

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Act 6 V. c. 35, s. 11, in part repealed.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eleventh section of the said recited Act as relates to the Salary of the said Common Clerk, be and the same is hereby repealed; and in lieu thereof,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.

I. ~~Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the seventh section of the said recited Act be and the same is hereby repealed.~~ Act 7 W. 4, c. 12, s. 7, repealed.

II. And in lieu thereof, Be it enacted, That in all cases where it may be found necessary under the provisions of the said Act to appoint and swear in Special Constables, it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace, or at any Special Sessions to be for that purpose holden, to borrow such sum of money as they in their discretion may deem meet for the purpose of paying and providing for the services and expenses of such Special Constables, and to order the same, if they shall think fit, to be repaid out of the contingent funds of the said City and County; or to order an assessment to be made upon the said City of Saint John, or upon any Parish or Parishes in the said City and County, for payment thereof; and to order and direct what portion of such assessment shall be raised and levied by a Poll Tax upon the inhabitants of such City or Parish, for the purpose of paying such sum of money so borrowed for the purposes aforesaid; or in case they shall not see fit, or be unable, to borrow money for the purposes aforesaid, to order an assessment to be made for the purpose of meeting the amount of expenses incurred under any of the provisions of the said Act; provided always, that not more than one fourth part of any such assessment shall be levied by such Poll Tax. The Justices authorized to borrow or assess money to pay the Special Constables.

III. And be it enacted, That the said Justices in General Sessions, or at any Special Sessions for that purpose to be holden, shall have power and are hereby authorized to make an allowance to all or any of the Constables or other Peace Officers of the City of Saint John, or City and County of Saint John, for any services by them performed in the execution of their offices, or in attending any of the Courts held in the City of Saint John, or in apprehending or searching for and endeavouring to apprehend any felon or person charged with or suspected of any felony, and to offer and pay any rewards for the apprehension of any felon or person accused or suspected of felony, as the said Justices in their discretion shall think needful in promoting the due and proper execution of the Laws and the duties of such Officers, and shall order all such sums of money to be paid out of the contingent funds of the said City and County. Justices authorized to pay Constables or other Peace Officers for their services; and offer and pay rewards for the apprehension of felons, &c.

IV. And be it enacted, That in case the contingent funds for the year shall not be sufficient, in the opinion of the said Justices in Sessions, to bear any expenses incurred or payable under this Act or the Act of which this is an amendment, it shall and may be lawful for the said Justices to order what amount shall be levied and rated in addition to the annual rate or assessment for the contingent expenses for the said City and County, and to direct that the said additional sum shall be levied and assessed with the said annual contingent assessment, which said additional sum shall be paid into the hands of the County Treasurer for the purposes of this Act, when so levied and assessed. Expenses under this Act, or 7 W. 4, c. 47, may be levied in addition to the annual assessment for contingent expenses.

V. And be it enacted, That ~~this Act shall apply and extend to the several Counties in this Province.~~ Act extended to the several Counties.

CAP. XXXI.

An Act further to continue an Act, intituled *An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter.* 3 V. c. 70.

Passed 30th March 1848.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty, Act 3 V. c. 70, continued.