

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

‘ said separate Parish : And whereas by a certain Indenture bearing date the
 ‘ nineteenth day of May in the year of our Lord one thousand eight hundred and
 ‘ twenty three, duly executed, acknowledged and registered, and made between
 ‘ the late Honorable Ward Chipman, Esquire, of the one part, and the said Rector,
 ‘ Church Wardens and Vestry of Trinity Church of the other part, the said Ward
 ‘ Chipman for the considerations and purposes therein mentioned, did grant, bar-
 ‘ gain, sell, alien, release and confirm unto the said Rector, Church Wardens and
 ‘ Vestry of Trinity Church in the Parish of Saint John, their successors and
 ‘ assigns, all that certain lot, piece and parcel of land situate, lying and being in
 ‘ King’s Ward, in the said City and Parish of Saint John, and bounded and described
 ‘ as follows, that is to say :—Beginning at a point where the western line of Wel-
 ‘ lington Street meets the northern line of Carleton Street, thence running north-
 ‘ erly on a prolongation of the said western line of Wellington Street one hundred
 ‘ feet, thence easterly on a line parallel with Carleton Street one hundred and
 ‘ five feet, or until it meets the western line of a lot of land heretofore sold and con-
 ‘ veyed by the said Ward Chipman to Walter Lecain, thence running southerly,
 ‘ following the said western boundary of Lecain’s lot, until it meets the said
 ‘ northern line of Carleton Street, to the place of beginning, making a lot of one
 ‘ hundred feet by one hundred and five feet, more or less, together with all and
 ‘ singular the rights, members and appurtenances to the same belonging or in any
 ‘ wise appertaining, to have and to hold the said lot of land and premises thereby
 ‘ granted, bargained and sold or mentioned or intended so to be, unto the said Rec-
 ‘ tor, Church Wardens and Vestry, and to their successors and assigns for ever, but
 ‘ nevertheless on the conditions, and to and for, and upon the use, interests and pur-
 ‘ pose, and subject to the proviso hereinafter contained, as by reference to the said
 ‘ Indenture duly registered in the Office of the Register of Deeds in and for the City
 ‘ and County of Saint John, reference being thereunto had will more fully and at
 ‘ large appear; upon which said lot of land the said Rector, Church Wardens and
 ‘ Vestry of Trinity Church have erected a Church or Chapel of Ease, called and
 ‘ known by the name of “Saint John’s Church,” and which Church is with their
 ‘ assent to become the Parish Church of the said new Parish of Saint Mark to be
 ‘ erected by this Act : And whereas it appears expedient and proper, as well from
 ‘ the increase of the population, as from divers other good causes and considera-
 ‘ tions, that the prayer of the said Petitioners should be complied with ;’

Recital of deed by
 the Honorable
 Ward Chipman to
 the Corporation of
 Trinity Church.

Boundaries of lot
 of land on which
 Saint John’s
 Church is erected.

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

1. From and after the first Monday in May in this present year, that part of
 the said Parish of Saint John, in the City of Saint John, which lies to the north-
 ward of a line running east and west through the centre of Union Street, and of
 the easterly and westerly prolongation of such line to the boundary lines of the
 City, shall be and the same is hereby declared to be from and after the said first
 Monday in May next, a separate and distinct Parish within the said City of Saint
 John, for all matters and purposes Ecclesiastical or relating to the Church of Eng-
 land, by the name of *The Parish of Saint Mark in the City of Saint John*, and
 that the said Church or Chapel of Ease, called or known by the name of *Saint
 John’s Church*, shall be deemed and taken to be the Parish Church of the said
 Parish of Saint Mark, and that the Church Wardens and Vestry of the said
 Parish, so soon as they may be duly elected and chosen, together with the Rector for the
 time being, of the said Parish of Saint Mark, and their respective successors for ever,
 shall be a body politic in deed and in name, and shall have succession for ever by
 the name of *The Rector, Church Wardens and Vestry of Saint John’s Church in
 the Parish of Saint Mark, in the City of Saint John*.

Parish of Saint
 Mark’s erected for
 ecclesiastical
 purposes.

Saint John’s
 Church to be the
 Parish Church.

Rector, Church
 Wardens and
 Vestry incor-
 porated.

2.

Corporation vested with the described lot of land and Church.

2. The Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark aforesaid, shall and may on and from the said first Monday in May next, and forever thereafter, stand seized of, have, hold, possess, and enjoy the said lot of land and premises, with the appurtenances so granted and conveyed as aforesaid, by the said Ward Chipman, together with said Church or Chapel of Ease thereon standing and being, together with all and singular the rights, members, privileges and appurtenances to the same and every part and parcel thereof belonging, or in any wise appertaining, in like manner, and to all intents, uses and purposes, as the said Rector, Church Wardens and Vestry of Trinity Church, might or could before the passing of this Act have held or enjoyed the same by virtue of the said indenture, or otherwise howsoever; subject nevertheless to such legal and equitable lien or claim as the person or persons having and holding the bonds or other securities at present existing under the Seal of the said Rector, Church Wardens and Vestry of Trinity Church, may or can have upon the rents, issues and profits of the Pews in the said Church or Chapel of Ease, in the event of the other property now belonging to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, being at any time hereafter found insufficient to discharge the same, and subject also to the payment of the sum of one thousand pounds, with interest thereon half yearly, to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, as hereinafter mentioned.

Rights of others reserved.

Election of Church Wardens and Vestrymen of Saint John's Church.

3. Two Church Wardens, and not more than twelve Vestrymen for the said Parish of Saint Mark, shall be elected and chosen by ballot on the said first Monday in May in this present year, and after the present year, on Easter Monday in each and every year, who shall continue in office until others shall be chosen in their stead.

Qualifications of the Church Wardens and Vestrymen and their election.

4. Owners of Pews in the respective Parish Churches of the said Parishes of Saint John and Saint Mark, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected and chosen Church Wardens and Vestrymen of the said Parishes respectively; provided that no person shall be eligible as a Church Warden or a Vestryman unless he shall be a member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the Public Worship of the same; and provided also, that the ownership of a Pew in the Parish Church shall not entitle more than one person to vote in respect of said Pew at any election.

Rector, Church Wardens and Vestry of Saint John's Church to give a Bond to the Corporation of Trinity Church to secure £1,000.

5. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, in the City of Saint John, shall within two months after the passing of this Act, make and execute under their Common Seal a bond or obligation to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, in the penal sum of two thousand pounds of lawful money of this Province, under and subject to a condition for payment to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, of the sum of one thousand pounds on or before the first day of January which will be in the year of our Lord one thousand eight hundred and seventy three, with lawful interest thereon, half yearly, on the first days of January and July in each and every year, until the said principal sum of one thousand pounds shall be fully paid, the first payment of such interest to be made on the first day of July next.

6. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, shall have full power and authority in their own name or otherwise, to ask, demand, sue for, recover and receive, and likewise to take and use all other due and lawful means to enforce the payment of all rents for Pews in the said Church or Chapel of Ease due and in arrear, and payable on the first day of January last, and shall within one year after the passing of this Act, account for and pay over to the said Rector, Church Wardens and Vestry of Trinity Church, after deducting all expenses of collecting the same, the amount of such arrears of Pew rents.

Recovery and payment of Pew rents payable on or before 1st January last.

7. The power and authority granted to a Church Corporation by any Law in force in this Province, and all and every the clauses, enactments and provisions of an Act made and passed in the twenty ninth year of the Reign of King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the severul Parishes in this Province*, and of all other Acts relating to such Corporations and to the elections of Church Wardens and Vestrymen, now in force in the said Parish of Saint John, shall extend and be construed to extend to the said Parish of Saint Mark, erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments and provisions were herein particularly enacted, except so far as such clauses, enactments and provisions may be inconsistent with the provisions of this Act.

All the authority granted by law to any Church Corporation extended to the Parish of Saint Mark.

CAP. XIII.

An Act to provide against injuries to the Intervale Banks of the River Saint John.

Passed 14th April 1853.

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

1. The Commissioners of Roads in the Parishes of Maugerville and Sheffield, in the County of Sunbury, and in the Parishes of Canning, Cambridge, and Gagetown, in Queen's County, are hereby authorised and required to apply such part as they may deem necessary of the statute labour of the inhabitants or proprietors of lands in such Parishes respectively, for the purpose of securing and defending the banks of the River Saint John, lying in said Parishes, from wasting away, and for procuring such timber, brushwood, stone, and other materials, as may be found necessary for that purpose.

Commissioners of certain Parishes authorised to expend a part of the statute labour to protect the banks of the River.

2. That part of the said statute labour employed in securing the said banks where the public highway in the said Parishes runs, may be performed at such time or times in each year as may be most practicable; and the Commissioners returns thereof shall, after the present year, be made on or before the first day of June in each year.

When to be performed and accounted for.

3. Where it may be deemed necessary to apply the statute labour for the purposes of this Act, such statute labour shall be performed by the inhabitants at any time of the year that the Commissioners of Roads may direct for that purpose, under the provisions of the Law relating to Highways, accounts of which shall be rendered by the Surveyors and Commissioners in time to be submitted at the subsequent June Sessions of the Counties respectively, any thing contained in the Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, to the contrary notwithstanding.

13 V. c. 4.