

CAP. XVIII.

An Act to repeal an Act, intituled *An Act in addition to an Act for erecting a Parish in the City of Saint John, and incorporating the Rector, Church Wardens and Vestries of the Church of England in the several Parishes in this Province*, and to make other provisions in lieu thereof.

Passed 11th April 1846.

Preamble
7 V. c. 25.

6 **W**HEREAS it is deemed expedient to repeal an Act of this Province made and passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act in addition to an Act, intituled "An Act for erecting a Parish in the City of Saint John, and incorporating the Rector, Church Wardens and Vestries of the Church of England in the several Parishes in this Province ;"*

Act 7 V. c. 25,
repealed.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed.

A Clergyman receiving the sanction of the Lieutenant Governor and Letters of Institution from the Bishop, may be Rector of several Churches.

II. And be it further enacted, That any Clergyman duly inducted into the Rectory of any Church in any Parish within this Province, shall be deemed and taken to be the Rector of any such other Church or Churches in the same or in any other Parish or Parishes, provided he shall previously have received the sanction and approbation of the Lieutenant Governor and Commander in Chief of the Province, and also letters of Institution from the Bishop of the Diocese, giving him the Spiritual charge of the same, and shall have and be entitled to all the powers and authority within the Parishes in which the several Churches are situated, which are given to Rectors by an Act, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes of this Province*, so long as he shall continue to receive such sanction of the Lieutenant Governor and Commander in Chief, and be continued in such Spiritual charge: provided always, that nothing contained in this Act shall authorize or empower the Clergyman receiving such license and authority, and letters of Institution, to fell, cut down or take away, or otherwise dispose of, the Timber or Wood which may be growing or be on any lot or lots of Land which constitute the Glebe of the Church of which he may thereby have the Spiritual charge, without express license shall be given him so to do in writing by the Bishop of the Diocese.

29 G. 3, c. 1.

Proviso for Timber on the Glebe.

CAP. XIX.

An Act to enable the Rector, Church Wardens and Vestry of Trinity Church, in Springfield, Kings' County, to dispose of certain Lands held by them in exchange for other Lands.

Passed 11th April 1846.

Preamble, reciting agreement for an exchange of certain Lands.

6 **W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Springfield, County of Kings, have, by and with the consent of the Reverend William Scovil, Master of Arts, the present officiating Minister of the said Parish, and with the approbation of the Right Reverend the Lord Bishop of Fredericton, agreed with Josiah Marvin, of the aforesaid Parish of Springfield, Farmer, for the conveyance and assurance to him, the said Josiah Marvin, of a certain piece or tract of Land in the said Parish of Springfield, being a lot of Land conveyed by Thomas Spragg, of the aforesaid Parish, Esquire, to the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Springfield, as a Glebe for the use, benefit and behoof of the Rector, Parson or Minister of the said Parish for the time being; which piece or tract of Land is bounded and described as follows, to-wit:—"Bounded by the Highway forty nine and a half rods in front, and bounded by lot number four on the

Church land described.

lower

‘ lower line, and on the upper line by lot number two, and extending towards the
 ‘ Creek till it completes the full quantity of eight acres ;’ for exchange for a cer-
 ‘ tain other piece or parcel of Land situate, lying and being in the aforesaid Parish
 ‘ of Springfield, and bounded and described as follows :—“ Beginning at the south
 ‘ west angle of a two acre lot on which the Parsonage House now stands, thence
 ‘ north twelve degrees west, ten chains of four poles each, thence north seventy
 ‘ seven degrees forty minutes east, eight chains twenty links to the Road, thence
 ‘ south twelve degrees twenty minutes east, ten chains, thence south seventy seven
 ‘ degrees forty minutes west, eight chains and twenty links, to place of beginning,
 ‘ containing eight acres ;” which said last mentioned piece or parcel of Land the
 ‘ said Josiah Marvin hath agreed to convey and assure to them, the said Rector,
 ‘ Church Wardens and Vestry, and their Successors, in perpetuity, to the use,
 ‘ benefit and behoof of the Rector, Parson or Minister of the said Church, and
 ‘ his Successors for ever, in lieu of the said hereinbefore described piece or tract
 ‘ of the said Glebe of the said Parish of Springfield, so agreed to be conveyed to
 ‘ the said Josiah Marvin, as aforesaid : And whereas it is expedient, and will be
 ‘ for the benefit of the said Church, that the said agreement should be carried
 ‘ into effect ; for the perfecting of which said agreement and for carrying the same
 ‘ into full force and effect,’

J. Marvin's land
described.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That upon the receipt of a good and sufficient title, conveyance and assurance
 from the said Josiah Marvin, of the said last herein described piece or parcel of
 Land so agreed to be conveyed by the said Josiah Marvin to them, the said
 Rector, Church Wardens and Vestry of the said Church, and their Successors,
 to the use, benefit and behoof of the Rector, Parson or Minister of the said
 Church, and his Successors, for ever, they, the said Rector, Church Wardens
 and Vestry of Trinity Church, in the Parish of Springfield, be and they are hereby
 authorized and empowered by a good and sufficient Deed to convey to the said
 Josiah Marvin, his heirs and assigns, the said hereinbefore described piece or
 tract of Land in the said Parish of Springfield, as aforesaid, to hold the same to
 him, the said Josiah Marvin, his heirs and assigns, for ever.

Corporation of
Trinity Church,
Springfield, autho-
rized to convey the
first described land
to J. Marvin.

CAP. XX.

An Act to authorize the Justices of the Peace for the County of Albert to assess the said County
 for erecting a Court House and Gaol therein.

Passed 11th April 1846.

‘ **W**HEREAS it is necessary that a Court House and Gaol should be
 ‘ erected in the County of Albert ;’

Preamble.

I. Be it enacted by the Lieutenant Governor Legislative Council and Assem-
 bly, That the Justices of the Peace for the said County, at any General Sessions
 of the Peace hereafter to be holden, or at any Special Sessions to be for that
 purpose convened, or the major part of them, be and they are hereby authorized
 and empowered to contract and agree with able and sufficient workmen for
 building and finishing a Court House and Gaol in the said County, and to agree
 for such sum and sums of money as they may deem meet, in order to carry this
 object into effect ; and the said Justices are hereby authorized and empowered
 to make a rate and assessment of a sum not exceeding the sum of five hundred
 pounds, at such times and in such proportions as they shall deem meet, for the
 erecting and finishing a Court House and Gaol in the same County ; the said sum
 to be assessed, levied, collected and paid in such proportions and in such manner
 as any other County rate can or may be assessed, levied, collected and paid, under
 and

Justices in Sessions
authorized to con-
tract for the erec-
tion of a Court
House and Gaol ;

and assess for not
exceeding £500.

and by virtue of any Act or Acts in force in this Province for assessing, levying and collecting rates for public charges.

Five Justices to constitute a Special Session.

II. Provided always, and be it further enacted, That no Special Sessions shall be holden for any of the purposes of this Act, unless five Justices, at least, are present at the same.

CAP. XXI.

An Act to remedy certain difficulties in legal proceedings occasioned by the late division of the County of Westmorland, and for other purposes relating to the County of Albert.

Passed 11th April 1846.

Preamble.

‘ WHEREAS, previous to the Act for the division of the County of Westmorland coming into operation, actions had been instituted in the ‘ Inferior Court of Common Pleas, and also before Justices of the Peace in and ‘ for the said County of Westmorland, some of which are yet pending, and judgments in others have been entered on which execution remains to be done : ‘ And whereas, in order to give effect to any such judgments already taken or ‘ to be taken in any such actions, it may be necessary to serve and execute any ‘ execution or process issuing thereon within what is now the County of Albert, ‘ to the same extent as if the said County had not been divided ;’

Actions commenced in Westmorland before the Act 8 V, c. 104, came into operation, may be proceeded in notwithstanding that Act.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That where any action or suit brought in the Inferior Court of Common Pleas, or before a Justice of the Peace in and for the said County of Westmorland, before the Act, intituled *An Act to divide the County of Westmorland into two Counties, and to provide for the Government and Representation of the new County*, came into operation, either party in any such action or suit may proceed by all manner of process, in all respects the same as if the said recited Act had not passed : provided always, that where either party shall be desirous of issuing any execution on any such judgment to be served or levied within the present County of Albert, such execution shall be directed to and executed by the Sheriff, Constable or other proper Officer of the said County of Albert, within the limits of the said County of Albert, in the same manner as the like process or execution could be executed if issued out of any similar Court within the said County of Albert.

Westmorland Gaol to be the Gaol for Albert for a time.

II. ‘ And whereas until a Gaol be erected and prepared within the said County ‘ of Albert, it is expedient to establish the present Gaol, and Limits thereof, at ‘ Dorchester, in the County of Westmorland, also to be the Gaol of the said ‘ County of Albert ;’ Be it therefore enacted, That the Gaol, and Limits thereof, at Dorchester, in the County of Westmorland, shall also, for all intents and purposes, be deemed and used as the Common Gaol, and Limits thereof, for the said County of Albert, until it be notified by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being, that a Common Gaol has been erected in the said County of Albert.

Authority given to commit under process to the Westmorland Gaol.

III. And be it enacted, That every Sheriff, Coroner, Constable, or other Officer in and for the said County of Albert, who may be required and authorized to take and commit any person to the Common Gaol of the said County of Albert, by virtue of any process, civil or criminal, shall be and he is hereby authorized and empowered to convey and commit such person to the said Gaol at Dorchester, in the County of Westmorland, in the same manner as if the said Gaol was actually situate within the limits of the said County of Albert ; and that the Gaoler for the said County of Westmorland shall also be deemed to be the Gaoler of the said County of Albert : provided always, that nothing in this Act shall be construed to

to

to impose any duty or liability on the Sheriff of the said County of Westmorland : provided also, that in case of any Debtor who may be so imprisoned by the Sheriff of the County of Albert in the Gaol of the said County of Westmorland, shall and may be examined under the Insolvent Debtors' Act, by the Justices of the Inferior Court of Common Pleas, or any Justice of the Peace for the said County of Westmorland, in the same manner, and entitled to the same relief, in all respects the same as if such Debtor had been arrested and committed to Gaol by the Sheriff of the said County of Westmorland.

Examinations and relief under the Insolvent Debtor's Act.

IV. ' And whereas it would be more convenient that the appointment of Town or Parish Officers for the said County of Albert should be made at the General Sessions to be holden on the second Tuesday in November in each year ;' Be it therefore enacted, That the Justices of the Peace for the said County of Albert shall, and they are hereby empowered, at the General Sessions of the Peace to be holden in the said County on the second Tuesday in November in each year, to appoint the Town or Parish Officers for the said County ; and that so much 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 the appointment of Town or Parish Officers in the several Counties in this Province*, as requires the appointment to be made at the first General Sessions annually, shall, so far as regards the said County of Albert, be and the same is hereby repealed.

Appointment of Parish Officers to be made annually on the second Tuesday in November.

26 G. 3, c. 28.

V. And be it enacted, That the powers and authorities of the present Town or Parish Officers within the said County of Albert, who were appointed by the Court of General Sessions of the Peace for the County of Westmorland, holden on the third Tuesday in November last, shall continue in all respects as Town or Parish Officers for the said County of Albert, until the second Tuesday in November next.

Officers within Albert, appointed by the Westmorland Sessions, continued in office.

VI. ' And whereas in all cases where the Surrogate for the said County of Westmorland may have granted Probate, Letters Testamentary, or of Administration, before the said first recited Act came into operation, it is expedient that such Surrogate should be empowered still to proceed in any matter relating thereto to the same extent as if the said Act had not passed ;' Be it therefore enacted, That in all cases where the Surrogate of the said County of Westmorland may have granted Probate, Letters Testamentary on any Will, or Letters of Administration on any Estate, before the said first recited Act came into operation, it shall and may be lawful for such Surrogate still to proceed with any matter relating to any such Administration, whether by way of hearing, decree or otherwise, in all respects the same as if the said first recited Act had not been passed : provided always, that any notice or process which he may direct or issue as such Surrogate, which may require to be served, posted up, or levied within the said County of Albert, shall be directed to and executed by the proper Officer of the said County of Albert, within the limits of the said County of Albert, in the same manner as the like process or notice could be executed if issued by the Surrogate of the said County of Albert.

Proceedings commenced before the Surrogate for Westmorland to be continued as if Act 3 V. c. 104, had not passed.

Notices or processes to be posted or levied by the Sheriff of Albert within his County.

CAP. XXII.

An Act to establish Polling Places in the County of Albert.

Passed 11th April 1846.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Polling Places for the Election of Representatives to serve in General Assembly for the said County of Albert, shall be as follows, that is to say :

Polling Places for Elections in Albert County established.

In

In the Parish of Hopewell, at or near the site of the new Court House ;
 In the Parish of Coverdale, at or near the house of Lazarus Colpits ;
 In the Parish of Hillsborough, at or near the house of John Beatty ;
 In the Parish of Harvey, at or near the house of John Read, of Germantown.

CAP. XXIII.

An Act relating to the Fencing, Occupation and Grazing of the several Marshes, Low Lands and Meadows in the County of Albert.

Passed 11th April 1846.

Preamble.

6 WHEREAS the County of Albert is formed of certain Districts, which, ' before the erection of the said County of Albert, constituted part of ' the County of Westmorland, and doubts have arisen whether certain Acts of ' the General Assembly of this Province made and passed before the erection of ' the said County of Albert, to regulate the Fencing, Occupation and Grazing of ' the several Marshes, Low Lands and Meadows in the said County of West- ' morland, are to be deemed and taken to be in force and effect in the County of ' Albert ; for remedy whereof,'

Provisions of Acts
6 W. 4, c. 21, and
7 V. c. 11, extended
to Albert County.

I. Be it therefore enacted and declared by the Lieutenant Governor, Legislative Council and Assembly, That the provisions of an Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the Fencing, Occupation and Grazing of the several Marshes, Low Lands and Meadows in the County of Westmorland*, and also the provisions of another Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act to amend an Act, intituled " An Act to regulate the Fencing, Occupation and Grazing of the several Marshes, Low Lands and Meadows in the County of Westmorland,"* be and the same are hereby extended to and in all respects made applicable to the said County of Albert.

Powers, &c. of Jus-
tices of Westmor-
land under said
Acts extended to
those for Albert.

II. Provided always, and be it further enacted, That from and after the passing of this Act, the several powers given and granted to and the duties imposed upon the Justices of the Peace of the County of Westmorland in and by the said recited Acts, are hereby given and granted to and imposed upon Her Majesty's Justices of the Peace of the said County of Albert, in their General Sessions, so far as the same may in any wise relate to the County of Albert, any thing in the said recited Acts contained to the contrary notwithstanding.

CAP XXIV.

An Act to facilitate the carrying into effect conditional Pardons granted by the Crown.

Passed 11th April 1846.

Preamble.

6 WHEREAS it is expedient to make further provision for carrying into ' effect conditional Pardons of capital offences ;'

The Court (or any
Judge of the Su-
preme Court) to
which a pardon,
conditional on im-
prisonment to hard
labor in the Provin-
cial Penitentiary,
may be communi-
cated, to make an
order for the impri-
sonment of the of-
fender on the pre-
scribed conditions.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if Her Majesty shall be pleased to extend mercy to any offender convicted of any crime punishable with death, upon condition of imprisonment to hard labour in the Provincial Penitentiary, either for the term of life or for any number of years, and such intention of mercy shall be signified by the Lieutenant Governor or Administrator of the Government for the time being to the Court before which such offender hath been or shall be convicted, or any subsequent Court with the like authority, such Court shall allow to such offender the benefit of a conditional Pardon, and make an order for the immediate imprisonment of such offender, under and upon the terms and conditions therein expressed ; and in

case

case such intention of mercy shall be so signified to any Judge of the Supreme Court, such Judge shall allow to such offender the benefit of a conditional Pardon, and make an order for the immediate imprisonment of such offender to hard labour in the Provincial Penitentiary, in the same manner as if such intention of mercy had been signified to any such Court, as aforesaid; and such allowance and order shall be considered as an allowance and order made by the Court before which such offender was convicted, and shall be entered on the Records of the same Court by the proper Officer thereof, and shall be as effectual, to all intents and purposes, and have the same consequences as if such allowance and order had been made by the same Court during the continuance thereof; and every such order shall subject the offender to be conveyed to the Provincial Penitentiary, and there kept to hard labour during the term of imprisonment mentioned therein, in like manner as if such imprisonment had been imposed as a punishment by the sentence of any Court.

Order to have the effect of a sentence by a Court.

CAP XXV.

An Act relating to the crime of Manslaughter.

Passed 11th April 1846.

‘ **W**HEREAS by the fifth section of an Act of the General Assembly made ‘ and passed in the ninth and tenth years of the Reign of His Majesty ‘ King George the Fourth, intituled *An Act to amend the Statute Law relative to ‘ offences against the person, and to provide for the more effectual punishment of such ‘ offences*, it is enacted, that every person convicted of Manslaughter shall be liable ‘ to be imprisoned with or without hard labour in the Common Gaol or House of ‘ Correction for any term not exceeding three years, or to pay such fine as the ‘ Court shall award, or to be both fined and imprisoned, if the Court so award;’

Preamble.

9 and 10 G. 4, c. 21.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said fifth section of the said Act be and the same is hereby repealed.

9 and 10 G. 4, c. 21, s. 5, repealed.

II. And be it further enacted, That from and after the passing of this Act, every person convicted of Manslaughter shall be liable to be imprisoned in the Common Gaol or the Public Penitentiary for any term not exceeding fourteen years, as the Court shall award.

Manslaughter made punishable by imprisonment for 14 years.

CAP. XXVI.

An Act in amendment of the Law relating to the appointment of Sheriffs.

Passed 11th April 1846.

‘ **W**HEREAS in and by an Act made and passed in the sixth year of the ‘ Reign of His late Majesty King William the Fourth, intituled *An ‘ Act for the better regulating of the Office of Sheriff in this Province*, it was ‘ provided that the annual appointment of Sheriffs should be made on the first ‘ Tuesday in April in each year; and by another Act made and passed in the first ‘ year of the Reign of Her present Majesty, intituled *An Act to alter the times ‘ for the appointment of Sheriffs and Supervisors of Great Roads*, it is provided, ‘ that such Sheriffs (except for the City and County of Saint John) should be ap- ‘ pointed on the first Tuesday in March in each and every year: And whereas ‘ the time for such appointment is found to be inconvenient;’

Preamble.

6 W. 4, c. 1.

1 V. c. 15.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said recited Acts as requires the Sheriffs of the several Counties in this Province (except the Sheriff for the City and County of Saint John) to be appointed either on the first Tuesday of March or April,

Acts 6 W. 4, c. 1, and 1 V. c. 15, in part repealed.

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.

Mayor or Recorder.

C. D., Clerk.

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

' found willing to vest their money at that rate of interest : And whereas such confidence would be obtained by authorizing the Mayor, Aldermen and Commonalty of the City of Saint John to levy an annual assessment on the said City for any deficiency which might arise in the net annual income of the said Corporation to pay the said interest of five per centum : And whereas it is just and reasonable that such deficiency of interest (if any there shall be) should be made up by those who have received and are now enjoying the benefit of the outlay which occasioned the said Public Debt, and that the said Creditors should be made secure in the payment of the said interest ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, and they are hereby required in each and every year, between the first day of April and the first day of June, to order an assessment of such sum of money on the said City as shall amount to and make up the deficiency (if any) which may exist between the net annual income of the said Mayor, Aldermen and Commonalty, and such sum of money not exceeding five per centum per annum interest in the whole on the said Debt of one hundred and fifteen thousand three hundred and sixty six pounds, or any part thereof, so due by the said Mayor, Aldermen and Commonalty of the City of Saint John, or on such sum of money as may be borrowed by them to pay off the said Debt or any part thereof, not to exceed in the whole such interest of five per centum on the said sum of one hundred and fifteen thousand three hundred and sixty six pounds ; and every such assessment shall be assessed, levied and raised agreeably to the several Acts now in force or hereafter to be in force for the assessing, levying and collecting of County or Town or Parish rates, charges or expenses ; and when collected, the same shall be paid into the hands of the Chamberlain of the said City for the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, to be by them applied to the sole purpose of paying off such deficiency of such interest ; provided that no assessment shall be made, under and by virtue of the authority given for the purposes aforesaid, of a greater sum in any one year than one thousand pounds currency, nor until the whole annual income from whatever source derived, (save and except the monies coming into the hands of the said Mayor, Aldermen and Commonalty arising from Acts of Assembly now in force, authorizing assessments for special purposes, together with the indispensable annual charges for Salaries and Contingencies,) shall be first applied towards the payment of such interest on the said Debt.

City Corporation in Common Council authorized annually to assess the City for not exceeding £1,000 to make up any deficiency in 5 per cent. on the Corporation Debt of £115,366.

Proviso.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect any of the existing legal or equitable rights and privileges of the Freemen and Inhabitants of Carleton, on the Western side of the said City, which they now possess or are entitled to enjoy under and by virtue of the Charter of the said City.

Act not to affect rights of the Freemen and Inhabitants of Carleton.

III. And be it enacted, That it shall not be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John to contract or become bound for any further Debt or Debts, or borrow any further sum or sums of money while the said Debt of one hundred and fifteen thousand three hundred and sixty six pounds, or any part thereof, remains unpaid, or the loan of money which may be obtained by the said Mayor, Aldermen and Commonalty of the City of Saint John, for the purpose of paying the same or any part thereof shall remain unsatisfied ; and any contract, obligation or other instruments whatever, whereby any new Debt may be incurred by the said Mayor, Aldermen and Commonalty of the City

Corporation not to contract further debts until the said Debt be paid off.

of

of Saint John, shall be and is hereby declared to be utterly null and void, except for the purposes contemplated by this Act.

CAP. XXX.

An Act relating to County and Parish Officers in the City and County of Saint John.

Passed 11th April 1846.

County and Parish Officers in receipt of public monies to give security.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Officers appointed, or who may be hereafter appointed for the City and County of Saint John, by the Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace to be held for the said City and County, or any Parish in said City and County, under the authority of any Act of Assembly made or to be made for that purpose, whose duty shall be to collect or receive and pay over any public monies, shall be required by the said Justices at the time of receiving such appointment, to enter into Bonds with such good and sufficient Sureties, and in such sums of money as the said Justices may think proper to order; the same to be taken in the name of the Queen's Majesty, and to be conditioned for the payment of all monies which shall come into their hands, on the order of the said Justices, or otherwise, by virtue of their respective offices, and for the due and faithful performance of the duties of their office, and whenever found necessary, the said Bonds may be directed by the said Justices to be sued in the name of the Queen for the protection and benefit of the said City and County.

Accounts to be rendered and payments made when ordered.

II. And be it enacted, That every such County or Parish Officer shall, when required by the said Justices at any General Sessions of the Peace, or at any Special Sessions for that purpose to be appointed at such General Sessions, or to be called by any two of the said Justices, render full, true and detailed accounts of all public monies received and paid by him under the orders of the said Justices, or by the authority of any Act of Assembly, or otherwise, by virtue of their respective offices, and shall, in like manner whenever ordered, pay over any sum or sums of money which by such accounts shall appear to be due by such officer or to have come to his hands as such officer as aforesaid, to such person or persons as the said Justices in such order may appoint to receive the same; and in case of disobedience of any such order, or the same shall not be attended to within ten days after the service of such order, it shall and may be lawful for the said Justices to cause such disobedient or refractory officer, by warrant under the hand of the Chairman of the Sessions, and certified by the Clerk, to be brought before the said Justices, and if such disobedience or improper conduct be persisted in, then, or at any time afterwards, to commit such officer to the Common Gaol, without bail or mainprize, until such order or orders of the said Justices shall be complied with; and such proceedings of the said Justices against the said officer shall not in any case relieve the surety from liability on the Bonds so entered into by them as aforesaid.

Disobedience made punishable by imprisonment.

Proceedings not to relieve the sureties.

CAP. XXXI.

An Act to authorize the Justices of the Peace for the County of Saint John to make further provision for the payment of the Treasurer of that County.

Passed 11th April 1846.

Preamble.

‘ **W**HEREAS by the Laws now in force, the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively, for their services, per annum, any sum exceeding
“ fifteen

‘ fifteen pounds, which in the County of Saint John has been found a very inadequate compensation for the services, and responsibility of that Officer;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the said County, or the major part of them, at any General Sessions to be holden in and for the said County, are hereby fully authorized and empowered to make such additional compensation to the said Treasurer of that County as they in their discretion may deem right and proper, not exceeding the sum of thirty five pounds per annum, to be paid out of the Contingent Fund of the said County.

Authority given to increase the Treasurer's compensation by a sum not exceeding £35 per annum.

CAP. XXXII.

An Act to amend and explain *An Act to authorize the Justices of the Peace in the several Counties in this Province to make regulations for Markets*

Passed 11th April 1846.

6 **W**HEREAS in and by an Act made and passed in the sixth year of the ‘ Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace in the several Counties of this Province to make regulations for Markets*, it is enacted that the Justices of the Peace may define the bounds of ‘ a Market Place in each Town, and make rules and regulations for the selling ‘ or vending of any dead meats, except meats brought in and immediately sold ‘ by the Farmer and others from the Country : And whereas the said Act requires ‘ explanation and amendment ;’

Preamble.
6 V. c. 20.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing in the said Act contained shall prevent or be construed to prevent the Justices of the Peace for the several Counties in this Province, at any General Sessions of the Peace to be holden therein, from establishing and defining, and they are hereby authorized to establish and define the bounds of more than one Market Place in any Town where such additional Market Place or Market Places may be required, and extending to the same any rules and regulations for their care and management they the said Justices are authorized to make and extend to one Market Place in and by the above in part recited Act.

Authority given to establish more than one Market Place in a Parish.

II. And be it enacted, That nothing in the above recited Act contained shall extend to or be construed to prevent Farmers and other persons from the Country from selling or offering for sale any dead meats, if the same shall be sold or offered for sale on the same day in which they are so brought in.

Act 6 V. c. 20, not to prevent Farmers selling their dead meats.

III. And be it enacted, That this Act shall continue and be in force so long as the Act shall continue to which this is an amendment.

Limitation.

CAP XXXIII.

An Act to authorize the extension of the Gaol Limits in the County of Sunbury.

Passed 11th April 1846.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of Sunbury, at any General Sessions of the Peace, to extend the Limits of the Gaol of the said County to such parts of the County not now included, as to them may appear proper.

Justices in Sessions authorized to extend their Gaol Limits.

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

Limitation.

CAP. XXXIV.

An Act to empower the owners of certain Saw Mills on Hammond River, in Kings' County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River.

Passed 11th April 1846.

Authority given to erect a Boom across Hammond River with a reserved passage way.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall be lawful for the owner of Saw Mills on Hammond River, in the County of Kings, to erect and keep up such Boom or Booms across the said River, as may be necessary for stopping and securing such Logs as may, by the owners thereof, be intended to be sawn at the said Mills: provided always, that there shall be left a convenient passage, sufficient for the floating down past the said Mills of all Saw Logs and Timber, of whatever description, that may, by the owners thereof, be intended to be floated down the said River: and provided also, that the owners of the said Saw Mills shall furnish the necessary hands, as nearly as may be in proportion to the quantity of Saw Logs which they may own in any drive of Timber or Saw Logs, to assist in assorting or securing the same, as the case may be, at all times when the owners of such Logs and Timber as may be intended to be floated down the said River, may think proper to attend the assorting and driving the same.

Men to be supplied by the Saw Mill owners to assort Timber and Logs to be floated down the River.

Limitation.

II. And be it further enacted, That this Act shall continue and be in force for five years.

CAP. XXXV.

An Act to alter the Great Road from Fredericton to Saint Andrews.

Passed 11th April 1846.

Preamble.

7 W. 4, c. 6.

‘ **W**HEREAS in and by an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to the Great Roads of Communication through this Province*, the Great Road from Fredericton to Saint Andrews is described as running “from the Market House in Fredericton, by the residence of the Honorable Thomas Baillie, through the Hanwell Settlement, thence to the River Maguadavic near Brockway’s, thence by the Flume Ridge to M’Farlan’s Mills on the River Digdeguash, thence to Connick’s, thence to Gilman’s, and thence to Saint Andrews:” And whereas the present Road is at variance with the aforesaid description, and an essential alteration is required therein between Gilman’s and Saint Andrews;’

Act 7 W. 4, c. 6, in part repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the before in part recited Act, intituled *An Act relating to the Great Roads of Communication through this Province*, as relates to the description of the Great Road from Fredericton to Saint Andrews, be and the same is hereby repealed.

Line of Road from Fredericton to Saint Andrews described.

II. And be it enacted, That from and after the passing of this Act, the Great Road from Fredericton to Saint Andrews shall be by the following Line or Route, that is to say: From the Market House in Fredericton through the Hanwell Settlement, thence through the Harvey Settlement to the River Maguadavic near Vail’s, thence by Brockway’s to the River Digdeguash, thence through the Turner Ridge Settlement to Connick’s, thence to Gilman’s, thence to Mallock’s Corner, thence to the junction of the Commons Road, (so called) and thence by the present route to Saint Andrews.