

CAP. XLIX.

An Act to authorize the Justices of the Peace for Queen's County, to lease a certain Lot of Land in the Town Plat of Gagetown.

Passed 25th March 1840.

WHEREAS the Justices of the Peace for Queen's County, by a Grant or Letters Patent bearing date the first day of July in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of the Reign of His Majesty King George the Third, were invested with a certain piece or parcel of land, situate in the Town Plat of Gagetown, the same having been granted to the said Justices "in trust for the use of the said County, as a site for the public Gaol and Court House of said County and accommodation thereof:" And whereas the said Justices have since deemed it advisable to erect a new Court House on other Lands situate, lying and being in Gagetown aforesaid, and granted to the said Justices: And whereas the Lands first mentioned can be made more beneficial to the said County, by leasing the same for other uses;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Justices of the Peace of the said County, for the time being, and their successors, shall have power and authority, and they are hereby authorized and empowered to lease the said Lot, piece or parcel of Land, in such manner as they in their discretion may deem meet and expedient, instead of applying the same to the particular use intended and expressed by the said Grant as aforesaid, and that all and every the monies arising therefrom, be applied to the general uses and benefit of the said County.

Justices authorized to lease the described piece of land, according to their discretion.

Monies to be for the benefit of the County.

CAP. L.

An Act to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the eighth 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 make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence," be and the same is hereby repealed.

7 W. 4, c. 34, s. 8, repealed.

CAP. LI.

An Act to declare the Law with regard to Commissions for taking Affidavits to be read in the Supreme Court.

Passed 25th March 1840.

WHEREAS the Chief Justice and Justices of the Supreme Court in this Province, under and by virtue of an Act of Parliament made and passed in the twenty ninth year of the Reign of King Charles the Second, intituled "An Act for taking Affidavits in the Country to be made use of in the Courts of King's Bench, Common Pleas and Exchequer," have been accustomed by Commissions under the Seal of the said Court to empower persons to take Affidavits to be read in the said Court, and in many instances such Commissions have

Preamble.

29 Char. 2.

Commissions issued under 29 Char 2, to be valid, although not confined to one County.

' have been general and not confined to any one County, and doubts are entertained whether such general Commissions are authorized by the said Act of Parliament; Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Commissions heretofore made by the said Chief Justice and Justices, under and by virtue of the said Act of Parliament, shall be good and valid, notwithstanding any such Commission be general and not confined to any one County.

Commissions may be issued either with limitation or without.

II. And be it declared and enacted, That hereafter it shall and may be lawful for the said Chief Justice and Justices to make and issue Commissions under the said Act of Parliament, either with limitation to any one or more Counties in the Province, or without any such limitation, as to them in their discretion may seem meet.

Commissions to take effect in the several Counties of New Brunswick 5th Decr. 1840.

CAP. LII.

An Act for ascertaining the Population of this Province.

Passed 25th March 1840.

Justices to appoint fit persons in each Parish to take an account of the population.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province shall and may, and they are hereby required at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Sessions to be for that purpose expressly convened, to appoint such and so many fit person or persons within each Town or Parish within their respective Counties, as they shall think expedient to take an account of the Population thereof, in manner hereinafter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient districts, assigning to each person so appointed to take such account in his particular district; which persons so appointed to take such account, shall be liable in all respects to the same rules and regulations, penalties and forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in force for the appointment and regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, shall as soon as conveniently may be after the passing of this Act, appoint such and so many fit person or persons as to them shall seem meet to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

Persons appointed to be subject to the same regulations and penalties as other Parish Officers.

Corporation of Saint John to appoint persons for the City.

Account to be taken as hereinafter directed.

II. And be it enacted, That the persons so appointed as aforesaid shall, at the times and in the manner hereinafter directed, severally take an account of the number of persons who shall be actually found at the time of taking such account within the limits of the Parish, City or District for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this Act.

This Act to be sent to the Clerks of the Peace and by them to the Justices.

III. And for the more speedy and effectual obtaining of such accounts, Be it further enacted, That a sufficient number of printed copies of this Act, and of the Schedule thereto, (such number to be regulated and determined by order of His Excellency the Lieutenant Governor or Commander in Chief for the time being,) shall on or before the first day of May next, after the passing of this Act, be transmitted by the Queen's Printer to the Clerks of the Peace in the several Counties, and the said several Clerks of the Peace shall, and they are hereby required with all convenient speed, to cause the said Act to be distributed among the