of Great Britain or Ireland, and protected by the Acts of the Imperial Parliament, to enforce the Law of Copyright, coming in the shape of reprints bound or unbound, whether from the United States or other Foreign Countries, there shall be paid an ad-valorem Duty on the bona fide price of the publication of such Reprints, of twenty pounds per hundred pounds; provided always, that said Duty is not to be paid on Newspapers or other regular Weekly Periodicals, nor upon the copies of the said Works if published bona fide and not fraudulently in any part of Great Britain or Ireland; such Duty to be collected under the same regulations and restrictions as are now in force to extend the said Imperial Acts for the regulation of the Law of Copyright to this Province; and after collection by the proper Officers, the said Duties shall be remitted by the Governor in such way and manner as Her Majesty's Government may be pleased to order and direct, in order that the said ad-valorem Duty may be duly secured and paid over to the Author or registered proprietor of the Copyright of said Books or publications respectively, as they may be entitled thereto.

An ad-valorem Duty of 20 per cent. imposed on the importation of Foreign reprints of Books first published as aforesaid.

[Exception.]

Duty to be collected under the regulations to extend the Copyright Laws to this Province;

and remitted as may be directed, to be paid to the Author or registered proprietor.

III. And be it enacted, That it shall not be lawful for any person to import or bring, or cause to be imported or brought into this Province for use, sale or hire, any Reprint hereinbefore referred to, and thereby made liable to Duty, contrary to the true intent and meaning of this Act; and if any person shall knowingly sell, publish, or expose to sale, or let to hire, or have in his or her possession for sale or hire any such reprint, then any such Book or reprint shall be liable to seizure and

Reprints of Books first published as aforesaid, unlawfully imported, published, &c. to be seized and sold.

Forfeiture.

and

Application of proceeds.

Penalty on persons offending.

Application.

Penalties, forfeitures and costs to be levied and recovered as directed by the Act 4 W. 4, c 17.

Officer passing the Reprints at the time of entry may stamp the same.

Suspending clause.

and to be seized by the Officers of the Provincial Revenue, or any of them, and shall be duly sold, one half of the proceeds thereof to be applied to the use of the Officers of the Revenue seizing the same, and the other half to the Author or registered proprietor of the Copyright as aforesaid; and further, any person so offending, being duly convicted thereof on the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace in the County where such seizure is made, shall also for any such offence forfeit the sum of five pounds, and double the value of any copy of such Book or Reprint, which he shall so import or cause to be imported into this Province, or shall knowingly sell, publish, or expose to sale, or let to hire, or shall have in his possession for sale or hire, contrary to the true intent and meaning of this Act, two pounds to the use of such Officers of the Revenue, and the remainder of the penalty to the use of the said proprietors of the Copyright; and the said double value of the copy of such Book or Reprint, and the said respective proportions of the proceeds of the sale of such copy of such Book or Reprint, and of such penalty, shall be paid over and remitted in the way and manner as in the second section of this Act is provided.

IV. And be it enacted, That the penalties and forfeitures imposed under and by virtue of the provisions or of any of the provisions of this Act, required to be prosecuted before two of Her Majesty's Justices of the Peace, such penalties and forfeitures, together with the costs of the prosecution, shall and may be levied and recovered in like manner as is directed in and by an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables.*

V. And be it enacted, That at the time of the entry of any reprint of any Book or Review as aforesaid, it shall and may be lawful for the Officers passing such Reprint, to Stamp the same, and the Treasurer of the Province shall furnish to the several Officers who may require the same hereafter, the form of Stamps necessary for such service.

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

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 11th day of August, 1848, and published and declared in the Province the 4th day of October, 1848.*]

CAP. LXVII.

An Act for the better prevention of Illicit Trade.

Passed 30th March 1848.

No Spirits (except in Bottle, or from the United Kingdom, or from Bond in any British Colonial Possession,) to be imported in Casks, &c. of less than 100 gallons, nor in other than Decked Vessels of not less than 30 tons.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the period at which this Act shall come into operation, no Spirits (except in bottle, and Spirits imported from the United Kingdom, or from Bond in any British Colonial Possession,) shall be imported into this Province in Casks or Packages of less size than to contain one hundred gallons, or in other than Decked Vessels of not less than thirty tons register; and all Spirits imported into this Province contrary to the provisions of this Act, or that may be found on board of any Vessel or Boat of less than thirty tons register, in Packages or Casks of less size than to contain one hundred gallons, within the limits of any Port or Ports of Entry in this Province, shall be seized, condemned and forfeited in like manner as other articles illegally imported.

II.

II. And be it enacted, That all Goods, and all Ships, Vessels and Boats, and all Carriages and Cattle, liable to forfeiture under any Act relating to the Provincial Revenue, shall and may be seized and secured by any Officer of the Provincial Revenue, or by any person employed for that purpose, by or with the concurrence of the Provincial Treasurer, or any Deputy Treasurer, whether previously or subsequently expressed; and also by any Sheriff or Deputy Sheriff of any County or District within this Province, or by any of Her Majesty's Justices of the Peace, or by any person who, in any place distant more than ten miles from any Office of a Treasurer or Deputy Treasurer, shall by Warrant of any Justice of the Peace, granted upon information made on oath before him of any such forfeiture, be appointed to seize and secure any Boats, Carriages or Cattle, or any Goods or Merchandize liable to forfeiture as aforesaid; and every person who shall in any way hinder, oppose, molest or obstruct any Officer of the Provincial Revenue, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, or any such Sheriff, Deputy Sheriff, Justice of the Peace, or other person appointed by any Justice of the Peace in manner aforesaid, or any person or persons acting in the aid or assistance of any such persons, shall for every such offence forfeit the sum of one hundred pounds, to be sued for and recovered and applied in manner as provided for in and by any Act or Acts relating to the Collection and Protection of the Revenue.

Authority given to certain parties to seize Goods, Vessels, Carriages and Cattle liable to forfeiture under any Revenue Law.

Penalty for molesting or obstructing any Revenue Officer &c. in the exercise of his duty.

III. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's assent thereto shall be first had and obtained.

Suspending clause.

[*This Act was left to its operation by an Order of Her Majesty in Council, dated the 31st day of October, 1848, and published and declared in the Province the 6th day of December, 1848, and specially confirmed, ratified, and finally enacted by a like Order dated the 16th day of December, 1848.*]



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