

ment half yearly of the interest on the said residue of the said debt not charged on the west side of the said Harbour; and the balance, after such payments, shall be applied in liquidation of that portion of the debt charged on the east side.

5. The Corporation shall have the right to retain and use, without any charge, such portion of the common lands on the west side, as may be necessary for ferry landings, coal sheds, and other public conveniences for the full accommodation and use of the ferries, and the public resorting thereto.

Reservation of ferry landings, coal sheds, &c.

6. As soon as the Public Debt now due by the Corporation shall be paid off and satisfied, all their revenues affected by this Act shall be applied as directed by the Charter of the said City.

Application of revenues after payment of the public debt.

7. The sum of two hundred and fifty pounds shall be paid out of the general revenues of the City towards the costs, fees and expenses incurred by the Complainants in prosecuting said suit in Chancery, the balance to be paid out of the rents of the common lands on the west side; the costs, fees and expenses incurred by the Defendants in defending the said suit, shall be paid out of the rents of the common lands on the east side of the Harbour and the general revenues.

Apportionment of costs of suit.

8. In any action or suit brought or to be brought by the Mayor, Aldermen and Commonalty of the City of Saint John, for any lands, tenements or hereditaments to them granted by the Crown, or the rents, issues and profits thereof, or upon any covenant, condition, matter or thing contained in any lease, grant, deed, or assurance by them made of any such lands, tenements or hereditaments, no Defendant or Defendants other than the Trustees or Mortgagees, or their heirs or assigns, shall be permitted to set up or give in evidence a certain Trust Deed or Mortgage, bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two, and made between the said Mayor, Aldermen and Commonalty of the City of Saint John, of the one part, and Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, and William Wright, of the other part, and registered in the Registry Office of the City and County of Saint John on the twenty first day of September in the year of our Lord one thousand eight hundred and forty two, or any other deed or conveyance made and executed of the said lands or tenements, or any of them, by any party whatsoever to the said Trustees, or either of them, to bar the right of recovery or to defeat the title of the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors or assigns, in any such action or suit, any law or custom to the contrary notwithstanding.

Trust Deed or Mortgage dated 20th September, 1842, to be set up in bar of any action by no defendant other than the Trustees or Mortgagees.

9. Nothing in the Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, shall be held or taken to authorise any assessment upon the inhabitants of Carleton, on the west side of the Harbour, unless for the purpose of making good any deficiency which may arise in the payment of the interest made chargeable on the west side by the provisions of this Act.

Inhabitants of Carleton exempted from assessment under 9 V. c. 29, unless for deficiency of interest.

CAP. XI.

An Act for the division of King's Ward, in the City of Saint John, into two separate Wards.
Passed 14th April 1853.

WHEREAS from the great extent of the present Ward in the City of Saint John, called King's Ward, and from the increase in the number of the residents therein, it is necessary and expedient that the same should be divided into two separate Wards;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1.

Wellington Ward erected.

1. All that part of King's Ward, in the said City of Saint John, which lies to the eastward of a line drawn from a point formed by the intersection of lines drawn through the centre of Union Street and the continuation of a line drawn through the centre of Charlotte Street northwardly, through the centre of Coburg Street and the centre of Garden Street to the City Line, is hereby erected into a Ward of the said City, separate and distinct from King's Ward, and shall be called and known by the name of *Wellington Ward*; and the residue thereof which lies to the westward of the said line, shall comprise King's Ward.

New Ward to have same powers, &c., as other Wards.

2. The said new Ward shall be entitled to elect and choose one Alderman and one Councillor, who shall be Members of the Common Council of the said City, and one Constable for the said Ward, who shall hold their offices respectively for the same term, and have all the powers and be subject to all the duties of the like officers of any other Ward in the said City.

Time for the election of officers for Wellington Ward, and their qualification.

3. The first election of the officers for the said Ward shall be held on the third Tuesday in May next succeeding the passing of this Act; and the annual election of officers for the said Ward in all succeeding years, shall be held on the first Tuesday in April in each and every year, in the same manner and under the same provisions, and the candidates shall have the like qualifications as are now in force, or shall hereafter be in force or required in respect of the elections of the like officers for any other Ward of the said City, by the Charter of the said City, or any Act of Assembly, or Bye Law of the Corporation in that behalf made; and in case of any vacancy occurring in any of the said offices, under any Act of Assembly now or hereafter to be made, or under the provisions of the Charter of the said City, such vacancy shall be filled up in the like manner as a vacancy occurring in any other Ward in the said City would be filled up, under the provisions of the Charter of the said City, or any Act of Assembly, or Bye Law of the said City now in force or hereafter to be made relating thereto.

Tenure of office by officers for King's and Wellington Wards.

4. The officers elected for the present King's Ward on the first Tuesday in April in this present year, shall hold office for the said Ward as now defined, until the officers for said Wellington Ward shall be elected and sworn; and the said officers for said Wellington Ward, when elected, shall be sworn before the Common Council on the fourth Tuesday in May next, after which time the officers elected for King's Ward shall represent the same as defined by this Act.

Constitution of the Common Council.

5. From and after the election of the said Alderman and Councillor for the said Ward, the Mayor or Recorder, with four or more Aldermen and four or more Councillors of the said City, in place of the Mayor or Recorder, with three or more Aldermen and three or more Councillors of the said City, shall be the Common Council of the said City, as provided by the said Charter and the Acts of Assembly in amendment thereof.

CAP. XII.

An Act to erect the Parish of Saint Mark in the City of Saint John for Ecclesiastical purposes.
Passed 14th April 1853.

Preamble.

‘ **W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many Members of the Church of England in the said Parish, have petitioned that so much of the said Parish as lies to the northward of the centre of Union Street should for all Ecclesiastical purposes be set off as a separate and distinct Parish, in order that a separate Rectory or Benefice may be there appointed, and the Chapel of Ease heretofore erected there by the said Rector, Church Wardens and Vestry of Trinity Church, may become the Parish Church of the said