

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 1 (Session 2)

An Act for the support of the Civil Government in this Province. Passed 17th July 1837.

'Whereas His Most Gracious Majesty has been pleased to signify to His faithful Commons of New Brunswick, that His Majesty will surrender up to their control and disposal, the proceeds of all His Majesty's Hereditary, Territorial and Casual Revenues, and of all His Majesty's woods, mines and royalties, now in hand, or which may hereafter during the continuance of this Act be collected in this Province, on a sufficient sum being secured to His Majesty, His Heirs and Successors for the support of the Civil Government in this Province: And whereas We, His Majesty's most dutiful and loyal subjects, the Commons of New Brunswick in General Assembly convened, with hearts full of the warmest duty and gratitude, are desirous that ample and liberal provision should be made for the expenses of the said Civil Government during the continuance of this Act, by charges on all and every of the Revenues now and hereafter to be levied and collected in this Province, have therefore freely and unanimously resolved to give and grant unto His Majesty King William the Fourth, His Heirs and Successors, a certain sum for the aforesaid expenses of the Civil Government, payable out of the joint Revenues of this Province;'

I. Be it therefore enacted by the His Excellency the Lieutenant Governor, Legislative Council and Assembly, and by the authority of the same, That the proceeds of all and every the said Hereditary, Territorial and Casual Revenues, and the proceeds of all sales and leases of Crown lands, woods, mines and royalties, which have been collected and are now in hand, or which shall be collected hereafter during the continuance of this Act (except the monies which shall be expended in the collection and protection thereof as specially authorized and provided for by the fourth section of this Act), shall immediately be payable and paid to the Provincial Treasurer, who is hereby authorized to receive the same for the use of this Province; and from and after the expiration of this Act, the proceeds of all the said Hereditary, Territorial and Casual Revenues, and of the said lands, woods, mines and royalties, shall revert to and be payable and paid to His said Majesty, His Heirs and Successors.

II. And be it enacted, That there shall be granted to His Majesty, His Heirs and Successors, for and during the whole period of the continuance of this Act, the clear yearly sum of fourteen thousand five hundred pounds current and lawful money of this Province, and that the said sum shall be charged on and made payable out of the aforementioned and all other Revenues raised, collected and paid into the Treasury of this Province, and shall commence from and immediately after the thirty first day of December now last past, and to be paid by the said Treasurer by warrant under the hand and seal of His Excellency the Lieutenant Governor or Commander in Chief for the time being, with preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said Revenues; such payments to be made quarterly (that is to say) on the thirty first day of March, the thirtieth day of June, the thirtieth day of September and the thirty first day of December, in each and every year, by equal

and even proportions, out of the monies in the said Treasury; the first charge for the same to be made on the quarter day next immediately after the passing of this Act, and to include the proportion of the said sum which may become due for the support of the said Civil Government by the said quarter day.

III. And be it enacted, That all the monies which shall be paid to the Provincial Treasurer under and by virtue of this Act, except the said sum of fourteen thousand and five hundred pounds hereby granted, shall remain in the Treasury until appropriated or disposed of by an Act or Acts of the General Assembly of this Province, to be passed for that purpose.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of the Executive Council, to expend out of the gross proceeds of the said Hereditary, Territorial and Casual Revenues, and of the said sales and leases of Crown lands, woods, mines and royalties, such sums of money as they may from time to time deem necessary and requisite for the prudent management, protection and collection of the said Revenues; and that His Excellency the Lieutenant Governor and Commander in Chief for the time being, shall within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the Assembly a full and detailed account, stating all the particulars of the income and expenditure of and relating to the said Hereditary, Territorial and Casual Revenues, sales and leases of Crown lands, woods, mines and royalties, with all vouchers to the same appertaining, for the then previous year.

V. And be it enacted, That all and every grant, lease or other assurance which, during the continuance of this Act, shall be made or granted by His Majesty, His Heirs or Successors, of any lands, tenements, rents, woods, mines, royalties, revenues, or other hereditaments within this Province, now belonging or hereafter to belong to His Majesty, His Heirs or Successors, whereby any estate or interest whatsoever in law or equity shall or may pass from His Majesty, His Heirs or Successors, save and except as hereinafter provided, shall be utterly void and of none effect unless such grant, lease or assurance be made upon sale or rent to the highest bidder at public auction in this Province, due notice having been first given thereof in the Royal Gazette, and unless all such sums of money and rents as may be payable in consideration of such grant, lease or assurance be made payable to His Majesty, His Heirs or Successors during the whole term or time of the continuance thereof respectively.

VI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in any wise to impair or affect any rights or powers of controul, management or direction, which have been or may be exercised by the authority of the Crown, or other lawful warrant, relative to any suits or proceedings for the recovery of the said Hereditary, Territorial, Casual and other Revenues, or to composition made or to be made on account of any of the same, or to any remission, mitigation or pardon of any penalties, fines or forfeitures, incurred or to be incurred, or to any other lawful act, matter or thing which has been or may be done, touching the said Hereditary, Casual, Territorial or other Revenues, or to disable His Majesty, His Heirs and Successors to make any grant or restitution of any estate or estates, or of the produce thereof, to which His Majesty hath or shall become entitled by escheat for want of heirs, or by reason of any

forfeiture, or by reason of the same having been purchased by or for the use of any alien, or to make any grant or distribution of any personal property and devolved to the Crown by reason of the want of next of kin or personal representatives of any deceased person, and that the said rights and powers shall continue to be used, exercised and enjoyed in as full, free, ample and effectual manner to all intents and purposes as if this Act had not been made, and as the same have or might have been heretofore enjoyed by the Crown, subject nevertheless to the restrictions and regulations hereinbefore made and provided; it being the true intent and meaning of this Act that the said rights and powers shall not be in any degree abridged or restrained, or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall during the continuance of this Act be carried to and made part of the joint Revenues at the disposal of the General Assembly of this Province.

VII. And be it further enacted and declared, That nothing in this Act contained shall operate to annul or prejudice any sale, purchase, grant, lease, enfranchisement, exchange, contract, rent charge, agreement, bond, mortgage, security, exoneration or other act, matter or thing relating to the said lands, woods, mines or royalties which at the time of passing this Act shall have been made, done, given, effected or created, but the same shall remain as good, valid and effectual for the benefit or security either of His Majesty, His Heirs or Successors, or of any of the parties to or with whom or in whose favor any such sale, grant, lease, enfranchisement, exchange, contract, rent charge, agreement, bond, mortgage, security, exoneration or other act, matter or thing shall have been made, done, given, effected or created, and be of as full force and virtue as if this Act had not been passed.

VIII. And be it further enacted, That this Act shall continue and be of full force and effect for and during the full and complete term of ten years, commencing from and immediately after the thirty first day of December in the year one thousand eight hundred and thirty six last past.