

possession connected with their duties under this Act, in the office of the Clerk of the Peace aforesaid.

8. Any of the said moneys that may chance to remain in the hands of the Commissioners over and above the cost of the said work, shall be expended by them in the repair of the said Street and the Bridges thereon, as may be necessary from time to time, and shall be accounted for after such expenditure in the same manner as in the last preceding Section required; and the said Street and the Bridges thereon shall be thenceforth kept in repair at the expense of the owners for the time being of the said lands, to be assessed for, raised and applied as may be hereafter enacted in that behalf.

9. The Commissioners shall not be answerable the one for the other of them, nor for the fault or misdoing of each other; and in case of any default, embezzlement or misapplication of the moneys received by any Commissioner by virtue of this Act, and in case after being required to do so by notice in writing from any party interested, any Commissioner shall neglect to render and file such accounts, vouchers and papers as hereinbefore required, such Commissioner shall be liable to the same pains and penalties as any Commissioner of Highways is now liable by law for similar neglect or refusal, default or embezzlement; and any party aggrieved or injured by any unlawful exercise by the said Commissioners, or either of them, of the powers in them vested by this Act, may have his action on the case for damages against such Commissioner or Commissioners as the case may be, in any competent Court of Record in this Province, or wherever else the said Commissioner or Commissioners shall then reside.

### CAP. XLVIII.

An Act to authorize investigation in cases of Fire in the City of Saint John and Parish of Portland in the County of Saint John.

**Section.**

1. & 2. Inquiry as to the origin of fires to be instituted.

**Section.**

3. Attendance and answering of witnesses, enforcement of.

4. False swearing made perjury.

Passed 6th April 1858.

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

1. It shall be the duty of the Police Magistrates and Superintendents of Police for the City of Saint John and Parish of Portland respectively, when any fire shall occur whereby any house or building, vessel, ship, structure or property in such City or Parish respectively, shall be wholly or in part consumed, to institute an inquiry into the cause or origin of such fire, and for that purpose they are hereby authorized and required to summon and bring before them all persons whom they or either of them may deem capable of giving information or evidence touching or concerning such fires, and to examine such persons under oath, and to reduce their examinations to writing, and return the same to the Clerk of the Peace for the City and County of Saint John.

2. Such Police Magistrates and Superintendents of Police shall inquire into the cause or origin of the fire, and whether the same was kindled by design or was the result of accident or of negligence, and act accordingly.

3. If any person summoned to appear before the Police Magistrates and Superintendents of Police in virtue of this Act, shall neglect or refuse to appear at the time and place specified in the summons, or if any person appearing in obedience to any such summons shall refuse to be examined, or to answer any question that may be put to him in the course of his examination, it shall be lawful for such Police Magistrates and Superintendents to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as are used by them for such purposes in other cases.

4. Any person guilty of false swearing under this Act shall be guilty of perjury, and subject to all the pains and penalties therefor.

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## CAP. XLIX.

### An Act to regulate the Public Slip near Portland Point.

Section.

1. Slip at foot of Simonds' Street to be under control of Commissioner of Highways.

Section.

2. Slip to be kept unencumbered.

3. Penalty; recovery and application.

*Passed 6th April 1858.*

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