

II. And be it enacted, in case any two or more persons shall apply on the same day for the same Berth, if the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, shall see fit to dispose of the same, that then and in such case it shall be sold by the Surveyor General or his Deputy to the highest bidder, and be competed for between the applicants only, and provided that no such License be granted for a longer term than one year, and not to extend beyond the first day of May after the issuing thereof.

When there is more than one applicant, Berth to be sold, the applicants only competing.

III. And be it enacted, That each and every person to whom License shall be granted under the provisions of this Act, shall at the time of his or their obtaining such License, pay to the Receiver General of Her Majesty's Revenue a fee in ready money on every such License so granted, of not less than ten shillings for each and every square mile of the Land which the limits prescribed in and by the said License shall include, and shall also pay all the necessary expenses for surveying and marking out the ground.

Fees payable on obtaining license.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to make and establish such Rules and Regulations as may be by them found necessary from time to time, and also to carry into effect the intentions of this Act, to prevent trespasses on the Crown Lands, collision between parties, or other difficulties.

Governor in Council authorized to make regulations to prevent trespasses.

V. And be it enacted, That for and during the continuance of this Act, so much of the said Fifth Section of the hereinbefore in part recited Act, as relates to the Sale of Timber and Lumber and other Wood by Auction, be and the same is hereby suspended.

8 W. 4, c. 1, s. 5, in part suspended.

VI. And be it enacted, That this Act shall not come into operation until the first day of May next, and shall then continue and be in force for and during the period of two years from the said first day of May, and no longer.

Limitation.

CAP. XXXVI.

An Act to facilitate the collection and recovery of small Debts due to the Crown arising from the sale of Crown Lands and Timber.

Passed 13th April 1844.

WHEREAS there is a great accumulation of Crown Debts arising from the sale of Crown Lands and Timber now due from individuals, in various parts of the Province, the great proportion of which are small in amount: And whereas it is necessary to facilitate the collection of such debts by the appointment of Receivers in each County, and also to make provisions for the more summary and less expensive mode of recovering such Debts;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, may appoint one or more fit person or persons in the several Counties in this Province to be receiver of all such Debts due to the Crown, as may from time to time be transmitted to such receivers for collection; which persons so appointed shall respectively give good and sufficient Bonds to Her Majesty, Her Heirs and Successors, in such sum not less than five hundred pounds, as the Lieutenant Governor or Commander in Chief may approve, for the faithful discharge of the duties of his Office.

Receivers of Crown Debts may be appointed in the several Counties.

To give Bonds.

II. And be it enacted, That it shall be the duty of every such receiver to proceed with all diligence to collect all such Debts, lists of which may be transmitted to

Receiver to use diligence in collecting debts, of which

lists may be sent to him.

Accountability.

Remuneration.

Debts under £20 may be prosecuted before two Justices.

Jurisdiction given to the Justices.

4 W. 4, c. 45.

No Jury to be allowed.

Act not to prevent the Attorney General from proceeding when so directed.

to him by order of the Lieutenant Governor or Commander in Chief for the time being ; and every such receiver shall be accountable to Her Majesty, Her Heirs and Successors, for all sums of money which he shall collect and receive as aforesaid, and may retain for his services such reasonable Commission (over and above any costs of proceedings at Law which may be incurred and not otherwise paid) not exceeding the rate of ten pounds out of every one hundred pounds which he may collect, as the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may direct, provided the whole amount of Commission so received does not exceed one hundred pounds in any one year.

III. And be it enacted, That when any such debt shall not exceed the sum of twenty pounds it shall be lawful for such receiver to sue for and recover the same in the name of Her Majesty, Her Heirs and Successors, before any two of Her Majesty's Justices of the Peace of the County wherein the Debtor may reside, together with costs of suit.

IV. And be it enacted, That such two Justices shall have the like jurisdiction in all respects in any such suit as is given to any Justice of the Peace in Civil Suits between subjects under and by virtue of the Act of Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, and any Act in amendment thereof ; and the mode, form and costs of proceedings in such Suits shall be regulated by and made conformable, as near as may be, to the provisions and directions of the said recited Act, subject in all cases to review and reversal before and by the Supreme Court, or any Judge thereof, as in other cases or proceedings under the said recited Act: Provided always, that in no case shall any Jury be allowed or required in any such Suit.

V. And be it enacted, That nothing in this Act contained, shall be construed to prevent the Attorney General or any other Crown Officer from proceeding in the ordinary course for the recovery of any such Crown Debt, when directed so to do by the Lieutenant Governor or Commander in Chief for the time being.

CAP. XXXVII.

An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John.

Passed 13th April 1844.

‘ WHEREAS a number of Mills have been erected for the manufacture of Lumber along the banks of the River, and around the Harbour of Saint John, in the City and County of Saint John, and great quantities of slabs and edgings are there cut and thrown into the said River and Harbour, thereby filling up the channel, injuring the anchorage, and obstructing the navigation thereof;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, any person or persons who may be the owner or owners of any Mill or Mills already erected, or that may be erected on or near any part of the Banks or Shores of the River or Harbour of Saint John, or of any Bay, Cove, Creek or Stream falling into the said River or Harbour of Saint John, within the City and County of Saint John, for the manufacture of Lumber of any description, or any person or persons who may be engaged in manufacturing Lumber in any such Mill or Mills, who shall throw, or cause, suffer or permit to be thrown, by any person or persons who may in any way be

Amended by 12th cap
52
Amended by 140th cap 11 local acts
dec cap 12 also
Throwing slabs, edgings, &c., from Mills erected on the River Saint John, or Harbour or Creeks falling into the River, within the City and County of Saint John.