

in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be, certify his approbation of the action, and of the verdict obtained thereupon.

Commissioners empowered to contract for the erection of a third tier of Cells and the completion of the Fence around the Penitentiary.

XIV. And be it enacted, That the Commissioners of the Provincial Penitentiary be and they are hereby authorized to contract and agree with sufficient workmen for the erection and completion of a third tier of Cells in the said Provincial Penitentiary, and for the completion of the Picket Fence now in the course of erection around the said Penitentiary, and that it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to draw by Warrant upon the Treasury for a sum not exceeding seven hundred and fifty pounds, for the purpose of making the said erections.

CAP. XXIX.

An Act to amend an Act for the amendment of the Charter of the City of Saint John.

Passed 30th March 1848.

Preamble.

6 V. c. 35, s. 11.

‘**W**HEREAS in and by the eleventh section of an Act made and passed in the sixth year of Her present Majesty’s Reign, intituled *An Act for the amendment of the Charter of the City of Saint John*, it is enacted that the Salary of the Common Clerk of the said City shall be settled, adjusted and determined by the Common Council of the said City, provided that the Salary of the Common Clerk so to be settled, should not be less than five hundred pounds: And whereas the Salary of five hundred pounds is greater than is sufficient to provide for the efficient discharge of the duties of the Common Clerk;’

Act 6 V. c. 35, s. 11, in part repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said eleventh section of the said recited Act as relates to the Salary of the said Common Clerk, be and the same is hereby repealed; and in lieu thereof,

Salary of the Common Clerk to be settled by the City Corporation.

Not to be less than £350, in lieu of all fees as Common Clerk.

Fees as Clerk of the Peace reserved.

II. Be it enacted, That the Salary of the said Common Clerk of the said City of Saint John, shall be settled, adjusted and determined by the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened; provided always, that the Salary of the said Common Clerk so to be settled, shall not be less than the sum of three hundred and fifty pounds, which Salary shall be in lieu and substitution of all fees by him receivable under and by virtue of his said Office of Common Clerk; and further provided, that nothing herein contained shall prevent the said Common Clerk from receiving or retaining to his own use all fees by Law receivable by him as Clerk of the Peace and of the Sessions of the Peace and Clerk of the Inferior Court of Common Pleas of the said City and County.

CAP. XXX.

An Act to amend an Act to provide for increasing the number of Special Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John.

Passed 30th March 1848.

Preamble.

7 W. 4, c. 12.

‘**W**HEREAS certain provisions of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John*, are not found sufficient for the purposes of the said Act;’

I.