

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

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

CAP. XL.

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

Passed 17th March 1835.

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

CAP. XLI.

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

Passed 17th March 1835.

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

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

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

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

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

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

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

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

CAP. XLII.

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

Passed 17th March 1835.

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

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