

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 104 (1845)

An Act to divide the County of Westmorland into two Counties, and to provide for the Government and Representation of the new County. Passed 27th March 1845.

Whereas from the great extent of the present County of Westmorland, and other causes, it is necessary and expedient that the same be divided into two Counties;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the County of Westmorland which lies westward of the Bay of Fundy and the Petitcodiac River, commencing at the eastern line of the County of Saint John on the Bay Shore; thence along the Bay Shore easterly and northerly, (including Grindstone Island), to the mouth of the Petitcodiac River; thence by the channel of the said River, up stream, until it strikes the eastern line of lot number twelve, situate in the Parish of Salisbury, lying on the South side of the Petitcodiac River, and bounded by the said River, and heretofore granted to George Blakney; thence South twenty three degrees East along said Blakney's eastern line and its prolongation, to the rear of lot number thirteen, granted to George Pitfield; and thence South forty five degrees West to the eastern line of King's County; thence southerly and along said King's County Line, and also its prolongation along the said line of the said County of Saint John to the place of beginning, at the Bay Shore aforesaid, be and the same is hereby erected into a County, separate and distinct from the said County of Westmorland, and shall be called and known by the name of the County of Albert.

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 new County as are now erected and established, constituted and appointed in the said County of Westmorland, 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 Shire Town of the said new County twice in every year, at the times following, that is to say: On the fourth Tuesday in June and the second Tuesday in November, and continue until the business shall be finished, not exceeding five days; and that two additional Terms of the said Inferior Court of Common Pleas for the said County shall be holden as follows, that is to say: On the second Tuesdays in March and September in each year, and to continue until the business be finished, not exceeding five days, at which additional Terms no Jury shall be summoned.

IV. And be it further enacted, That the Town of Hopewell, in the said new County of Albert, shall be the Shire Town of the said County, and that a Court House and Gaol shall be erected in the said Shire Town in like manner and by the like ways and means as such buildings have been or may be erected in other Counties in the Province, and in such place within the said Shire Town as the Lieutenant Governor or Administrator of the Government for the time being shall direct; and that

all the Public Offices in the said new County shall be kept at the place so to be directed and determined by the Lieutenant Governor or Administrator of the Government for the time being.

V. And be it further enacted, That in the said Shire Town shall be erected and established a Registry of Deeds, Conveyances, Wills, Mortgages, Memorials of Judgments or Recognizances for the said County, 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, Wills, Mortgages, Memorials of Judgments, Recognizances, which may affect any Lands, Tenements or Hereditaments in the said County, shall be entered and registered at full length in the said Registry; provided the same Deeds or other documents have not been before registered in the said County of Westmorland.

VI. And be it further enacted, That the several Parishes of the said County of Westmorland, in whole or in part, comprised within the said new County, shall continue by their respective names to be the Parishes of the said new County, until altered by the General Assembly; and that the Town or Parish Officers to be hereafter annually appointed for the said new County 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 Westmorland shall continue until after the first General Sessions of the Peace shall be holden in and for the said new County of Albert.

VII. And be it further enacted, That the said new County 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 Westmorland before this Act shall come into operation, shall be entitled to vote, without having their Deeds registered anew in the said new County: provided always, that no Writ shall be issued for the election of such Member until there shall be a General Election for the Province.

VIII. And be it further enacted, That the said new County shall not be deemed to be erected and established until the Commission shall be issued for erecting the said Courts of Justice, and appointing the several Justices and other Officers for the said new County, and the same shall be notified by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being.

IX. Provided always, and be it further enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

[This Act was specially confirmed, ratified and finally enacted by Order of Her Majesty in Council dated 8th August, 1845, and published and declared in the Province the 17th day of September, 1845.]