

IV. And be it enacted, That it shall and may be lawful for the Courts of General Sessions of the Peace in their respective Counties as aforesaid, to allow such compensation to any Inspector or Inspectors appointed under the authority of this Act, for services rendered in the execution of the duties imposed upon him or them, as to the said Court may seem meet, and to cause the same to be paid either as a Parish charge or out of the County funds, at their discretion.

Inspector's compensation to be such as the Justices deem meet.

V. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty, and no longer.

Limitation.

CAP. XXVI.

An Act to explain an Act, intituled *An Act to enable the Justices of the Peace of the several Counties in this Province for the time being to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.*

26 G. 3, c. 38.

Passed 30th March 1848.

**W**HEREAS doubts have arisen whether under the powers of the second section of an Act, made and passed in the twenty sixth year of the Reign of His Majesty George the Third, intituled *An Act to enable the Justices of the Peace of the several Counties in this Province for the time being to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same*, the Justices of the Peace in the several Counties are able and capable in Law to bring and maintain any action at Law for the recovery of the Rents of any Land held by them in trust, and leased by virtue of the provisions of the said recited Act, or on account of any holding or agreement in respect of any such Land so held in trust as aforesaid;

Preamble.

26 G. 3, c. 38.

Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in such Counties shall by the style and title of "The Justices of the Peace of the County (or City and County), of —," be able and capable in Law to bring and maintain any action for, and to sue for, recover and receive the rents, issues and profits of any Lands received and retained by them in trust, and leased by them for any term of years under the provisions of the said recited Act, or on account of any holding or agreement in respect of any such Land so received and retained in trust as aforesaid.

Justices may maintain actions for rents of lands held by them in trust.

CAP. XXVII.

An Act for ascertaining the Population of this Province, and for other purposes therein mentioned.

Passed 30th March 1848.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province shall and may and they are hereby required at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Sessions to be for that purpose expressly convened, to appoint such and so many fit person or persons within each Town or Parish within their respective Counties, as they shall think expedient, to take an account of the Population thereof, in manner hereinafter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient Districts, assigning to each person so appointed to take such account in his particular District; which persons so appointed to take such account shall be liable in all respects to

*Amended & inserted  
Suspension till 1<sup>st</sup>  
January 1857  
Justice in General  
Sessions to appoint  
persons to take  
account of the  
Population, &c.  
12 Dec  
Cap 24*

Corporation of  
Saint John to make  
the appointments  
for the City.

the same rules and regulations, penalties and forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in force for the appointment and regulation of Town or Parish Officers; provided that the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall as soon as conveniently may be after the time appointed for this Act to come into operation, appoint such and so many fit person or persons as to them shall seem meet, to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

Account to be taken  
in manner directed.

II. And be it enacted, That the persons so appointed as aforesaid, shall at the times and in the manner hereinafter directed, severally take an account of the number of persons who shall be actually found at the time of taking such account, within the limits of the Parish, City or District for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this Act.

Copies of this Act  
to be sent to the  
Clerks of the Peace,  
and by them to the  
Justices;

III. 'And for the more speedy and effectual obtaining of such accounts;' Be it further enacted, That a sufficient number of printed copies of this Act, and of the Schedule thereto, (such number to be regulated and determined by Order of His Excellency the Lieutenant Governor or Administrator of the Government for the time being,) shall as soon as may be after the passing of this Act, be transmitted by the Queen's Printer to the Clerks of the Peace in the several Counties, and the said several Clerks of the Peace shall, and they are hereby required with all convenient speed to cause the said Act to be distributed among the Justices of the Peace in the several Counties, so that at least one Justice in each Parish may be furnished with one of the said printed copies of the said Act; and also to cause two of the said printed Schedules to be delivered to each person to be appointed as aforesaid to take the account required by this Act, within the said several and respective Counties.

Also two printed  
Schedules for the  
persons appointed  
to take the account.

Persons appointed  
to inform them-  
selves by going from  
house to house, or  
otherwise;

IV. And be it enacted, That the persons so appointed to take such accounts as aforesaid, shall with all convenient expedition after receiving such Schedules, and within such time as will enable them to deliver or transmit their respective answers and returns to the Clerks of the Peace by the day hereinafter limited for that purpose, proceed to take an account in writing of the number of persons at the time of taking such account, being within the limits of the Parish, City or District for which they may be respectively appointed as aforesaid, and inform themselves of the several particulars relating to the matters specified in the questions contained in the said Schedules, by proceeding from house to house, or otherwise as they shall judge expedient, for the better execution of this Act; and from such information and lists shall prepare duplicate answers or returns to the said questions, according to the forms prescribed in the said Schedules, and shall sign and make oath to the same before a Justice of the Peace of the County, according to the said forms, which oath any such Justice is hereby authorized and required to administer; and the better to enable such persons so appointed, as aforesaid, to make such answers and returns, they are hereby severally and respectively authorized and empowered to ask all such questions of the persons within the Parish, City or District for which they may be respectively appointed as aforesaid, respecting themselves and the number and the quality of the persons constituting their respective families, as shall be necessary for stating the particulars required to be stated concerning them in the said answers and returns; and every person refusing to answer or wilfully giving a false answer to such questions, or any of them, shall for every such refusal or false answer forfeit a sum not exceeding

And prepare  
duplicate answers  
and returns on  
oath.

Penalty for refusing  
to answer, or giving  
a false answer.

exceeding three pounds nor less than twenty shillings, at the discretion of the Justices before whom complaint thereof shall be made; and the said persons so appointed as aforesaid to take such account, shall deliver or transmit their several and respective answers and returns in duplicate as aforesaid, to the Clerks of the Peace for the several and respective Counties, on or before the first day of November next after this Act shall come into operation.

V. And be it enacted, That the several Clerks of the Peace shall on or before the tenth day of November next after this Act shall come into operation, transmit one copy of such answers and returns as they shall have received in manner aforesaid, together with a list of the Parishes, Districts or places within their respective Counties, from which no returns may have been received, to the Office of the Secretary of the Province, and shall place and keep the other copy of such answers and returns on file in their offices respectively; and the answers and returns which shall be so transmitted to the Office of the Secretary of the Province, shall be digested and reduced into order by such officer or person as the Lieutenant Governor or Administrator of the Government for the time being, shall appoint for that purpose, and an abstract thereof shall be laid before the General Assembly at their next Session.

Clerks of the Peace to transmit one of the Returns, with a list of places from which no Returns have been received, to the Secretary's Office, and file the other copy.

Returns to be digested and laid before the General Assembly.

VI. And be it enacted, That there shall be allowed and paid out of the Province Treasury to each Clerk of the Peace, for the services required of him by this Act, the sum of ten pounds, and to each and every person appointed and employed under this Act to take such account as aforesaid, who shall make and transmit to the Clerk of the Peace of the County, by the day hereinbefore limited for that purpose, due answers and returns according to the Schedule to this Act annexed, the sum of ten shillings for each and every day that such person shall make it appear to the Justices of the Peace for the several Counties at the General Sessions, that he has been actually employed in the services required of him by this Act; the number of days to be certified by the said Justices at their General Sessions, to the Lieutenant Governor or Administrator of the Government for the time being; which said sums in this Section mentioned, shall be paid out of any monies in the Province Treasury, by Warrant of the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, in favour of the Clerk of the Peace, to be by him paid to the respective persons entitled to the same, without any deduction whatever.

Remuneration to the Clerks of the Peace and persons appointed to take the accounts.

VII. And be it enacted, That any person appointed under this Act, to take such account as aforesaid, who shall refuse or neglect to perform any of the duties required of him by this Act, shall for each and every such refusal or neglect, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, at the discretion of the Justice before whom complaint shall be made.

Penalty for neglect of duty by the persons appointed.

VIII. And be it enacted, That the several and respective forfeitures and penalties hereinbefore mentioned, shall and may be recovered upon complaint made before any Justice of the Peace for the County, or City and County, where the offence may be committed, upon the oath of one or more credible witness or witnesses, and be levied by distress and sale of the goods and chattels of the offender, rendering the overplus, (if any) after deducting the costs and charges of prosecution and sale, to such offender, and to be applied, one half to the use of the person who shall sue for the same, and the other half to the use of the poor of the Parish where the offence may be committed.

Recovery and application of the penalties.

IX. And be it enacted, That this Act shall not come into operation or be in force until the first day of January which will be in the year of our Lord one thousand eight hundred and forty nine.

Limitation.

SCHEDULE.

Schedule.  
Form of Return.

**SCHEDULE.**

Questions, to which, by direction of an Act of Assembly passed in the eleventh year of the Reign of Her Majesty Queen Victoria, intituled "An Act for taking an Account of the Population of this Province, and other purposes therein mentioned," with Answers in Duplicate, are to be returned by the persons appointed under and by virtue of the said Act, to take such Account, signed and attested, upon oath, by such persons respectively.

Name and description of Parish or City, or District in such Parish or City, and within what County situate.	Question 1st.	Question 2nd.	Question 3rd.	Question 4th.	Persons, including Children of whatever age.	Births.	Deaths.	Grammar Schools.	Parish Schools.	Cleared Land.	Crops.	Stock.	Persons engaged in various employments.	Buildings of different kinds.	Manufactured Articles, &c. &c. &c.																																																
	Inhabited Houses.	By how many Families inhabited.	Houses now Building.	Uninhabited Houses.	Stores, Barns and Out-houses.	Number of Males over 16.	Number of Females over 16.	Number of Males under 16.	Number of Females under 16.	Number of Births during preceding year.	Number of Deaths during preceding year.	Number of Children attending Grammar Schools.	Number of Children attending Parish Schools.	Estimated quantity of Cleared Land.	Number of Tons Hay cut.	Number of Bushels of Wheat raised.	Number of Bushels of Barley raised.	Number of Bushels of Oats raised.	Number of Bushels of Buckwheat raised.	Number of Bushels of Indian Corn raised.	Number of Bushels of Peas and Beans raised.	Number of Bushels of Turnips raised.	Number of Bushels of Potatoes raised.	Number of Bushels of other Root crops raised.	Number of Neat Cattle.	Number of Cows, how many milked.	Quantity of Butter churned.	Number of Horses.	Number of Sheep.	Number of Swine.	Number of Farmers.	Number of Mechanics.	Number of Merchants and Traders.	Number of persons engaged in Fishing.	Number of persons engaged in Lumbering.	Number of Doctors.	Number of Clergymen or Ministers.	Number of Churches and places of Worship.	Number of Schools.	Number and value of Saw Mills, and hands employed.	Number and value of Grist Mills, and hands employed.	Number and value of Lanneries, and hands employed.	Number and value of Foundries, and hands employed.	Number and value of Weaving and Carding Establishments, and hands employed.	Number of Hand Looms.	Number of Yards of Woolen Cloth manufactured.	Number and value of Factories, other than the above, and hands employed.	Value of Boots and Shoes manufactured.	Value of Leather manufactured.	Value of Candles manufactured.	Value of Wooden Ware manufactured, other than Cabinet Makers.	Value of Soap manufactured.	Value of Chairs and Cabinet Ware manufactured.	Value of Fish caught, and quantities.	Value of Hats manufactured, and number.	Value of Iron Castings manufactured.	Quantity of Coal raised.	Number of Breweries.	Number of Gallons of Malt Liquor manufactured.	Casks of Lime burnt, and value.	Number and value of Grindstones.	Tons and value of Gypsum quarried.	Quantity of Maple Sugar manufactured.

## CAP. XXVIII.

An Act in addition to the Acts relating to the Provincial Penitentiary.

*Passed 30th March 1848.*

**W**HEREAS it has been found necessary to make further provision for  
 'the management and safe keeping of the prisoners confined in the  
 'Provincial Penitentiary;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Sheriff of any County, or City and County, or any Deputy Sheriff, Constable or other Officer, by direction of such Sheriff, or of any Constable, to convey and take any offender sentenced to imprisonment in the Provincial Penitentiary, to the said Provincial Penitentiary, and then deliver such offender to the Keeper there, pursuant to the sentence passed upon such prisoner, without any further warrant, order or direction than the passing of such sentence by the Court before whom such offender shall be tried, and a copy of the sentence passed upon such offender from the Minutes of the Court before whom such offender shall be tried, certified by any Justice or by the Clerk or acting Clerk of such Court.

Sheriff, &c. to convey to the Penitentiary, without further warrant than a copy of the sentence, offenders sentenced to be confined there.

II. And be it enacted, That the Sheriff or Gaoler, and every person employed in the conveyance of any offender to the Provincial Penitentiary, there to be imprisoned, may in such manner as he shall think fit, carry and secure such offender in and through any County in this Province; and that all reasonable expenses which such Sheriff, Gaoler or other person shall incur in every such removal, if the conviction had been before any Court other than the Court of Oyer and Terminer and General Gaol Delivery, shall be paid by the County for which the Court in which the offender was convicted shall have been held, to be paid by the Treasurer of such County, such reasonable expenses being first allowed by order of the Justices of the Peace at their General Sessions or other Sessions of the Peace, who are hereby required to make such order as shall be just in that behalf; and if the conviction had been before the Court of Oyer and Terminer and General Gaol Delivery, the same shall be paid by the Province, and shall be drawn from the Treasury by Warrant under the hand and seal of the Lieutenant Governor or Administrator of the Government for the time being; the amount of such charges and expenses being first ascertained and settled by Her Majesty's Justices of the Peace of the proper County at their General Sessions, or at any Special Sessions of the Peace to be by them for that purpose holden, and duly audited by the Provincial Auditor.

Offenders to be conveyed and secured as the officer in charge may think fit.

Expenses to be defrayed by the County when the sentence is passed by other than the Court of Oyer and Terminer;

If by the Court of Oyer and Terminer, expenses to be paid by the Province.

III. And be it enacted, That after the delivery of any such offender as aforesaid, to the Keeper of the said Penitentiary, such Keeper or other person having the custody of criminals or convicts under his direction, shall during the term for which such criminals or convicts shall be ordered to remain in his custody, have the same power over such convicts as are incident to the office of a Sheriff or Gaoler, and in case of any abuse of such custody or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment to which a Gaoler is now liable by Law.

Keeper of the Penitentiary and under Officer to have the same power over convicts as a Sheriff or Gaoler.

IV. And be it enacted, That any criminal or convict who shall be ordered or sentenced to be imprisoned in the said Penitentiary, who at any time during the term of such confinement, shall break prison or escape, or who, while being conveyed to such Penitentiary, shall escape from the person or persons having the lawful custody of such convict, he or she so breaking prison, or escaping, shall be guilty of felony.

Escape from the Penitentiary made felony.