

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 31 (1826)

An Act for the division of the County of Northumberland into three Counties, and to provide for the Government and Representation of the two new Counties. Passed the 7th March, 1826.

Whereas from the great extent of the present County of Northumberland, it is necessary and expedient that the same be divided into three Counties.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That all that part of the said County which now forms the Parishes of Carleton and Wellington, and also that part which lies in the rear thereof and not included in the Parishes of Ludlow, Nelson, or Chatham, be, and the same is hereby erected into a County separate and distinct from the said County of Northumberland, to be called and known by the name of the County of Kent, and that all that other part of the said County of Northumberland which now forms the Parishes of Saumarez, and Beresford, be, and the same is hereby erected into another County separate and distinct from the said County of Northumberland, to be called and known by the name of the County of Gloucester, and that the residue of the said County of Northumberland continue to form the same County.

II. And be it further enacted, That the like Courts of Justice shall be erected and established, and the like Justices and other officers constituted and appointed in the said two new Counties respectively, as are now erected and established, constituted and appointed in the said County of Northumberland, and with the like powers and authorities.

III. And be it further enacted, That the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas, shall be holden in the respective Shire Towns, of the said two new Counties, twice in every year at the times following, that is to say; for the said County of Kent, on the third Tuesdays in January and June, and for the said County of Gloucester, on the second Tuesdays in January and June, and continue until the business shall be finished, not exceeding five days: and that the two additional terms of the said inferior Courts of Common Pleas for the said two new Counties, shall be holden as follows, that is to say; for the said County of Kent, on the first Tuesdays in April and September, and for the said County of Gloucester, on the second Tuesdays in April and October, and continue until the business shall be finished, not exceeding five days, at which additional terms no Jury shall be summoned.

IV. And be it further enacted, That the said two new Counties shall be, and the same are hereby respectively subdivided into towns or Parishes follows, to wit: The said County called the County of Kent shall be divided into six Towns or Parishes, the first to retain the name of Carleton to be formed of the northwesterly part of the present Parish of Carleton, and to be divided from the other part, by a line to be drawn through the middle of the River and lake Aldouane, and to comprehend the Islands lying in front thereof. The second Town or Parish to be called and known

by the name of Liverpool, and to be bounded Northwesterly by the said River and Lake Aldouane, and southeasterly by a line running through the middle of the River Chockpish, to comprehend the Islands in front. The third Town or Parish to retain the name of Wellington, to be bounded Northwesterly by the said Parish of Liverpool, and Southeasterly by a line running through the middle of the River Mahalawodiae, comprehending the Islands in front. The fourth Town or Parish to be called and known by the name of Dundas, to be formed of the residue of the present Parish of Wellington, comprehending the Islands in front. The fifth Town or Parish to be called and known by the name of Huskisson, to comprehend all that part of the residue of the said County of Kent which lies to the northwest of the River Richibucto: and the sixth Town or Parish to be called and known by the name of Harcourt, to be formed of the residue of the same County. The said County of Gloucester shall be divided into five Towns or Parishes as follows, to wit: The first Town or Parish to be formed of the Easterly part of the present Parish of Saumarez, to retain that name, and to be divided from the other part thereof by a line to be drawn through the middle of a small stream called Teague's Brook, about eight miles Eastward of Nipisiguit Bay, from its mouth to its source and thence south by the Magnet. The second Town or Parish to be called and known by the name of Bathurst, and to be formed of the residue of the said Parish of Saumarez. The third Town or Parish to retain the name of Beresford, to be formed of that part of the present Parish of Beresford which lies to the Eastward of a line drawn through the middle of Benjamin River. The fourth Town or Parish to be called and known by the name of Addington, and to be formed of that part of the present Parish of Beresford, lying between Benjamin River, and a line to be drawn through the middle of the river Upsalquitch, including Heron Island, and other Islands in front; and the fifth Town or Parish to be called and known by the name of Eldon, and to comprehend the residue of the said present Parish of Beresford.

V. And be it further enacted, That the Town now forming on the Southern side of the entrance of the River Restigouche within the said County of Gloucester shall be called and known by the name of Dalhousie.

VI. And be it further enacted, That the said Town of Liverpool in the said County of Kent, and the said Town of Bathurst in the said County of Gloucester, shall be forever hereafter the Shire Towns of the said Counties respectively, and that a Court House and a Gaol shall be erected in each of the said Shire Towns in like manner, and by such and the like ways and means as such buildings have been or may be erected in other Counties in the Province, and in such places within the said Shire Towns respectively as the Lieutenant-Governor shall direct; and that all the Public Offices in the said two new Counties shall be kept at the places so to be directed and determined upon by the Lieutenant-Governor.

VII. And be it further enacted, That in each of the said Shire Towns shall be erected and established a Registry of Deeds, Conveyances and Wills, for the said Counties respectively; each to be managed and executed by a Register to be constituted in like manner, and under and subject in all respects, to the like Laws, Rules, and Regulations, as any other Registry in any other County of the Province; and that all Deeds, Conveyances and Wills, which may affect any Lands, Tenements or Hereditaments, in the said two new Counties respectively shall be entered and registered at full

length in the respective Registries: provided the same Deeds have not been before Registered in the said County of Northumberland.

VIII. And be it further enacted, That the Town or Parish Officers to be hereafter annually appointed for the said two new Counties respectively, shall in all respects possess the same powers as the like Officers in any other County. Provided always, that the powers and authorities of the present or any other Officers appointed or to be appointed by the Court of General Sessions of the Peace for the said County of Northumberland, shall continue until after the first General Session of the Peace shall be holden in and for the said two new Counties respectively.

IX. And be it further enacted, That all actions now depending, or which may hereafter be brought in the Inferior Court of Common Pleas, for the said County of Northumberland, before this Act shall go into operation, shall be there proceeded in and finally determined, although the parties may reside or the causes of action may have arisen in either of the said two new Counties: And that all Rates and Assessments, which have been or which may hereafter be made on the Inhabitants of those parts of the said County of Northumberland, hereby erected into separate Counties before the commencement of the operation of this Act, shall be proceeded on and collected and paid, and the accounts finally settled as if this Act had not been made, any thing herein contained to the contrary notwithstanding. Provided always, that no assessment shall be made upon the Inhabitants of the said two new Counties, for the purpose of erecting a Court-House, Gaol, or other public building or buildings within the said County of Northumberland, and that no assessment already made for those purposes shall be levied or proceeded on so far as relates to the Inhabitants of the said new Counties.

X. And be it further enacted, That each of the said two new Counties shall be entitled to send one Member to serve in the General Assembly of this Province, to be elected by the Freeholders in like manner and subject to the like Laws, Rules and Regulations, under which other Members are elected in any other County: and that all such Freeholders whose Title Deeds may have been registered in the County of Northumberland before this Act shall go into operation, shall be entitled to vote without having their Deeds registered anew in the said new Counties respectively: Provided always, that no Writs shall issue for the election of such Members until there shall be a General Election for the Province.

XI. And be it further enacted, That the said two new Counties shall not be deemed to be erected and established, until the Commissions shall be issued for erecting the said Courts of Justice, and appointing the several Justices and other Officers for the said two new Counties, and the same shall be notified by Proclamation of the Governor or Commander-in-Chief for the time being.

Provided always, that this act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

N. B.—This Act was “confirmed, finally enacted and ratified,” by an order of His Majesty in Council, dated at the Court at Brighton, the 5th day of February, 1827.