

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 68

An Act relating to the old Gaol in the County of York, and to provide for the liquidation of the County Debt. Passed 14th April 1846.

Whereas the Justices of the Peace for the County of York have erected a new Gaol in the County of York, on a lot of Land purchased for that purpose, and in consequence thereof the old Gaol and the ground attached thereto are no longer required for the purpose of a Gaol, and it has been deemed advisable to authorize the Justices of the General Sessions of the Peace for the County of York to lease the said Gaol, and to appropriate the rent to the payment of the Debt incurred in the erection of the said Gaol, and other County purposes, and also to authorize the said Justices to raise a sufficient sum of money upon Debentures to pay the said County Debt, which Debentures are to be gradually paid off and discharged by the product of said rent and assessment, for that purpose made on the County;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the General Sessions of the Peace for the County of York shall, and they are hereby authorized and empowered, to lease the said old Gaol Lot, and the Gaol erected thereon, either in the whole or in such lots or parcels as the said Justices of the General Sessions of the Peace may, at any General Sessions, order and direct, for any term or terms not exceeding twenty one years, for and upon such rents, and with such covenant or covenants for the renewal of such lease or leases as the said Justices in Session may deem for the advantage of the County of York, and may agree upon with the person or persons who may take such lease, and good and valid leases of the said Land, with the Gaol thereon erected, with such covenants therein may be made, by and under the authority of the said General Sessions, sealed with the Seal of the said General Sessions, signed with the proper Hand of the presiding Justice of the said Sessions, and countersigned by the Clerk of the Peace of said County; provided that no lease shall be made or entered into of any part of the said Land or the Building thereon, unless at Public Auction, after thirty days Public Notice thereof, and the upset price or rent at which sale shall have been previously prescribed by the said Justices in General Sessions.

II. And be it enacted, That it shall and may be lawful for the Justices of the Peace for the County of York, at any General Sessions of the Peace for the said County, to raise by Loan a sum of money, not exceeding six hundred pounds, for the purpose of paying off or in part paying off the debt now due by the said Justices of the Peace for the County of York, for erecting the Gaol in the said County, to be paid off and discharged in the manner hereinafter mentioned; the same to be taken in Loans of not less than twenty five pounds; and that Debentures in the following form, or to that effect, shall be delivered to the person or persons from whom such Loan shall be obtained, viz:

Number —.
County of York, ss.

These are to certify, That [here insert name, residence and addition of lender,] hath lent and advanced to the Justices of the Peace for the said County, the sum of twenty five pounds currency, which sum is payable to him or order for her as the case may together with lawful interest, pursuant to an Act of Assembly made and passed in the ninth year of the Reign of Queen Victoria, intituled *An Act relating to the old Gaol in the County of York, and to provide for the liquidation of the County Debt*. Dated the ____ day of _____ in the year of our Lord one thousand eight hundred and forty _____.

By Order of the Sessions.

A. B., Presiding Justice.

C. D., Clerk of Peace.

Which Debentures shall be signed by the presiding Justice of the Sessions for the said County, and countersigned by the Clerk; and shall be respectively numbered according to the time at which the same may be made and issued; and a memorandum thereof shall be submitted by the Clerk at the next General Sessions, and the same shall be entered on the Minutes of the said Court.

III. And be it enacted, That the monies so authorized to be borrowed by the said Justices, shall from time to time be paid to and received by the County Treasurer, and shall be paid out by him from time to time when required, by the order of the said General Sessions, in such sum or sums as they may think fit, for the purpose of paying off the debts aforesaid; and the said County Treasurer shall, at every General Sessions of the Peace for the said County, render a just and true account, on oath, if required, of the sums of money received and paid by him on this account, separate and distinct from his other accounts.

IV. And be it enacted, That the said holders of such Debentures shall be entitled to receive interest for the same annually, not exceeding six per cent., to be paid by the Treasurer of the County out of the assessments hereinafter mentioned, upon the orders of the said General Sessions, to be made in manner hereinafter mentioned.

V. And be it enacted, That it shall and may be lawful for the said Justices of the Peace of the said County, and they are hereby authorized and required to make a rate and assessment of one hundred pounds in each and every year, besides the charge for assessing and collecting, for paying off and discharging the Loans contracted for the purpose hereinbefore mentioned by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied and collected in such proportions and in the same manner as any other County Rates for public charges can or may be assessed, levied and collected, under and by virtue of any Act or Acts of Assembly made or to be made for assessing, levying and collecting County Rates for public charges as aforesaid, and when collected shall be paid into the hands of the said County Treasurer, for the purposes of this Act; provided that no assessment shall be made until the next January General Sessions of the Peace for the County of York.

VI. And be it enacted, That the monies to be assessed as aforesaid, and the rents of the said old Gaol and Lot shall from time to time be applied, after discharging the yearly interest due on the several principal sums mentioned in such Debenture, in due order according to their number,

beginning with number one; and that the said County Treasurer shall, so often as he may be directed by the said General Sessions of the Peace, give one month's Public Notice, by advertisement in one of the Newspapers published in the County, for calling in such and so many of the Debentures as the said Justices are prepared to pay off, specifying the numbers in such advertisements, and the same, by and under such orders as aforesaid, shall pay off accordingly; and that from and after the expiration of such notice, the interest on such Debentures shall cease.

VII. And be it enacted, That whenever the said Justices may receive any sum or sums of money as and for or on account of the said debts due to the said County, the same shall be paid to and received by the said County Treasurer and shall be paid out by him to the orders of the said General Sessions, in such sums and at such times as the said Sessions may think fit, he rendering an account thereof in the same manner as in the case of monies hereinbefore mentioned; and it shall and may be lawful for the said Justices in their said General Sessions, and they are hereby required to appropriate and apply such monies so as aforesaid received for such debts from time to time in the payment of a certain number of the said Debentures, with the interest due thereon, in their due order as aforesaid, causing the like notice to be given thereof as aforesaid.

VIII. And be it enacted, That the said Debentures shall be transferable by any holder or holders thereof by endorsement thereon made by the person or persons to whom such Debenture or Debentures shall have been originally made payable, or his, her or their endorsee, when such endorsement is specially made, and the said endorsement so made thereon, shall confer sufficient authority to the endorsee to demand and receive the payment therefor.