

Defendant may have the assessment, &c., made by a Jury on application.

Attorneys of the Supreme Court may prosecute and defend.

Courts may appoint Commissioners for taking bail.

A Court of General Sessions of the Peace to be held in each of the Terms with power to adjourn to the succeeding week.

also, that the defendant in any such action may, upon due application therefor, have such inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry or assessment shall have power to order the same to be made by a Jury in like manner as is now the law and practice in cases before the Court in Term.

IX. And be it enacted, That all and every of the Attorneys of the Supreme Court may commence prosecution or defend any action or suit for his or their clients in any Inferior Court of Common Pleas within this Province.

X. And be it enacted, That it shall and may be lawful for the said Courts to appoint Commissioners to take bail in the same Courts in such part of their respective Counties as the majority of the Justices of any of the said Courts in Term assembled shall at any time or times see fit and necessary; and such Commissioners to take bail as aforesaid shall be appointed by the Courts in the same manner as Commissioners to take bail are appointed by the Supreme Court.

XI. And be it enacted, That in each of the said several Terms of the Inferior Courts of Common Pleas in each and every County of this Province there shall be holden a Court of General Sessions of the Peace for the transaction of all business within the competency of such Court of General Sessions; and the said Justices in Sessions or a majority thereof shall have power to adjourn the sitting of the said Courts or either of them to the week next succeeding the said Terms respectively; and all causes and matters heard and determined, and all business transacted on any day during the week next succeeding the said Terms respectively, pursuant to such adjournment, shall have the same and the like force and effect to all intents and purposes as if heard and determined and transacted at any time during the said Terms respectively; and all parties concerned shall take due notice of such adjournment from time to time and govern themselves accordingly; provided always, that no trials of any issues by Jury shall be had at any adjourned sittings.

CAP. XLVIII.

An Act to consolidate and amend the Laws relating to sick and disabled Seamen belonging to this Province, not being Paupers.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixtieth year of the Reign of King George the Third, intituled *An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province*; also an Act made and passed in the second year of the Reign of King George the Fourth, intituled *An Act in addition to and amendment of an Act, intituled 'An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province'*; also an Act made and passed in the third year of the same Reign, intituled *An Act to alter an Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province, and to provide buildings for the accommodation of the same*; also an Act made and passed in the seventh year of the same Reign, intituled *An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen, not being paupers, belonging to this Province*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act to make further provisions for sick and disabled Seamen, not being paupers, belonging to this Province*; also an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen, not being paupers, belonging to this Province, so far as*
the

Repeal of
60 G 3, c 15,

2 G 4, c 10.

3 G 4, c 27.

7 G 4, c 14.

8 G 4, c 16,

4 W 4, c 20,

the same relate to the County of Gloucester; also an Act made and passed in the second year of the Reign of Her present Majesty, intituled *An Act in amendment of an Act, intituled 'An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen, not being paupers, belonging to this Province'*; also an Act made and passed in the seventh year of the same Reign, intituled *An Act to reduce the Duties imposed upon Ships or Vessels arriving at the Port of Saint John to provide for the support of sick and disabled Seamen, not being paupers, belonging to the Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to authorize the erection of a Marine Hospital at Dalhousie, in the County of Restigouche, and to make further provision for sick and disabled Seamen, not being paupers, belonging to this Province, so far as the same may relate to the Port of Dalhousie*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act to repeal the fifth Section of an Act, intituled 'An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province, and to appropriate for a particular service a part of the surplus fund collected under that and other Acts'*; also an Act made and passed in the twelfth year of the same Reign, intituled *An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen, not being paupers, belonging to this Province, so far as the same relate to the County of Kent*; be and the same are hereby repealed: Provided always, that all acts, matters and things done and performed, and all titles to lands acquired, and buildings erected, under and by virtue of the said Acts hereby repealed, or any of them, shall be and remain good, valid and effectual notwithstanding the repeal of the said Acts, and all appointments, and all rules and regulations heretofore made under and by virtue of the said Acts hereby repealed, shall be, remain and continue in full force until other appointments and other rules and regulations are made in lieu thereof.

II. And be it enacted, That all sick and disabled Seamen who may hereafter be brought into this Province, and who are not paupers belonging to any Parish within the same, shall be supported and cared for by the Overseers of the Poor or the Commissioners appointed as hereinafter mentioned, at the port or place where such sick and disabled Seamen may so be brought.

III. And be it enacted, That the said several Overseers of the Poor, or the Commissioners, as the case may be, shall at least once in each and every year render an account of the expenses incurred by them in the support and care of the said sick and disabled Seamen, to the Court of General Sessions of the Peace for the County in which they act; which accounts, attested to on oath before any Justice of the Peace, who is hereby authorized to administer the same, shall be examined and audited by the said Sessions, and when approved by the said Court, shall be certified by the Clerk of the Peace, and transmitted to the Office of the Secretary of the Province, to be dealt with as other public accounts; and the amount due thereon shall be paid from the funds and in the manner hereinafter provided.

IV. And be it enacted, That from and after the passing of this Act, every Ship or Vessel that shall arrive at any port or place within this Province, with the exception of the Ports of Miramichi and Saint Andrews, being of the burthen of sixty tons or upwards, shall pay to the Treasurer of the Province, or the Deputy Treasurer at the port or place of arrival, the sum of one penny per ton for every ton at which such Ship or Vessel shall be rated in the register thereof; and every such Ship or Vessel, as aforesaid, that shall arrive at the ports of Miramichi or Saint Andrews, shall pay to the Deputy Treasurer of the said last mentioned ports respectively, the sum of two pence per ton, according to the register thereof; which

2 V c 32.

7 V c 10.

7 V c 17.

10 V c 52.

12 V c 26.

Reservations.

Sick and disabled Seamen, not being paupers, belonging to the Province, to be cared for by the Overseers of the Poor or Commissioners.

Overseers of the Poor or Commissioners to account annually to the General Sessions.

Accounts to be sent to the Provincial Secretary, to be dealt with as other public accounts.

Masters of vessels to pay specified tonnage duty on arrival.

Coasters to pay once only in each year.

which said duty shall be paid by the master, owner or consignee at the time of entry at the Office of the Treasurer of the Province, or the Deputy Treasurer as aforesaid, before breaking bulk or discharging any ballast; provided that each and every Vessel denominated a coaster shall pay the said duty only once in each and every year; and such payment shall be made at the first entry in each year of each coaster into any port of this Province.

Treasurer to keep separate accounts of duty received and disbursed.

V. And be it enacted, That the Treasurer and Deputy Treasurers as aforesaid shall severally keep separate accounts of the money received and disbursed by them by virtue of this Act, and shall render the same in like manner and at the same times as their accounts of other public money.

Governor in Council to appoint Commissioners for the sick and disabled Seamen at specified places.

VI. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint three or more fit and proper persons to be Commissioners for sick and disabled Seamen at the port of Saint John, the port of Saint Andrews, the port of Miramichi, the port of Bathurst, the port of Dalhousie, the port of Richibucto, and the port of Buctouche; and from time to time, as may be deemed expedient, to displace all or any of the persons so appointed, and re-appoint or appoint others in the room of the persons or person so displaced.

The Commissioners to have the exclusive care of the buildings erected, with power to make contracts, &c.

VII. And be it enacted, That the said Commissioners for the several ports before mentioned shall have the exclusive care and management of all or any buildings that may have been erected at their respective ports as Marine Hospitals or Pest Houses, for the use of sick and disabled Seamen, under the authority of any of the Acts hereby repealed; and the said Commissioners are hereby authorized to make all necessary contracts for repairing and maintaining the said buildings, and for the care, cure, attendance and support of the patients therein, and to make such rules and regulations as they may see fit for the good government of the same, as also for regulating the visiting of Seamen ill of any infectious disease, whose removal to any Pest House or other building they are also hereby authorized to direct and enforce.

Buildings may be hired until erections be made, and the Commissioners to have the same powers in respect of sick Seamen as the Overseers of the Poor.

VIII. And be it enacted, That until such time as proper buildings for the accommodation of sick and disabled Seamen shall have been erected and fitted at each and every of the ports where the erection has been already authorized, the Commissioners appointed for the port shall and may hire and make use of any other houses or buildings within their respective ports, which they shall think fit and convenient; and generally the said Commissioners shall have the same power and authority with respect to sick and disabled Seamen at the respective ports for which they shall be appointed, except so far as altered by this Act, as the Overseers of the Poor of the Parish within which they act have with respect to the ordinary poor of the Parish.

Tonnage duty may be levied by Warrant of distress on failure or refusal to pay it.

IX. And be it enacted, That upon neglect or refusal of payment in any instance of the Duties in and by this Act imposed, and such neglect or refusal being proved upon oath before any one of Her Majesty's Justices of the Peace of the County, or City and County, where such Ship or Vessel shall arrive, the same shall be levied by Warrant of distress and sale of the guns, boats, tackle and apparel, and furniture of such Ship or Vessel, under the hand and seal of such Justice, directed to any Sheriff or Constable of such County, or City and County, or Marshal of the City of Saint John, rendering the overplus, if any, after deducting the costs and charges of distress and sale, to the master or person having the command of any such Ship or Vessel.

X. And be it enacted, That in case there shall be any overplus of such Duty that may be levied and collected at any one port or place, by virtue of this Act, in any one year, after the expenditure of so much thereof as may be necessary for the benefit and relief of sick and disabled Seamen at such port or place, 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 order and direct the payment of such overplus, or so much thereof as may be necessary for that purpose, to the Overseers of the Poor or Commissioners of any other port or place where there may be a deficiency of such moneys collected at such other port or place to provide for the relief of sick and disabled Seamen there, upon such deficiency being made to appear to the satisfaction of the said Lieutenant Governor or Administrator of the Government for the time being, and the Executive Council.

Overplus of duty collected at one port may be transferred to another.

XI. And be it enacted, That all offences against this Act may be inquired of and determined before the Court of General Sessions of the Peace of the County in which the offence shall be committed, and the fines imposed by any rules or regulations made under and by virtue of this Act, shall be levied and paid over for the purposes of this Act to the Overseers of the Poor or Commissioners within whose jurisdiction the offence shall be committed.

All offences against this Act may be inquired of by the Court of General Sessions of the Peace.

XII. And be it enacted, That for the purposes of this Act, and no farther, the waters, creeks and places lying between Point Escuminac and Tabusintac, shall be taken and considered as forming the Port of Miramichi; the waters, creeks and places in the County of Charlotte, shall be taken and considered as forming the Port of Saint Andrews; the waters, creeks and places lying between the head of the tide on the River Restigouche and Belledune River, shall be taken and considered as forming the Port of Dalhousie; and the waters, creeks and places lying between Belledune River and the line dividing the Counties of Gloucester and Northumberland, coastwise, shall be taken and considered as constituting the Port of Bathurst; the waters, creeks and places lying between the boundary line dividing the Counties of Northumberland and Kent, coastwise, and Chockpish River, shall be taken and considered as constituting the Port of Richibucto; and the waters, creeks and places lying between Chockpish River and Cocagne Island, shall be taken and considered as constituting the Port of Buctouche.

Ports defined: Miramichi,

Saint Andrews,

Dalhousie,

Bathurst,

Richibucto,

Buctouche.

CAP. XLIX.

An Act for the establishment and regulation of Inland Posts within this Province.

Passed 26th April 1850.

‘ **W**HEREAS by an Act of the Imperial Parliament passed in the twelfth and thirteenth years of the Reign of Her present Majesty, intituled ‘ *An Act for enabling Colonial Legislatures to establish Inland Posts*, authority is ‘ given to the Legislature of this Province to make such provision as may be ‘ thought fit for the establishment, maintenance and regulation of Posts or Post ‘ Communication within the same, and for charging Rates of Postage for the con- ‘ veyance of Letters by such Posts or Post Communication, and for appropriating ‘ the revenue to be derived therefrom;’

Preamble. Imperial Act 12 & 13 V c 67.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time appointed for this Act to go into operation, the exclusive privilege of establishing posts, collecting, conveying and delivering letters, and collecting postage within this Province, heretofore by certain Acts of the Imperial Parliament vested in Her Majesty's Postmaster General, and the

Right to establish rates of postage chargeable in the Province vested in the Governor in Council.

power