

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

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

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

Limitation.

CAP. III.

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

Passed 8th March 1836.

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

Preamble.

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

Corporation of Grace Church, Portland, erected.

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

Qualifications of church wardens and vestrymen and their electors.

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

Church wardens and one half of the vestrymen to

be resident in
Portland.

Who shall be
deemed subscri-
bers in aid of the
funds.

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

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

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

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

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

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

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

CAP. IV.

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

Passed 8th March 1836.

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

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

Commencement
of Act.