

CAP. XLVI.

An Act to restrain the holding of Parishes in plurality by the Clergy of the Church of England in this Province.

Passed 14th April 1849.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, no Rector of any Parish in the Church of England in this Province shall accept and take to hold therewith, or shall after the passing of this Act hold with such Parish of which he may be Rector, any other Parish in which there may be a resident Priest or Deacon in Holy Orders in the said Church, legally and duly licenced or officiating as such Priest or Deacon in the said last mentioned Parish; any law, usage or custom to the contrary notwithstanding.

No Rector of any Parish shall hereafter hold any additional Parish in which there may be a resident Priest or Deacon in Holy Orders duly officiating.

CAP. XLVII.

An Act in amendment of an Act, intituled *An Act relating to Wrecked Property.*

3 V. c. 68.

Passed 14th April 1849.

‘WHEREAS it is necessary to make further provision relating to wrecked, derelict or abandoned goods or property, which having been found upon the shores of the City and County of Saint John, or within five miles of the said shores, shall remain in the custody or possession of any party not being the owner of the same, or the agent of such owner;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case when shipwrecked, derelict or abandoned goods or property, having been found on the shores of the City and County of Saint John, or in the waters within five miles of the same, shall be and remain in the possession of any person or persons within the City and County of Saint John, not being the owner or agent of the owners of such goods and property, and such person shall, upon demand, refuse to deliver such goods or property to the Commissioners of Shipwrecked Property for the said City and County, it shall and may be lawful for the said Commissioners to apply to any Justice of the Peace for the said City and County of Saint John; and on its appearing on oath to such Justice that such goods or property are in the possession of any such person, not being the owner or agent of the owners of such goods or property, such Justice shall issue a Warrant under his hand and seal to the Sheriff of the City and County of Saint John, commanding such Sheriff to seize, take and safely keep all such goods and property in such Warrant to be specified; which Warrant such Sheriff is hereby authorized and commanded to execute, and shall, with the assistance of two freeholders of the said City and County, make a just and true inventory of all such goods and property as he shall seize and take by virtue thereof, and return the same, signed by himself and the said two freeholders, to such Justice who issued such Warrant; and such goods or property shall remain in possession of the Sheriff.

Commissioners of Wrecks may take out a Warrant from a Justice of the Peace to seize shipwrecked or abandoned goods found within five miles of the City and County of St. John in the possession of a finder who refuses to deliver them up.

Sheriff to execute the Writ, and with two freeholders make an inventory of the property which is to remain with the Sheriff.

II. And be it enacted, That such Justice shall thereupon summon not more than five nor less than three of the Port Wardens of the said City of Saint John, and two Freeholders of the said City, to meet at a time and place to be by him named, and shall give a notice of not less than six days to the person in whose custody such goods shall be found; and in case such person shall not appear, or in case he shall appear and claim the said goods as not having been found abandoned, wrecked or derelict, or to hold the said goods or property for any lien or salvage, the said Justice shall, at such time and place, proceed to swear the said

Justice to summon from three to five Port Wardens and two Freeholders, and notify party who was in possession, and on the appointed day swear the former to try the case.

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Port Wardens and Freeholders well and truly to try whether the said goods and property came into the possession of the said party, as being found abandoned, wrecked or derelict, and if they so came, to assess the amount which such party shall be entitled to for salvage, and costs and expenses attending the recovery, removal and safe keeping of the said goods; and such Justice shall, on such inquisition, have power to examine all the said Commissioners and parties on oath, and any witnesses to be by them produced, which oath such Justice is hereby authorized to administer; and the said Port Wardens and Freeholders, or a majority of them then present, after hearing the said parties, and any witnesses then produced, shall find and certify whether the said goods or property came into the possession of the party against whom such Warrant issued, as found by him wrecked, derelict or abandoned, and if so, what amount they assess for such salvage, costs and expenses.

Port Wardens and Freeholders to assess the salvage, &c., if goods were found wrecked, &c.

On payment of all expenses, Sheriff to deliver goods to the Commissioners of Wrecks.

III. And be it enacted, That on payment by the said Commissioners to the said Sheriff of the amount so assessed, and all fees and expenses attending such inquisition, the said Sheriff shall deliver the said goods and property to the said Commissioners, to be by them held and disposed of according to the provisions of the said Act, in the same manner to all intents and purposes as if the said Commissioners had taken possession of the said goods and property under the second section of the said Act; and that the sum so paid by the said Commissioners to the said Sheriff, shall be paid to them with interest, together with all other sums to which they may be entitled, before they can be required to deliver over the said property under the fourth section of this Act.

Liability of Commissioners if the Port Wardens and Freeholders do not find that the property was wrecked, &c.

IV. And be it enacted, That in case the said Port Wardens and Freeholders shall, as aforesaid, certify that the said goods and property did not come into the possession of the person against whom the said Warrant issued, as found by him wrecked, abandoned or derelict, the Sheriff shall restore the property to the said person or persons, and the said Commissioners shall be liable to pay to the said Sheriff all costs and fees due upon the proceedings done under this Act.

CAP. XLVIII.

11 V. c. 27.

An Act to amend an Act, intituled *An Act for ascertaining the Population of this Province, and for other purposes therein mentioned.*

Passed 14th April 1849.

Preamble.

‘ WHEREAS it is the desire of Her Majesty’s Government that a Census should be made in each of the British Colonies in the year of our Lord one thousand eight hundred and fifty one;’

Act 11 V. c. 27, suspended till 1st January, 1851.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the operation of an Act made and passed in the eleventh year of Her Majesty’s Reign, intituled *An Act for ascertaining the Population of this Province, and for other purposes therein mentioned*, be and the same is hereby suspended until the first day of January which will be in the year of our Lord one thousand eight hundred and fifty one.

Persons appointed to take the account of the Population to make return by 1st November, 1851.

II. And be it enacted, That the several persons who may be appointed under the above recited Act to take the account of Population and for other purposes under the said Act, shall deliver or transmit their several or respective answers and returns in duplicate to the Clerks of the Peace for the several and respective Counties, on or before the first day of November next after the said recited Act shall come into operation.

Schedules to this Act substituted for that in 11 V. c. 27.

III. And be it enacted, That instead of the Schedule to the said recited Act annexed, the following Schedules shall be adopted and used.

SCHEDULE