## 7° VICTORIÆ.

Penalty for not rendering accounts after citation.

Fees of the Surrogate Judge and Register, Be it therefore enacted, That if any Executor or Administrator shall neglect or refuse to render an account of his Administration, after being duly cited for that purpose, as provided for in the thirty fifth section of the said recited Act, he shall forfeit and pay the sum of five pounds every month from and after the time appointed by such citation, or any further time that may be allowed by the Surrogate for such account to be rendered, until he shall render such account; every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas in the same County, in the name and for the use of any Heir, Legatee or Creditor of the Testator or Intestate, who shall first sue and prosecute for the same.

VI. 'And whereas in cases of small Estates, it is desirable to lessen and limit 'the fees payable to the Surrogate Judge and Register of Probates respectively;' Be it therefore enacted, That when the Estate does not exceed one hundred pounds, and there shall be no contest, the fees of the Surrogate Judge shall be twenty shillings and no more; and when the Estate does not exceed two hundred pounds, and there shall be no contest, his fees shall be thirty shillings and no more; and in such cases the same fees shall be payable to the Register and no more; and in all cases where the Estate does not exceed two hundred pounds, if license be granted by the Surrogate Judge for the sale of the real Estate belonging to the same, and there shall be no contest, the fees of the Surrogate Judge for all proceedings relating to the application for and the granting of such license shall not exceed twenty shillings, and for the Register the like sum and no more, any thing in the said recited Act to the contrary notwithstanding.

## CAP. XLII.

An Act to repeal an Act, intituled An Act to provide for the greater safety of Passengers on board Steam Boats, and to make further provision in lieu thereof.

Passed 13th April 1844.



t. 19.

British Steam Vessels plying from or within this Province with Passengers to be provided with boats, oars and tackled

t 1550 Ål t Soft Diffe Penalty for plying without the required boats. I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of Her present Majesty, intituled An Act to provide for the greater safety of Passengers on board Steam Boats, be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, no British Boat or Vessel propelled by Steam shall be permitted by the Captain or owner thereof, to depart from any Port or place in this Province to any Port or place within or without this Province by Sea with Passengers, without having on board or attached to such Boat or Vessel in a convenient manner, at least four good and efficient boats properly equipped, with a sufficient number of good oars and other tackle necessary therefor, of a sufficient capacity in all to carry eighty adult Passengers exclusive of the Crew; and no such Vessel shall be permitted by the Captain or owner thereof, to navigate in any of the Rivers or inland waters of this Province with Passengers, without having on board or attached to such Boat or Vessel, in a convenient manner as aforesaid, at least two good and efficient Boats properly equipped with oars and other tackle as aforesaid, of sufficient capacity to carry in the whole at least thirty adult Passengers exclusive of the Crew.

III. And be it enacted, That if any Master or owner shall permit any such Boat or Vessel to depart from any Port or place in this Province, or to navigate in any of the Rivers or inland waters of this Province, without having on board or conveniently attached as aforesaid, such and so many good and efficient Boats properly properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Boat or Vessel shall so depart or navigate without being so provided as aforesaid, to be recovered, levied and applied, as is directed in and by the sixth section of this Act.

IV. And be it enacted, That from and after the passing of this Act, no British Steam Vessels to be Boat or Vessel propelled by Steam as aforesaid, shall be permitted by the Captain lanterns and fire or owner thereof to depart from any Port or place in this Province to any Port buckets. or place within or without this Province, by Sea with Passengers, without having on board in some convenient place, not less than twenty four good and sufficient leathern fire buckets, and six good and sufficient lanterns.

V. And be it enacted, That if any such Master or owner shall permit any Penalty for not such Boat or Vessel to depart from any Port or place in this Province as aforesaid, lanterns and fire without having on board such number of fire buckets and lanterns as aforesaid, buckets. in good serviceable condition, they or either of them shall forfeit and pay the sum of fifty pounds for each and every time such Boat or Vessel shall so depart without being provided as aforesaid, to be recovered, levied and applied, as is directed in and by the said sixth section of this Act.

VI. And be it enacted, That all and every such forfeiture or forfeitures may Penalties, how to be be sued for and prosecuted by action of debt, bill, plaint or information, in the prosecuted. Supreme Court of Judicature for this Province, by any person who shall sue and prosecute for the same, together with costs of suit; and on recovery, one moiety Application. thereof to be applied to the person who may sue and prosecute, and the other moiety to be paid into the Treasury of the Province, for the use of the Government thereof.

VII. And be it enacted, That it shall and may be lawful for the Lieutenant Commissioners to Governor or Administrator of the Government for the time being, by and with to be appointed for the advice of Her Majesty's Executive Council, to appoint three Commissioners Districts. resident at the City of Saint John, for the Harbour and River Saint John and the Bay of Fundy, and the Harbours and Inland Waters of the County of Charlotte; and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours, Inland Waters and Coasts of this Province, within the Gulph of Saint Lawrence; which Commissioners so to be appointed, or any one of them, shall be empowered as they are hereby required and directed respectively, to go on board as often as need be any such Steam Vessel; and in Their duty, the event of any such Steam Vessel departing or navigating without being equipped with boats, or furnished with fire buckets and lanterns as aforesaid, as is prescribed and directed in and by this Act, it shall be the duty of such Commissioners respectively, or some or one of them, to report the same to the Lieutenant Governor or Administrator of the Government for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed in and by the said sixth section of this Act.

VIII. And be it enacted, That the Commissioners at the respective places Commissioners em-VIII. And be it enacted, That the Commissioners at the respective places commissioners em-powered to make before mentioned, or any two of them, shall have full power and authority, and regulations for the are hereby required to make such Rules and Regulations for the better manage-Steam Vessels to ment of Steam Vessels in navigating the Inland Waters and Harbours of this prevent collisions. Province, and on the Coast within the district thereof, for which they may be appointed, by directing the shewing of a light or lights during the night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers, and how Sailing Vessels shall be passed in order to prevent collision and accidents ; and every Master, Commander or Owner violating such Rules and Regulations, shall be subject not only to the penalties of the sixth section of this Act, but also be liable for any damage sustained in consequence of such violation. IX. H

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## C. 43.

- 7° VICTORIÆ.

In actions for damages sustained. the fact of exploding, &c. to be prima facie evidence of carelessness

Limitation.

And be it enacted, That in all cases where any damage or injury shall be IX. sustained by any person or persons being a passenger or passengers on board any Vessel propelled by Steam, by the exploding, collapsing, blowing up, or giving way of any part of the machinery of such Vessel, the fact of such exploding, collapsing, blowing up, or giving way shall in all actions to be prosecuted against the Master or owner of such Vessel by the person or persons so sustaining injury, be taken to be *prima facie* evidence of carelessness and negligence in such Master or owner.

X. 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 forty seven.

## CAP. XLIII.

An Act further to facilitate the means of supplying the City of Saint John with Water.

Passed 13th April 1844. THEREAS the incorporation of the Saint John Water Company has ' proved highly beneficial to the public, and the copious supply of 'Water gratuitously afforded by the said Company for the extinguishment of the ' several calamitous fires which have so frequently occurred in the said City, has ' been the means, under Providence, of preserving the said City from almost total ' destruction ; and it is just and reasonable that property thereby deriving benefit ' from the said Company, should in future be made liable to contribute towards ' the charges and expenses of establishing, upholding and preserving the same ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Company to call in outstanding Stock. Assembly, That it shall and may be lawful for the said Saint John Water Company, and they are hereby required within six calendar months after the passing of this Act, by Public Notice in any two or more of the Newspapers published in the said City, to require all Stockholders in the said Company who may not have paid in the whole amount of their capital stock, or the representative or representatives of such Stockholders, to pay in all the residue of the same remaining unpaid within such time and in such manner as the said Saint John Water Company may in such notice direct; and in case default shall be made in the paying in of such capital stock so directed and required to be paid in, then and in such case, all and every share and shares upon which such default shall have been made, shall be and become, and is, and are hereby declared to be forfeited to the use of the said Saint John Water Company, and it shall and may be lawful for the said Saint John Water Company thereupon to sell and dispose of the said share or shares so forfeited by public auction, first giving at least thirty days notice of the time and place of such sale in one or more of the Newspapers published in the said City, and to apply the proceeds of such sale to and for the use and benefit of the said Saint John Water Company.

II. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, and they are hereby required once in every year between the first day of April and the first day of June in each and every year, by Warrant under their Common Seal, directed to the Assessors hereinafter mentioned, to order a Rate and Assessment of a sum not to exceed the sum of three hundred pounds, together with the sum of seven pounds ten shillings per centum for assessing and collecting the same, to be made in due proportion upon the owner or owners of every Store, House, Out House, or other building situated at the Eastern side of the Harbour

The St. John Water

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In default of payment, the Stock may be sold.

Assessment to be made annually by the City Corpora-

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