

CAP. XLIV.

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

Passed 23d March 1839.

*Continued for 5 years from 1<sup>st</sup> April 1850*  
*12th May 20*

**WHEREAS** it is deemed advisable to empower the Treasurer for the time being of this Province, to enter into agreement with one of the Banks or Banking Companies, or any Branch thereof, now established in the City of Saint John, for advancing to him the said Treasurer, upon the credit of the Province, such sum or sums of money as may be required from time to time for the public service;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Treasurer for the time being, and he is hereby authorized and required to receive Tenders from any such Bank, Banking Company, or Branch thereof, in the said City of Saint John, as may be willing to advance such sum or sums of money as aforesaid; and it shall be the duty of the said Treasurer, within thirty days after the passing of this Act, to give public notice by advertisement in at least two of the Newspapers published in the said City, that such Tenders will be received by him at any time or times on or before the first day of June next.

Treasurer to receive Tenders from any Bank or Branch in the City of Saint John willing to advance money for the public service.

II. And be it further enacted, That it shall be the duty of the said Treasurer forthwith after the said first day of June next, to submit such Tenders as shall have been received by him, to His Excellency the Lieutenant Governor or Commander in Chief for the time being, who shall and may, by and with the advice and consent of Her Majesty's Executive Council, signify to the said Treasurer his approval of such Tender as may be deemed most beneficial for the public interest; and the said Treasurer shall thereupon forthwith accept the said Tender and enter into the agreement accordingly, and such agreement shall contain such stipulations for carrying into effect the object thereof according to the true intent and meaning of this Act as the said Lieutenant Governor or Commander in Chief for the time being, with the advice and consent of the said Executive Council, shall direct, and shall be expressed to be made with the Queen's Majesty, Her Heirs and Successors.

Treasurer to submit Tenders to the Lieutenant Governor for approval, and enter into agreement with the party making the tender approved of.

III. And be it further enacted, That as soon as any such agreement shall be entered into for the purposes aforesaid, it shall be the duty of the said Treasurer to deposit with the said Bank or Banking Company, or Branch thereof so contracting, all the public monies which from time to time shall come into his possession or control; and the said Bank, Banking Company or Branch thereof, shall not at any time be in advance to the said Treasurer in a sum exceeding thirty thousand pounds.

After agreement entered into, Treasurer to lodge all public monies with the contracting Bank or Branch.

IV. And be it further enacted, That no contract or agreement as aforesaid shall be entered into by which a higher or greater rate of interest than five per centum per annum shall be agreed to be paid or allowed for any sum or sums of money to be advanced to the said Treasurer under the provisions of this Act.

Rate of Interest limited to five per cent.

V. And be it further enacted, That the said Treasurer for the time being shall not be charged or chargeable for any failure or default in performance on the part of the said Bank, Banking Company or Branch thereof, of any agreement or contract so to be entered into, nor for any loss or damage that may arise from any act, matter or thing, lawfully done or suffered by him under the provisions and according to the true intent and meaning of this Act: Provided always, that for any thing done or suffered by him not authorized by this Act the said Treasurer shall be liable to all intents and purposes in the same manner as if this Act had not been made.

Treasurer absolved from liability for loss suffered under this Act.

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c. 32

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A. D. 1839.

Limitation.

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

CAP. XLV.

7 W. 4, c. 11

An Act to repeal An Act, intituled "An Act for the more effectual prevention of Fires, within the City of Saint John."

Passed 23d March 1839.

7 W. 4, c. 11, repealed.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act for the more effectual prevention of Fires within the City of Saint John," be and the same is hereby repealed:

Court may proceed to conviction of persons indicted under the repealed Act.

II. Provided always, and be it enacted, That when any person before the passing of this Act shall have been indicted or convicted for any offence deemed a common nuisance, under the provisions of the said recited Act, the Court in which such offence may be prosecuted, may still proceed to the conviction and punishment of such offender in like manner as if the said recited Act had not been hereby repealed: Provided always, That no judgment shall be given to abate any such nuisance, and that in no case shall a greater fine be imposed than fifty pounds and the costs of prosecution.

Proviso.

CAP. XLVI.

and to 1850  
5 W. 4, c. 31  
revived and continued.

5 W. 4, c. 31.

An Act to revive and continue "An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its branches."

Passed 23d March 1839.

5 W. 4, c. 31, revived and continued.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That 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 driving of Timber and Saw Logs down the River Magaguadavic and its branches," is hereby revived and continued in full force until the first day of April in the year of our Lord one thousand eight hundred and forty five.

CAP. XLVII.

An Act relating to Circuit Courts in the Counties of Gloucester, Restigouche and King's.

Passed 23d March 1839.

Provisions of 8 W. 4, c. 4. extended to the County of Restigouche.

**WHEREAS** it is expedient that a Circuit Court be established in the County of Restigouche, and that certain alterations should be made in the time of holding the Courts in the County of Gloucester and King's County;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts," be and the same is hereby extended to the County of Restigouche in as full and ample manner, as if the several Sections of the said Act were respectively set forth in this Act.

II.