

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 60 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Repealed by 12 Vic c. 29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.

trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

Persons under trial entitled to inspect all depositions or copies without fee.

IV. And be it further enacted, That all persons under trial shall be entitled at the time of their trial to inspect, without fee or reward, all depositions (or copies thereof) which have been taken against them, and returned into the Court before which such trial shall be had.

CAP. XLI.

An Act to alter and amend "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton.

Passed 25th March 1840.

WHEREAS it is deemed advisable that no assessment be made upon the 'Inhabitants of the County of Carleton, for the erection of Public Buildings in that County during the present year;

4 W. 4, c. 26, so far as regards the County of Carleton suspended for one year.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the operation of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton, be and the same is hereby suspended for one year, and any assessments, hitherto made, shall also be suspended.

CAP. XLII.

An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for repairing the Public Buildings therein.

Passed 25th March 1840.

Justices authorized to assess £100 to repair the public buildings.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of Gloucester at any General Sessions of the Peace to be hereafter holden, or at any Special Sessions of the Peace to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum, not exceeding one hundred pounds, as they in their discretion may think necessary for the repairing and securing of the Public Buildings in the said County, the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts now or hereafter to be in force in this Province, for assessing, levying and collecting rates for public charges.

CAP. XLIII.

6 W. 4, c. 63.

An Act to revive an Act, intituled "An Act to incorporate the Saint John Hotel Company."

Passed 25th March 1840.

Preamble.

WHEREAS the sum required in and by the ninth section of an Act made 'and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate the Saint John Hotel Company," to be paid in for the purposes of the said Corporation, was actually 'so paid in within the time therein mentioned and required, but the Certificate of 'such payment was omitted to be filed in the Office of the Secretary of the Province within the time for that purpose prescribed: and whereas such Certificate "is