

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Governor, Legislative Council and Assembly, That the seventh section of the said recited Act be and the same is hereby repealed.~~ Act 7 W. 4, c. 12, s. 7, repealed.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.

Majesty, 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*, be and the same is hereby further continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

CAP. XXXII.

An Act relating to the Public Burial Ground in the City of Saint John.

Passed 30th March 1848.

Preamble.

‘ **W**HEREAS from the great increase in the extent and population of the City of Saint John, it is apprehended that the interment of the dead in the Public Burial Ground adjacent to King’s Square in the said City, if continued, may be detrimental to the health of the inhabitants of the said City ;’

Interments within the Public Burial Ground in the City, prohibited.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon and after the first day of May next, it shall not be lawful to inter, bury or place the corpse of any deceased person within the Public Burial Ground in the City of Saint John, as now enclosed, and bounded on the North by the rear of the Lots fronting on Union Street, on the South by Great George Street, on the East by Carmarthen Street, and on the West by Sidney Street ; provided that nothing herein contained shall prevent the placing or exposing the corpse of any person unknown in the dead house now erected in the said Burial Ground, for the purpose of recognition before interment, for the space of one year.

Penalty for interring or assisting therein.

II. And be it enacted, That if any person or persons shall after the first day of May next, inter, bury or place, or shall aid or assist in interring, burying or placing, any corpse within the said Burial Ground, he, she or they so offending, shall forfeit and pay the sum of one hundred pounds, to be recovered by an action of debt in any of Her Majesty’s Courts of Record in this Province, by and in the name of the County Treasurer of the City and County of Saint John ; to be paid and applied to the Commissioners of the Alms House for the City and County of Saint John, for the use of the poor thereof ; and it shall and may be lawful for any of the Justices of the Peace of the said City and County, and they are hereby required to order and direct the disinterring and removal of any corpse interred, buried or placed in the said Burial Ground contrary to the provisions of this Act, and to cause the same to be decently interred in any other Burial Ground, at the discretion of such Magistrate.

Justices to order the removal of the corpse so buried.

City Corporation not to disturb any grave, or remove any corpse, &c. except at the request of the representatives of the deceased.

III. ‘ And whereas under and by virtue of the Charter of the City of Saint John, the legal estate in the said Burial Ground became vested in the Mayor, Aldermen and Commonalty of the City of Saint John, and the same has been since held by them as and for a Public Burial Ground, and for no other use or purpose : And whereas certain rights have been acquired by the representatives and relatives of deceased persons there interred, and are now existing to certain portions of the said Burial Ground, and to certain enclosures, erections, monuments and tombstones now there standing and being ;’ Be it therefore enacted, That it shall not be lawful for the said Mayor, Aldermen and Commonalty of the said City, or any person by their direction or authority, to disturb any grave or remove any corpse in the said ground, lawfully interred, unless at the request and desire of the legal representative of the deceased person so to be removed, or to pull down, displace, or remove, or to prevent the repair or removal of any enclosure, paling, erection, monument or tombstone heretofore placed or standing in the said Burial Ground.