

execution for three months, or until the next Term as therein mentioned, and such part of the seventh Section of the said recited Act as requires the presiding Justice to sign the entry made in the Minutes of the said Court of the Judgments given in the said Courts as therein mentioned, and the whole of the eighth Section of the same Act, and also the fourth Section of an Act made and passed in the Forty second year of the Reign of His said Majesty George the Third, intituled *An Act in addition to an Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trial of actions*, be and the same are hereby repealed.

Section 7, (in part)
of 35 G. 3, c. 2.

Section 8 of 35 G. 3,
c. 2, and

Section 4 of 42 G. 3,
c. 7, repealed.

CAP. XXXIV.

An Act to amend an Act for granting Patents for useful Inventions.

Passed 11th April 1843.

WHEREAS in and by the fifth Section of an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to grant Patents for useful Inventions*, the latter part of the oath therein required to be taken by the applicant for a Patent, is as follows: "And that such invention or discovery hath not, to the best of his, her or their knowledge or belief, been known or used in this Province or in any other Country:" And whereas it may sometimes happen, that after such discovery or invention, but before the original Inventor of such invention or discovery applies for a Patent, some other person may have made the same discovery or invention, or the same may have become known or used, in which case such original Inventor might not be able to take the above mentioned latter part of the oath required by the said fifth Section of the said hereinbefore in part recited Act;

Preamble.

4 W. 4, c. 27.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in every case where any person or persons applying for a Patent cannot take that part of the oath (hereinbefore set forth) required by the said fifth Section of the said hereinbefore in part recited Act, in consequence of some other person, subsequent to his, her or their discovery or invention, having also made the same discovery or invention, or of the same having so subsequently become known or used, then and in such case it shall be sufficient for such applicant or applicants, in lieu of that part of the oath hereinbefore mentioned, required to be taken by the said fifth Section of the said hereinbefore in part recited Act, to swear or affirm in the mode pointed out by the said Section, in addition to the said preceding part of the said oath mentioned in the said Section, that such invention or discovery was not, to the best of his, her or their knowledge or belief, known or used in this Province or in any other Country before the same was so made or invented by such applicant.

Oath required by
Act 4 W. 4, c. 27,
s. 5, may be varied
so as to include
cases in which the
same invention may
have been made by
another person after
the applicant.

CAP. XXXV.

An Act for the amendment of the Charter of the City of Saint John.

Passed 11th April 1843.

WHEREAS sundry improvements are requisite in the Charter of the City of Saint John, and the Mayor, Aldermen and Commonalty of the said City, and a large and respectable number of the Inhabitants thereof, being Freemen and Freeholders, have, by their Petition prayed that such improvements may take place in the said Charter, and that the same may accordingly be amended by Law;

Preamble.

I.

Aldermen and Assistant Aldermen to be freemen of the City, and possessed of a defined amount of property.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person shall hereafter be elected to the office of Alderman of the City of Saint John, under the Charter of the said City, who shall not be a Freeman of the said City, before and at the time of his election, and be possessed as owner thereof of Real or Personal Property, or both together, within the said City, over and above all Mortgages, Judgments, Bonds to the Queen or Her Successors, and all other incumbrances whatsoever to the extent of at least two hundred and fifty pounds, and no person shall be elected to the office of Assistant Alderman of the said City, under the said Charter, who shall not be a Freeman of the said City, before and at the time of such election, and in like manner be possessed as owner thereof of Real or Personal property, or both, within the said City, over and above all just debts and incumbrances whatsoever, to the extent of at least one hundred and fifty pounds.

No elector to be allowed to vote until he has paid up all his rates.

II. And be it enacted, That no Freeman or other person qualified by the said Charter to vote for Members of the Common Council of the said City, shall hereafter exercise such right to vote, until such person shall have previously paid all rates or assessments imposed on and required of such person by Law, prior to the period of such election taking place.

Annual Licences may be granted to British subjects to trade, &c., within the City.

III. And be it enacted, That it shall and may be lawful for the Mayor of the said City, and he is hereby authorized to licence persons being natural born British Subjects, or such as shall become naturalized or be made denizens, to use any art, trade, mystery or occupation, or carry on any business in merchandize or otherwise, within the said City, on paying yearly such sum not exceeding five pounds, nor less than five shillings, to be fixed and determined by an ordinance of the Corporation, for the use of the Mayor, Alderman and Commonalty of the said City of Saint John, together with the fees of office, and be subject also to the payment of all other charges, taxes, rates or assessments as any Freeman or other Inhabitant of the said City, may by Law be liable to or chargeable with.

Annual Licences may be granted to Aliens to trade, &c., within the City.

IV. And be it enacted, That Aliens, the subjects of any other Country at peace with Great Britain, may be licenced by the Mayor of the said City, to use any art, trade, mystery or occupation, or to carry on any business in merchandize or otherwise, within the said City, on paying annually for the use of the Mayor, Aldermen and Commonalty of the said City, a sum not exceeding twenty five pounds, nor less than five pounds, together with fees of office to be regulated by ordinance of the Corporation, and be subject also to the payment of all other charges, taxes, rates or assessments as any freeman or other inhabitant of the said City, may by Law be liable to or chargeable with.

Any Alderman or Assistant Alderman may be expelled from the Common Council for improper conduct.

V. And be it enacted, That the Common Council of the said City shall have power and authority in the event of any one of the Aldermen or Assistant Aldermen of the said City, being found guilty of grossly improper conduct at any of the meetings of the said Common Council, (two thirds of the Members of the said Council concurring therein,) to expel such Member from the said Common Council, and the member so expelled shall thereby forfeit all his right and power as an Alderman or Assistant Alderman for the year for which he may have been elected; and it shall and may be lawful for the Mayor of the said City, and he is hereby required forthwith after such expulsion, to order a new election for the choice of some properly qualified person to serve in the place of the Member so expelled.

Time for holding elections of Charter officers to be appointed by the Common Council

VI. And be it enacted, That the Common Council of the said City shall appoint the time of day and place for holding all elections for Charter Officers, or for any of them, in the respective Wards within the said City, and also shall have

power

power to appoint one or more Commissioner or Commissioners for each Ward for holding the said elections, and shall and may by Ordinance make such further regulations for conducting the said elections, and under such penalties not exceeding five pounds for any one breach thereof, as to the said Common Council may from time to time appear to be necessary for such purpose.

who may appoint Commissioners for elections, &c., and make regulations therefor with penalties.

VII. And be it enacted, That the Common Council of the said City shall have full power and authority from time to time to displace the Chamberlain or Treasurer of the said City, appointed under and by virtue of the said Charter, for neglect of duty or other misconduct, (two thirds of the Members of the Council concurring in the motion,) and appoint another in his place.

Chamberlain may be displaced for improper conduct and another appointed.

VIII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City, shall and may have power, by their Bye Laws, to enforce the payment of penalties thereby imposed by imprisonment of the offenders for a limited period of time, not exceeding forty days, in case no goods or chattels can be found whereon to levy the said penalties: Provided always, that such Bye Laws before being carried into force shall be confirmed by the Lieutenant Governor or Commander in Chief and Executive Council of the Province.

Corporation may by Bye Laws enforce payment of penalties by imprisonment.

IX. And be it enacted, That every person hereafter to be appointed Mayor of the said City, shall and may take the oaths of office required by the Charter of the City, before the Lieutenant Governor or Administrator of the Government of the Province for the time being, or any Commissioner or Commissioners to be by him appointed, instead of taking the said oaths as is now required in the presence of the Lieutenant Governor and three or more Aldermen of the said City.

Mayor may take the oaths of office before the Lieutenant Governor or a Commissioner.

X. And be it enacted, That it shall be the duty of the Common Council of the City, to publish in two of the Newspapers published in the City two months before the annual election of Charter Officers in each year for the information of the Citizens of Saint John, a full and detailed statement of the receipts and expenditure of the Corporation during the year, and in every such statement the different sources of City Revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of monies expended under each, the monies borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified, and that such statement and accounts shall be made up to the thirty first day of December, preceding such publication in every year.

Statements of receipts and expenditure of the Corporation containing specified particulars to be published.

XI. And be it enacted, That from and after the passing of this Act the Mayor, Common Clerk, Chamberlain, and all the other officers of the Corporation shall be remunerated by fixed salaries, to be settled, adjusted and determined from time to time by the Common Council of the said City: Provided always, that the salary of the Mayor so to be settled shall not be less than four hundred pounds, and the salary of the Clerk not less than five hundred pounds, which salaries shall be in lieu and substitution of all Fees by them receivable under and by virtue of their respective offices.

Mayor, Common Clerk, Chamberlain and other officers to be remunerated by fixed Salaries.

XII. And be it enacted, That all costs, fees and emoluments whatever payable to and receivable by the said Mayor, Common Clerk and Chamberlain, or any other officer of the said City, judicial or ministerial for any act, matter or thing done by him or them by virtue of his office in any capacity whatever, shall be paid by such officer on receiving them or entitled thereto to the Chamberlain or Treasurer of the said City for the time being, for the public use of the said City in such manner and under such Rules and Regulations for duly accounting therefor as the Common Council shall by Bye Law, Rule or Ordinance from time to time prescribe

Fees receivable by the officers to be paid over to the Chamberlain for the use of the City.

prescribe and determine, and under and subject to such pains and penalties as the Common Council may by Bye Law, Rule or Ordinance from time to time prescribe and determine.

CAP. XXXVI.

An Act to amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows.

Passed 11th April 1843.

4 V. c. 16, s. 1 and 2, repealed.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second Sections of an Act made and passed in the fourth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to continue and amend an Act, intituled An Act for the relief of old Soldiers of the Revolutionary War and their Widows*, be and the same are hereby repealed.

No new claimants for Bounty to be certified.

II. And be it enacted, That it shall not be lawful for the General Sessions of the Peace in the respective Counties to certify any new claimants for Bounty under the said Act.

CAP. XXXVII.

An Act to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire.

Passed 11th April 1843.

Preamble.

WHEREAS in consequence of the destruction by fire of the Register of Freemen of the City of Saint John, it is necessary to provide for the establishment of a new Register;

Corporation by Bye Laws may establish a new Registry of Freemen.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and full power and authority is hereby given to them at any Common Council hereafter to be holden, to frame, constitute, ordain and make all such Laws, Ordinances or Bye Laws as shall and may be necessary to establish and make a new Register of the Freemen of the said City, in lieu and place of the said Register so destroyed.

Register so established to be the Register of the Freemen of the City.

II. And be it enacted, That any Register to be established and made in pursuance of any Law, Bye Law or Ordinance of the said Common Council made and passed under and by virtue of this Act, shall to and for all purposes and intents whatever be and be held and taken to be the Register of Freemen of the said City of Saint John, in lieu and place of the said Register so destroyed.

CAP. XXXVIII.

An Act to revive and continue the Acts relating to Parish Schools.

Passed 11th April 1843.

7 W. 4, c. 8.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several Acts relating to Parish Schools made and passed in the seventh year of the Reign of His late Majesty 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*, and the Act made and passed in the third year of Her present Majesty's Reign in amendment thereof, be and the same are hereby revived and continued until the first day of May, which will be in the year of our Lord one thousand eight hundred and forty five.

3 V. c. 39, revived and continued.