

shall be and the same is hereby repealed: provided always, that any such appointment made before the passing of this Act, shall be deemed good and valid to all intents and purposes.

Sheriffs to be appointed annually in the month of March.

II. And be it enacted, That from and after the passing of this Act, the Sheriffs of the several Counties in this Province (save and except the Sheriff of the City and County of Saint John) shall be appointed annually by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, in the month of March in each and every year.

Act not to prevent appointments at any time, in cases of death or removal.

III. And be it enacted, That nothing in this or the said recited Acts shall be construed to prevent the appointment of any such Sheriff at any other time when the same may become necessary in consequence of the death or removal from Office of any such Sheriff: and provided, that any Sheriff so appointed, shall be required to give the like Bond with the like expiration as is required in and by the provisions of the said first recited Act.

Sheriffs residing out of the Shire Town to keep a Deputy and an office in the Shire Town.

IV. And be it enacted, That in all cases where the High Sheriff of the County is or shall be permitted to reside out of the Shire Town of the County, it shall be the duty of such Sheriff, and he is hereby required, not only to keep a Deputy or Under Sheriff resident in the Shire Town of the County, but also an Office as near as conveniently may be to the Court House; which Office such Sheriff is hereby required to keep open at all reasonable times for the transaction of business.

CAP XXVII.

An Act to amend the Law relating to Absconding Debtors.

Passed 11th April 1846.

Preamble.

26 G. 3, c. 13.

‘ **W**HEREAS by the twenty fourth section of an Act made and passed in ‘ the twenty sixth year of the Reign of His Majesty King George the ‘ Third, intituled *An Act for relief against Absconding Debtors*, the Trustees of the ‘ Creditors are required in rendering their accounts, to make oath of the correct- ‘ ness of their proceedings and accounts in open Court: And whereas the requiring ‘ the attendance of such Trustees in open Court is unnecessarily inconvenient and ‘ burdensome upon Trustees; for remedy whereof,’

Trustees to render an account of their proceedings attested to before a Judge of the Court by which they were appointed, or a Commissioner.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, such Trustees shall, and they are hereby authorized, to render into the Court from the Judge or Judges whereof they have received their appointment, a just and true account in writing of their proceedings, duly attested to before any Judge of such Court, or any Commissioner authorized to take affidavits in such Court; and such Court or the major part of the Judges thereof shall and may make such order thereon as they may deem advisable, not inconsistent with the provisions of the said recited Act.

CAP. XXVIII.

An Act to provide for the safe keeping of the Public Records of the City and County of Saint John.

Passed 11th April 1846.

Preamble.

4 W. 4, c. 26.

‘ **W**HEREAS by an Act of the General Assembly made and passed in ‘ the fourth year of His late Majesty King William the Fourth, inti- ‘ tuled *An Act to provide for the safe keeping of County Records*, authority was given ‘ to the Justices of the Peace of the several Counties in this Province to erect ‘ suitable buildings for the safe keeping of the County Records, but not to exceed ‘ the

' the sum of three hundred pounds for the same: And whereas such a building
' has become essential for the City and County of Saint John, owing to the entire
' want of accommodation in the present building where the County Records are
' kept, and the said sum of three hundred pounds is totally inadequate to pur-
' chase the ground, and erect a stone or brick building thereon, with a proper
' Safe in the same;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in lieu of the powers contained in the said recited Act, it shall and may be lawful for the Justices of the Peace of the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, by themselves or by any Committee for that purpose to be appointed at such General Sessions, to contract and agree with any person or persons for the purchase of a lot or piece of Land in the City of Saint John, and for the erection of a suitable stone or brick building thereon, with a Safe for preserving the Books and other Records from fire; the basement story of which shall be used for the safe keeping of the Registry of Deeds and Wills, and other Public Records of the City and County; and the upper story of the said building to be used and appropriated from time to time for such public purposes as the said Justices may think proper; and the said contract to be entered into by the name of the Justices of the Peace for the City and County of Saint John, and in case of the non-performance of any of its provisions, the same may be sued by the said Justices by the name aforesaid.

The Justices of the Peace by themselves or a Committee, authorized to purchase a piece of land and contract for the erection of a suitable building to preserve the Records.

II. And be it enacted, That for the purpose of defraying the expenses of the same, it shall be lawful for the said Justices at the same or at any subsequent General Sessions of the Peace as aforesaid, by themselves or by any Committee to be by them from time to time appointed for that purpose, to borrow a sum of money not exceeding one thousand pounds, to be paid and discharged in the manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, the interest to be paid semi-annually, videlicet, on the first day of July and the first day of January in each and every year; and that certificates or notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loan may be obtained, videlicet:

Authority given to borrow £1000 to defray the expense.

Number ——— City and County of Saint John, ss.

These are to certify that [*here insert name, residence and addition of lender,*] hath lent and advanced to the Justices of the Peace for the said City and County the sum of one hundred pounds currency, which sum is payable to him or his order, together with lawful interest, the interest to be paid semi-annually, videlicet, on the first day of July and the first day of January in each and every year, pursuant to an Act of Assembly made and passed in the ninth year of Her Majesty's Reign, intituled *An Act to provide for the safe keeping of the Public Records of the City and County of Saint John*. Dated the ——— day of ———, A. D. 184—.

Form of Certificate of Loan.

By order the Sessions.

A. B.

C. D., Clerk.

Mayor or Recorder.

Which same certificates or notes shall be signed by the Mayor of the said City for the time, or in case of his absence from the City, by the Recorder, and counter-signed by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the Court, and the same shall be negotiable as promissory notes, and be entitled to draw interest thereon semi-annually, on the first day of July and the first day of January in each and every year, and shall be paid out of the assessment hereinafter mentioned.

To be negotiable and draw interest.

III.

Assessment of £200 to be annually made to pay interest, expenses, and a portion of the principal.

III. And be it enacted, That the said Justices in General Sessions shall make a rate or assessment of two hundred pounds in the present year, and a rate and assessment of a like sum in each succeeding year, besides the charges for assessing and collecting, for the purpose of discharging the interest due on the said loans, and so much of the principal as the residue of such annual sum will amount to, until the same shall be paid off, the same to be assessed, levied, collected and paid in such proportion and in the same manner as any other County rates for public charges, by virtue of any Act or Acts made or to be made for that purpose.

Money to be paid to the County Treasurer and applied under directions of the Justices.

IV. And be it enacted, That the monies so to be assessed as aforesaid, shall be paid to the County Treasurer, and shall be applied by him on the order of the said Justices in Sessions towards discharging the interest due on the said certificates or notes, and to the payment of the principal sums in due order, according to the numbers, beginning with number one, on one calendar month's notice by advertisement in one of the City newspapers, calling in such and so many of the certificates or notes as he may by the said order be directed to pay off; after the expiration of which notice all interest thereon shall cease.

Compensation of the County Treasurer.

V. And be it enacted, That the said County Treasurer shall be entitled to one per cent. for his services in receiving and paying the said monies so to be assessed under the provisions of this Act, and no more.

Act 4 W. 4, c. 26, repealed as to the City and County of Saint John.

VI. And be it enacted, That an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the safe keeping of County Records*, so far as the same applies to the City and County of Saint John, be and the same is hereby repealed.

CAP. XXIX.

An Act relating to the Public Debt of the Corporation of the City of Saint John.

Passed 11th April 1846.

Preamble.

‘ **W**HEREAS the Mayor, Aldermen and Commonalty of the City of Saint John, by their Petition, accompanied and confirmed by sundry detailed Accounts and Schedules, have satisfactorily shewn that during a long period of years ending in the month of September in the year of our Lord one thousand eight hundred and forty five, they have incurred a Debt in improving the Streets, Bridges and Ferries, in laying down Common Sewers, and in erecting Public Buildings, within the said City, for the convenience, health and accommodation of the Community, amounting in the whole to the sum of one hundred and fifteen thousand three hundred and sixty six pounds, and that the rents, annual profits and produce of such parts of the Corporate Property as are at present productive will, unless from some unforeseen circumstances, yield and pay an annual interest of five per centum beyond their ordinary expenses, and that there is a large portion of Land not yet leased, or producing any income to the Corporation; and further, that the income of the Corporation from ordinary Revenues will increase in proportion to the increase of population, whereby in a very few years the Corporation will be enabled to pay off the interest, and gradually reduce the principal of the Debt so incurred, and thereby not only save the property of the Corporation for the benefit of future generations, but prevent extensive taxation for future improvements in the City, and in the mean time that it is of importance to inspire confidence among the Creditors by securing to them the sum of five per centum annual interest on their claims, which it is believed (if it can be effected) they will readily accept of as full interest for the money loaned, or if they should not, that other persons could be found