

and expended by them in pursuance of this Act to the Treasurer of the Province, to be by him transmitted, with his account, to the Secretary's Office, and shall likewise render a copy of such account to the first General Sessions in the County of Westmorland in each and every year, and the balance (if any) of the monies so received by them in the hands of the Commissioners or the major part of them, for the purposes of further improving the navigation of the said Bay and Harbour.

the first General Sessions in Westmorland.

VI. And be it enacted, That if any person or persons shall take away, destroy, deface or remove any of the said Beacons or Buoys, such offender or offenders shall on due conviction thereof, by the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding fifteen pounds, to be recovered and applied as aforesaid, and on failure of payment or want of goods and chattels whereon to levy, such offender or offenders shall be committed by such Justice or Justices to the Common Gaol of the County, there to remain for a space of time not exceeding three months.

Destroying the Beacons or Buoys.

Penalty, recovery and application.

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

Limitation.

Repealed 15th Dec 1847
CAP. XXIV.

See original Charter

*45 Geo. 3. c. 10
35 " c. 2*

An Act to alter the times for holding the Terms of the Inferior Courts of Common Pleas and General Sessions of the Peace for the County of Sunbury.

Passed 19th March 1841.

WHEREAS the times of holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury, have been found inconvenient; for remedy whereof,

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Terms of the said Inferior Courts of Common Pleas and General Sessions of the Peace heretofore held on the third Tuesday in January, fourth Tuesday in March, third Tuesday in June and October respectively in each and every year, shall hereafter be holden on the second Tuesday in January, third Tuesday in March, June and October respectively in each and every year, any law, usage or custom to the contrary in any wise notwithstanding.

Terms altered to the second Tuesday in January, third Tuesday in March, June and October.

II. And be it further enacted, That no suit, process or proceeding instituted or commenced before the passing of this Act, shall abate or be discontinued by reason of the altering of the times of holding the said Terms respectively, but all actions, processes, suits and proceedings shall be carried on and continued to final judgment in the same manner as if this Act had not passed, any thing herein contained to the contrary notwithstanding.

No process to abate by reason of the alteration.

CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock up House in the Town of Chatham, in the said County.

Passed 19th March 1841.

WHEREAS from the great increase of the Town of Chatham, in the County of Northumberland, and in consequence of the distance therefrom to the County Gaol, and the difficulty of crossing the River Miramichi thereto

Preamble.

‘ at certain seasons of the year, great inconvenience is often times experienced
 ‘ by the Magistrates residing in the said Town for the want of a Lock up House
 ‘ or place of safe keeping, in which to confine persons committing breaches of
 ‘ the Peace and other minor offences; in remedy whereof,’

Justices in Sessions authorized to purchase a piece of Land in Chatham, contract for the erection of a Lock-up-House thereon,

and assess a specified part of the Parish for the expense, not exceeding £250.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Northumberland or the major part of them, may and they are hereby authorized and required at their first General Sessions of the Peace hereafter to be holden, to purchase a piece of ground in the Town of Chatham, on which to erect a Lock up House, and to contract and agree with able and sufficient workmen for the erection and finishing of a suitable Lock up House on the said piece of ground in the Town of Chatham, and the said Justices or the major part of them at any General Sessions of the Peace, are hereby authorized and required to make a rate and assessment for a sum not exceeding two hundred and fifty pounds to defray the expense of purchasing the said land, and erecting and finishing the said Lock up House; such assessment to be levied and collected in such proportions and in such manner on the Inhabitants of such County, residing on the front Lots situate between the lower side of Clark's Cove and the upper side of Saint Andrew's Church, in the Parish of Chatham in the said County, including all the Inhabitants of the Town or Village of Chatham, living within the above named limits, whether residing in the front or rear of the said Town, as the said Justices or the major part of them may direct; which sum subject to the limits aforesaid shall be assessed, levied and paid agreeably to any Act now or which may hereafter be in force for the assessing, levying and collecting County Rates.

Justices authorized to pay £35 per annum out of the County funds, or by Assessment if there be no funds, for the maintenance of the Lock-up-House.

II. And be it further enacted, That when and so soon as the said Lock up House shall be erected, completed and fit for use, it shall and may be lawful for the Justices of the Peace for the said County, and they are hereby required annually at the first Court of General Sessions of the Peace for the year, by order of the said Court upon the County Treasurer, to cause to be paid out of the County funds a sum not exceeding thirty five pounds towards the payment of the keeper and the support and maintenance of the said Lock up House, if there be County funds to meet such payment, if not, the same to be annually assessed, levied and collected off the Inhabitants of the County in the same manner as other County assessments are assessed, levied and collected.

Regulations for the Lock-up-House to be made by the Justices in Sessions.

III. And be it further enacted, That the said Justices of the Peace for the said County of Northumberland, shall and they are hereby authorized and required at any General Sessions of the Peace to be holden in the said County, to make such rules and regulations for the custody and management of the said Lock up House as may from time to time be necessary and expedient.

Persons charged with any crime or misdemeanor may be committed to the Lock-up-House.

IV. And be it further enacted, That it shall and may be lawful for the High Sheriff of the said County of Northumberland or any other Officer who shall have arrested or have in legal custody any person or persons charged with any crime or misdemeanor whatsoever, for which such person shall be liable to be committed to the Gaol of the said County, to commit such person or persons to the said Lock up House until he or they can be conveyed to the County Gaol: Provided always, that no such person or persons shall be longer kept or detained in the said Lock up House than thirty six hours from the time of his or their commitment thereto, except when the River is in an impassable state during the spring and fall from the ice, and then only till the same can be crossed with safety.

Proviso.

Convicted Seamen may be committed to the Lock-up-House,

V. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace for the said County of Northumberland, before whom
 any

any Mariner or Seaman shall be hereafter convicted under and by virtue of any Laws now in force or that may be hereafter in force in this Province for the regulation of Seamen, to commit such Mariner or Seaman to the said Lock up House instead of the County Gaol, if such Justice shall find it necessary and advisable so to do: Provided always, that no such Mariner or Seaman shall remain or be longer confined in the said Lock up House than forty eight hours, and if such Seaman or Mariner be subject and liable to longer confinement, then to be conveyed to the County Gaol, and all charges to be defrayed by the Ship Master or person so confining said Mariner or Seaman.

but not detained therein more than 48 hours.

CAP. XXVI.

An Act relating to the Office of Coroner in this Province.

Passed 19th March 1841.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, whenever upon the summoning or holding of any Coroner's Inquest, it shall appear to the Coroner that the deceased person was attended at his death or during his last illness, by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue his order for the attendance of such Practitioner as a witness at such Inquest: and if it shall appear to the Coroner that the deceased person was not attended at or immediately before his death by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue such order for the attendance of any legally qualified Medical Practitioner, being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the Coroner either in his order for the attendance of the Medical witness, or at any time between the issuing of such order and the termination of the Inquest, to direct the performance of a *Post Mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the Medical witness or witnesses, who may be summoned to attend to any Inquest: Provided, that if any person shall state upon oath before the Coroner, that in his or her belief the death of the deceased individual was caused, partly or entirely by the improper or negligent treatment of any Medical Practitioner or other person, such Medical Practitioner or other person shall not be allowed to perform or assist at the *Post Mortem* examination of the deceased.

Coroner may order the attendance of a Medical Practitioner upon any Inquest;

May also direct the performance of a *Post Mortem* examination.

Medical Practitioner in attendance on deceased not to perform or assist at the examination in certain cases.

II. And be it further enacted, That whenever it shall appear to the greater number of Jurymen sitting at any Coroner's Inquest, that the cause of death has not been satisfactorily explained by the evidence of the Medical Practitioner, or other witness or witnesses who may be examined in the first instance, such greater number of the Jurymen are hereby authorized and empowered to name to the Coroner in writing, any other legally qualified Medical Practitioner or Practitioners, as a witness or witnesses, and for the performance of a *Post Mortem* examination, with or without an analysis of the contents of the stomach or intestines, whether such an examination has been performed before or not: and if the Coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor, and shall be punishable in like manner as if the same was a misdemeanor at Common Law.

Jurymen may name any other Medical Practitioner as a witness, and for the performance of a *Post Mortem* examination.

III. And be it further enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest, in obedience to any such order as aforesaid of the Coroner, the said Practitioner shall for such attendance be entitled

Remuneration of Medical Practitioners,