

“An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to establish a House of Correction for the said City and County, and to extend the provisions of two Acts of Assembly to the same,” are severally paid off and discharged: and from and after the time of payment and discharge of the total amount of such several loans so contracted by virtue of the said several Acts, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment not exceeding four hundred pounds in each and every succeeding year, besides the charge for assessing, and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money are to be assessed, levied, collected and paid in such proportions and in the same manner as other County Rates for public charges are, or may be assessed, levied, collected and paid, under and by virtue of any Act or Acts made or to be made for assessing, levying and collecting Rates for public charges.

Monies to be assessed as other County rates.

Monies after paying yearly interest to be applied in discharging the loans in order according to the numbers.

Treasurer to give public notice for calling in the Notes.

County Treasurer to receive one per cent for his services.

V. And be it enacted, That the monies so to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several loans contracted by virtue of this Act, to the payment of the principal sums mentioned in such Certificates or Notes, in due order according to the numbers, beginning with number one; and that the Treasurer of the said County shall from time to time give one months public notice, by advertisement in one of the Newspapers published in the said City, for calling in such and so many of the Certificates or Notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time mentioned in the said notice the interest on such Certificates or Notes shall cease.

VI. And be it enacted, That the County Treasurer shall be entitled to have and retain the sum of one pound per centum on every one hundred pounds, for his services in receiving and paying the said monies, so to be assessed under the provisions of this Act, and no more.

CAP. XXXIX.

An Act to amend an Act, intituled “An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same.”

Passed 25th. March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth section of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled “An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same,” be and the same is hereby repealed; and in lieu thereof, Be it enacted, That the Justices of the Peace, at their General Sessions respectively, shall and they are hereby required, twice in each and every year, to certify in one general Schedule all such certificates of the Trustees of Schools as shall or may be laid before them at their General Sessions, under and according to the provisions of the said Act, and shall transmit the same to the Secretary of the Province; upon which Schedule there shall be allowed and paid towards the support of each School a sum of money at and after the rate of twenty pounds per year for each School taught by the Schoolmaster or Schoolmistress named in such Schedule, that is to say: For a School kept six months, pursuant to agreement as aforesaid, ten pounds; and for a School kept one year, twenty pounds;

7 W. 4, c. 8, s. 6, repealed.

Justices to certify twice in each year all the certificates of the Trustees.

An allowance at the rate of £20 per annum for each school to be drawn from the Treasury.

See 6th vic - c. 38

pounds; the same to be drawn from the Treasury of the Province, by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favor of the Trustees of Schools of the respective Parishes mentioned in such Schedule, to be applied towards the support of the said Schools according to the true intent and meaning of this Act; Provided nevertheless, That no larger sum than two hundred and sixty pounds shall be paid out of the Treasury of this Province for Schools kept in any one Parish in any one year; and provided that no County in the Province shall be entitled to receive a larger sum in any one year than would arise from an average of one hundred and eighty pounds for each and every Parish in such County; and provided also, that no more than three female Schools shall be included in any such certificate or Schedule for any one Parish: And provided also, That where the whole sum allowed for any one Parish, pursuant to this Act, is not sufficient to afford the above allowance to each and every School, by reason of the great number of Schools in the Parish, then and in such case it shall and may be lawful for the Trustees and they are hereby required to apportion the whole sum among all the Schools in the Parish, according to the nature of their respective claims, whether yearly or half yearly Schools.

Aggregate amount and number of female Schools limited.

Trustees to apportion the sum among all the Schools when the aggregate exceeds the limits.

II. And be it enacted, That this Act shall continue and be in force so long as the Act to which this Act is an amendment, and no longer.

Limitation. New Act continued to 1st May 1845 by 61 C. 38

CAP. XL.

An Act for enabling persons indicted of Felony to make their defence by Counsel.

Passed 25th March 1840.

WHEREAS it is just and reasonable that persons accused of offences against the Law should be enabled to make their full answer and defence to all that is alleged against them;

Repealed by 12 Vic c. 29

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all persons tried for 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 Courts where Attornies practice as Counsel.

Persons tried for Felony may make their defence by Counsel.

II. And be it further enacted, That in all cases of summary conviction, persons accused shall be admitted to make their full answer and defence, and to have all witnesses examined and cross examined by Counsel or Attorney.

In summary convictions persons accused may make their defence by Counsel.

III. And be it further enacted, That all persons who, after the passing of this Act, shall be held to bail or committed to prison for any offence against the Law, shall be entitled to require and have on demand, (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, not exceeding one shilling for each folio of one hundred words: Provided always, That if such demand shall not be made before the day appointed for the commencement of the Assize or Sessions at which the trial of the person on whose behalf such demand shall be made 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,

Copies of the examinations of witnesses to be furnished to the accused on demand, and payment.

Proviso when copies are not demanded before the day appointed for the commencement of the assize.