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CAP. XXXVI.

An Act for the settlement of the Estate of the late Receiver General of this Province.

Passed 9th March 1838.

WHEREAS the sum of seven thousand two hundred and forty four pounds ten shillings and seven pence halfpenny, of lawful money of New Brunswick, is alleged to be now due to Her Majesty for the Revenues of this Province, from the Estate of the late George Pidgeon Bliss, late Receiver General of this Province, for monies received by him in his official capacity, during his life time: And whereas George J. Dibblee, Henry G. Clopper and James Taylor, Esquires, Administrators on said Estate, dispute that sum to be due, and contend that the correct and true amount due by the said Receiver General at the time of his death, was one thousand six hundred and twelve pounds five shillings and three pence of like lawful money: And whereas to remove all difficulties upon the subject, as well to relieve the Crown officers from the necessity of further harrassing the representatives of said Estate, upon the subject, as to relieve the said Administrators and heirs of the late Receiver General, from all further liability and trouble in the matter, it is thought better to accept of the said sum of one thousand six hundred and twelve pounds five shillings and three pence, being the balance so acknowledged to be due by the said Administrators of said Estate as aforesaid; in full discharge of the said alleged claim of seven thousand two hundred and forty four pounds ten shillings and sevenpence halfpenny;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Attorney General for the time being is hereby fully authorized, empowered and required to discontinue all further proceedings against the said Administrators on the Estate of the late George Pidgeon Bliss, late Receiver General in this Province, on receiving from the said Administrators the said sum of one thousand six hundred and twelve pounds five shillings and three pence, the balance which the said Administrators so acknowledged to be due as aforesaid; provided the same be paid over by the said Administrators to the said Attorney General, to be by him paid over to the present Receiver General of the Province, within twenty days after the passing of this Act.

Attorney General authorized to discontinue proceedings against the Administrators of the late Receiver General on payment of £1612 5s. 3d.;

II. And be it enacted, That the said Attorney General is hereby fully authorized, empowered and required to receive from the said Administrators on said Estate the said sum of one thousand six hundred and twelve pounds five shillings and three pence, in full discharge and satisfaction of all monies due from the said George P. Bliss, at the time of his death, as such Receiver General as aforesaid.

And receive said sum in full discharge.

III. And be it enacted, That the receipt or discharge of the said Attorney General, for the said sum of one thousand six hundred and twelve pounds five shillings and three pence, to the said Administrators, shall be evidence that such sum has been paid, and be sufficient proof in all Courts of law or equity in this Province, that the same has been paid by the said Administrators, for the purposes aforesaid.

His receipt to be sufficient proof.

CAP. XXXVII.

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An Act to amend an Act, intituled "An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province."

Passed 9th March 1838.

WHEREAS by the fifth section of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled "An

26 G. 3, C. 49.

“An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province,” the owner or owners of wharves, by themselves or their agents, are empowered to remove any lumber, mill stones, or other goods, which may encumber their wharves, or incommode or obstruct the passing or repassing of any carts or carriages employed for the purpose of loading or unloading any ship or other vessel, and to keep the same in custody, but no power is given by the said Act to charge such goods with the expenses of yarding or housing, or to sell the same in the event of their not being claimed;

When a wharf is encumbered notice to be given to the person encumbering it, and

if the incumbrance be not removed merchandize may be seized and sold.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, when any wharf shall be encumbered by merchandize of any description, or rubbish or ballast, so as to obstruct the free passage of carts and other carriages, the owner or owners of such wharf, or his or their agent, shall give notice to the owner, owners or consignee of such merchandize, or to the person who may have deposited rubbish or ballast thereon, which notice may be given personally or in writing and left at the residence or office of such owner, consignee or person as aforesaid, to remove the same; and if such merchandize or rubbish or ballast is not removed in a reasonable time after such notice, then it shall and may be lawful to and for the said owner or owners of such wharf, or his or their agent, to remove the same, and to keep such merchandize in custody until the whole costs of removing and keeping the same is fully paid; and in case the owner or consignee of such merchandize is unknown, or not to be found, the owner or agent as aforesaid of such wharf may at his discretion remove and keep the same until some person appears to claim the same, and pay the costs of removing and keeping as aforesaid: Provided always, that when any merchandize so removed shall be of a perishable nature, the same may, within twenty four hours after such removal or as soon after as possible, be sold at public auction by a licenced auctioneer, and if such merchandize is not of a perishable nature, the same may be so sold in thirty days after such removal; and the proceeds of such sale respectively, after deducting the expense of removal and keeping and all other charges, shall be paid by the auctioneer to the owner or consignee of the merchandize so sold, when applied for.

No ballast or rubbish to be landed on any wharf without consent of the owner.

If the merchandize, rubbish or ballast be not sufficient to pay for the removal an action may be brought.

II. And be it enacted, That no ballast of any kind or rubbish shall be placed or landed on any wharf or wharves, without the permission or consent of the owner, owners or agent of such wharf or wharves, under the penalty of ten pounds, to be sued for and recovered with costs in the name of such owner or owners, or agent, and to the use of such owner or owners, in any Court of competent jurisdiction, and the person who may have so placed or landed or caused to be placed or landed such ballast or rubbish, may be held to bail in any such action by order of a Judge of the Court in which the action may be brought, upon the facts being made sufficiently to appear by affidavit: Provided also, that if any merchandize or rubbish or ballast which may have been obstructing or encumbering any wharf or wharves, and removed by the owner, owners or agent of such wharf should not be sufficient when sold to defray the expense of removing the same, together with all other charges, the expense so incurred with all other charges after deducting the proceeds of sale as the case may be, shall be paid by the owner of such merchandize, rubbish or ballast, or person who may have deposited or landed the same on any wharf, to be sued for and recovered in an action of debt before any Court of competent jurisdiction.