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**NEW BRUNSWICK.**

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**ACTS OF THE GENERAL ASSEMBLY**

PASSED IN APRIL 1861.

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ACTS  
OF  
THE GENERAL ASSEMBLY  
OF  
HER MAJESTY'S PROVINCE  
OF  
NEW BRUNSWICK,  
PASSED IN APRIL 1861.



FREDERICTON :  
J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1861.



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ANNO VICESIMO QUARTO VICTORIÆ REGINÆ.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO QUARTO.

**A**T the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty fourth day of June, *Anno Domini* One thousand eight hundred and fifty seven, in the Twenty first Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the twelfth day of February, One thousand eight hundred and sixty one, being the Fifth Session of the Eighteenth General Assembly convened in the said Province.



**ACTS**  
OF  
**THE GENERAL ASSEMBLY.**

24° VICTORIÆ, A. D. 1861.

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**CAP. I.**

An Act to provide for defraying certain expenses of the  
Civil Government of the Province.

Section.

1. Moneys granted.

Section.

2. How to be drawn.

*Passed 12th April 1861.*

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

1. There shall be granted to His Excellency the Lieutenant Governor, the several sums of money hereinafter mentioned, to provide for defraying certain expenses of the Civil Government of the Province :—

A sum not exceeding twenty three thousand four hundred and thirty four dollars to provide for the Officers and Contingent expenses of the Legislature, including the Library and Printing.

A sum not exceeding five hundred and twenty dollars to provide for the Clerk of the Crown and Ushers of the Supreme Court and Court of Equity.

A sum not exceeding twenty nine thousand two hundred and five dollars to defray the expenses of the collection and protection of the Revenue, and of the Controller of Customs Department.

A sum not exceeding twenty thousand dollars to meet any deficiency of Revenue in the Post Office Department.

A sum not exceeding twelve thousand three hundred dollars to provide for certain Educational purposes.

A sum not exceeding six hundred dollars for the encouragement of the erection of Oat Mills.

A sum not exceeding eight hundred dollars for the protection and encouragement of the Fisheries.

A sum not exceeding six thousand dollars for the expenses of the Provincial Penitentiary.

A sum not exceeding sixteen thousand dollars to provide for the expenses of the Lunatic Asylum.

A sum not exceeding six thousand four hundred dollars to provide for the maintaining of the Tracadie Lazaretto, and towards the erection of an Hospital at Saint John.

A sum not exceeding seven hundred dollars to provide the usual allowance to certain old Soldiers of the Revolutionary War, their Widows, and others.

A sum not exceeding one thousand two hundred dollars for the relief of Indians.

A sum not exceeding two thousand nine hundred dollars to provide for the expense of the Militia.

A sum not exceeding eight thousand dollars for the encouragement of Immigration.

A sum not exceeding six thousand dollars to meet unforeseen expenses during the current year.

A sum not exceeding three hundred and forty dollars towards the support of Steam Ferries at Chatham and Newcastle.

2. The several sums of money aforementioned shall be paid by the Treasurer, by Warrant of His Excellency the Lieutenant Governor in Council, out of moneys now in the Treasury or as payment may be made at the same.

## CAP. II.

An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.

### Section.

1. Moneys granted.
2. By whom, and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Moneys how to be drawn from Treasury.
5. Compensation of Commissioners.

### Section.

6. Money where to be expended; and
7. On what Roads.
8. Bonds to be given.
9. Commissioners in arrear not to be re-appointed.
10. Vacant Commissionerships how supplied.

*Passed 12th April 1861.*

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

1. There shall be granted to His Excellency the Lieutenant Governor, the sum of money hereinafter mentioned, to provide

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for the improvement of the Roads and Bridges, and other Public Works and Services :

A sum not exceeding one hundred and seventy eight thousand four hundred dollars to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and extension of the Public Buildings, and the improvement of the Navigation of the River Saint John and its tributaries, including expense of Dredge, the Navigation of the Miramichi River, and Steam Communication.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing, and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works ; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder ; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done ; which notices shall specify and describe the work to be performed, and also the place, day, and hour when and where the same will be let by auction as aforesaid ; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in the time and manner set forth in such contracts : and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of the Commissioners to agree with fit and proper persons to perform the same by days' labour, provided that in

no case shall more than one quarter part of any grant be so expended : and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof, in duplicate, upon oath—which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer ; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the office of the Clerk of the Peace in their respective Counties for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges are issued to such Municipalities, shall account for the moneys granted to the said Municipalities, in the same manner as the Commissioners appointed by the Governor in Council.

4. The beforementioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of the Governor in Council.

5. The said Commissioners entrusted with the expenditure of the several and respective sums of money shall, for their time and labour, be allowed to retain at and after the rate of five per centum out of the said money so entrusted to them respectively, together with a reasonable compensation for actual labour and work performed by them on the said several Roads and Bridges, where such moneys are expended on Roads or Bridges.

6. The said Commissioners for the expenditure of money on Roads and Bridges shall expend the said several and respective sums of money on the Roads on or before the first day of October ; provided always, that nothing herein contained shall extend or be construed to extend to prevent any Commissioner from expending moneys after the first day of October, when it shall be necessary to expend the same for building Bridges, removing rocks, stumps, trees, or other obstructions.

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall respectively enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performing his duty as such Commissioner, and the faithful expenditure of, and due accounting for, such moneys as shall come into his hands as such Commissioner.

9. Notwithstanding the provisions of any law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him, until he shall have satisfactorily accounted therefor, and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

10. That in case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint the Commissioner.

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### CAP. III.

#### An Act relating to Savings Banks.

Section.

1. Authority to receive further deposits.
2. Power under 10 V. c. 43, s. 2, may be extended to other Deputy Treasurers.
3. Deposits by Benevolent and Friendly Societies;

Section.

4. Limitation of amount.
5. £30,000 sterling of Debentures under 19 V. c. 20, reserved.

*Passed 12th April 1861.*

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

1. The Treasurer is hereby authorized to receive further deposits from the Savings Bank established in Saint John, and to give Debentures for the same in like manner and subject to the like restrictions and provisions as are contained in the Act of

Assembly passed in the sixth year of the Reign of His Majesty King George the Fourth, intituled *An Act to encourage the establishment of Banks for Savings in this Province*, but the whole amount shall not exceed one hundred thousand dollars over and above the amount for which Debentures have already issued, and deposits been received within this Province; and the interest which the said Savings Bank in Saint John shall be entitled to receive on such Debentures, shall not exceed the rate of five per cent. per annum.

2. The Governor in Council may extend the powers vested in the several Deputy Treasurers, in and by the second Section of an Act made and passed in the tenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Banks for Savings*, to receive deposits, to any Deputy Treasurer in the Province, subject to all the liabilities, incidents, and privileges provided in the said Act.

3. The Treasurers of benevolent Societies established in this Province for the mutual benefit of the persons composing such Societies, or for the benefit of others, and the Treasurers of friendly societies, as already provided for by the several Acts of Assembly relating to Banks of Savings within the Province, may deposit their respective savings, to the amount hereinafter mentioned, with any Deputy Treasurer of any County in or near which they may happen to reside, or in the Savings Bank in the City of Saint John, when the depositors may reside in the City and County of Saint John, in the name of the Treasurer of the Society, by what name soever it may assume.

4. The said Treasurers respectively, by the name aforesaid, shall be entitled to deposit any sums of money from time to time, in the manner aforesaid, to the extent in the whole of one thousand two hundred dollars, and no more, and shall be entitled to receive interest therefor, and withdraw the same, or any part thereof, when required by and in the name aforesaid, in the same manner as any private individual may now by law deposit, receive interest, and withdraw any deposits; and such Societies respectively shall have all the rights and remedies as to the money aforesaid, by and in the name aforesaid, as any such private individual now has, or may have, notwithstanding any changes in the persons appointed Treasurers as aforesaid.

5. That thirty thousand pounds sterling of the Debentures issued under the provisions of the Act of Assembly passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Savings Banks and other Provincial Liabilities*, shall be expressly reserved for the payment of moneys deposited under any Act of Assembly relating to Savings Banks in this Province.

#### CAP. IV.

#### An Act relating to Passengers arriving within this Province.

##### Section.

1. Report to be made of passengers likely to become a public charge; penalty.
2. Inspection and Report by Immigration officer: Bond for maintenance of paupers.
3. Bonds to be lodged with the Treasurer.
4. Recovery on Bond: Application.
5. Proof of maintenance of pauper passengers
6. Landing pauper passengers to avoid this Act; penalty.
7. Effects of deceased Emigrants, recovery and publication of.

##### Section.

8. Refusal or neglect to execute Bond, &c.; penalty.
9. Full and special list of passengers, account of effects, &c. to be rendered; penalty.
10. Recovery of compensation for deficient provisions.
11. No clearance of vessels in arrear under Acts of Parliament relating to passengers.
12. Recovery and application of penalties.
13. Cap 21 of Revised Statutes repealed.

*Passed 12th April 1861.*

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

1. The Master or person in command of any vessel arriving at any place within this Province, from any Port of the United Kingdom, or of any other part of Europe, or from any of the United States of America, or the West Indies, having on board any Passengers who shall be lunatic, idiotic, maimed, deaf and dumb, blind or infirm, and likely to become a public charge, shall within twenty four hours after such vessel shall arrive at any Port of Entry within this Province, and before any entry of such vessel shall be allowed, deliver to the Treasurer or Deputy Treasurer at such Port, a report in writing, under oath, setting forth the name and condition of all such Passengers, stating also whether they are accompanied by relations able to support them; and in case any such Master or person having the command of any such vessel, shall omit or neglect to report the particulars herein specified, or shall make any false report in any such particulars, he shall incur a penalty of not less than twenty dollars and not exceeding one hundred dollars, currency, for every such passenger in regard to whom any such omission or neglect shall have occurred, or any such

false report or statement shall be made, for which penalty the owner or owners of every such vessel shall also be liable, jointly and severally, and which may be sued for and recovered as hereinafter provided.

2. The Emigration Officer at the Port of Saint John, and any other officer duly appointed for any other place, shall forthwith, on the arrival of any passenger vessel, go on board thereof, examine her condition, inspect her passenger list, bill of health, manifest, and log book, and if necessary make extracts therefrom; and if he shall find amongst them any person lunatic, idiotic, maimed, deaf and dumb, or infirm, not belonging to any emigrant family, and likely to become a permanent public charge, he shall forthwith report the same to the proper officer; and it shall be the duty of the proper officer, upon receiving such written report, under oath, required by the first Section of this Act, or upon the report of the said Emigration officer, or other officer, to require the said Master to execute a Bond (A) to the Queen, with two sureties, to the satisfaction of the proper officer, which Bond may be dispensed with or cancelled by the Governor in Council upon the payment of a reasonable sum within the penalty.

3. After the execution of any such Bond before any Deputy Treasurer, he shall transmit the same forthwith to the Provincial Treasurer, who shall retain it for three years from the execution thereof, if not previously satisfied or put in suit.

4. That in case any such passenger, in respect of whom any Bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable upon this Province, or upon any place or charitable institution therein, the expense of maintaining such passenger may be recovered upon the said Bond to the extent of the penalty therein contained, or such portion thereof as may be required for the payment of such charges or expenses, and shall be applied by the Governor in Council to the maintenance of such passenger named in the Bond; the expense of maintaining any such passenger so chargeable as aforesaid, may in the first instance be paid out of the general revenue of the Province.

5. The Report of the Chief or any Assistant Emigration Officer, as to the maintenance of any such passenger, shall be

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final and conclusive in the matter, and evidence of the facts therein stated.

6. If the Master or person in charge of any vessel shall land or permit to be landed any such passenger as described in the first Section of this Act, at any place within this Province other than that to which such vessel is destined, with intent to avoid the requirements of this Chapter, he shall forfeit the sum of one hundred dollars for every such passenger so landed.

7. The proper officer shall demand and recover property of deceased Emigrants, keeping a separate account thereof, and publishing it in the "Royal Gazette."

8. If the Master of any vessel on board of which any such passenger specially reported by the Master, Emigration officer, or other officer, as aforesaid, shall have been carried, shall neglect or refuse to execute the said Bond, or to pay the sum which he may as aforesaid pay instead of giving such Bond forthwith after the said vessel shall have been so reported to the proper officer as aforesaid, such Master shall incur a penalty of four hundred dollars; and the said vessel shall not be cleared out or proceed to sea until the said Bond shall have been executed or the said sum paid, nor until the said penalty shall have been paid, with all costs which shall have been incurred on any prosecution for the recovery thereof.

9. The Master of any vessel arriving from Europe shall, previous to entry, deliver to the proper officer, on oath, a list signed by him of every passenger who embarked, died, or arrived, in such vessel, with the names and probable ages of each deceased passenger, and an account signed as aforesaid of the property of any such passenger, and shall, immediately after entry, if required, deliver the same to the proper officer for safe keeping, under the penalty of two hundred dollars for each offence, to be recovered in the name of the Treasurer or Deputy Treasurer.

10. Any passenger arriving in this Province, not receiving the provisions allowed by law, may recover compensation not exceeding five pounds from the Master or Owner, before a Justice, upon sufficient evidence, to be levied by Warrant of Distress directed to any Constable against the property

belonging or attached to such vessel : upon sufficient affidavit, such Justice may cause the Master to give security for the payment of such compensation.

11. No vessel shall be cleared out or proceed to sea, until all sums of money and penalties adjudged against the Master under any Acts of the Imperial Parliament relating to Passengers, shall first have been paid.

12. Any penalty imposed by this Act shall be recovered in a summary manner, with costs, upon information before any two Justices of the Peace of the County in which the offence shall have been committed, or in which the vessel shall have entered, or if in the City and County of Saint John, then before the Police Magistrate or sitting Magistrate at the Police Office in the said City ; all proceedings for the recovery, application and enforcing payment of such penalty, to be as near as may be in the form, and according to the mode prescribed by the Acts of the General Assembly relating to summary convictions.

13. That Chapter 21, of Title III, of the Revised Statutes, 'Of Passengers and Head Money,' be and the same is hereby repealed.

( A )

Know all men, that we  
are jointly and severally bound unto the Queen in the sum of three hundred dollars, to be paid to Her Majesty.—Sealed and dated the            day of            , A. D. 18     .

Whereas            , a passenger of the vessel            , is likely to become a public charge ;

Now the condition of this obligation is, that if the obligors shall indemnify the Province, or any place or charitable institution therein, from any expenses which shall be incurred on account of such passenger within three years from this date, then this obligation to be void, or else in force.

*Sealed and delivered in }  
presence of                    }*

**CAP. V.****An Act to alter the time for holding the Circuit Court in the County of Sunbury.**

Court to be held on fourth Tuesday in January.

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Circuit Court for the County of Sunbury shall hereafter be held on the fourth Tuesday in January in each year, instead of the third Tuesday in January, as provided by an Act passed in the twenty second year of Her Majesty's Reign, intituled *An Act to regulate the time of holding the Circuit Courts in the Counties of Sunbury, Kent, and Saint John.*

**CAP. VI.****An Act to extend the power of Sheriffs in granting Gaol Limits.**

Provisions of Cap. 124, s. 13, extended; proviso for limit bonds in bastardy cases.

*Passed 12th April 1861.*

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the provisions of the thirteenth section of the one hundred and twenty fourth Chapter of the Revised Statutes, 'Of Insolvent Confined Debtors,' shall extend to all cases of imprisonment for non-payment of a sum of money, except when the same is payable to the Queen's Majesty, Her Heirs, or Successors, or where the same is payable by way of fine or penalty for the commission of any criminal offence; provided always, that whenever a limit bond shall be taken on behalf of any person committed under the authority of the twelfth section of the fifty seventh Chapter of the Revised Statutes, 'Of Bastardy,' the same may be assigned to the Overseers of the Poor of the proper Parish for the time being, who, if the said bond be forfeited, may bring an action thereon in their name of office.

**CAP. VII.****An Act in further amendment of the Law relating to Courts of Probate.**

## Section.

1. Judge may order inventories & accounts to be filed: costs.
2. Testimony need not be entered in a book.
3. Proof of Will when all witnesses are dead, partly non-resident, &c.;

## Section.

4. When residing out of the County, but within the Province.
5. Licenses for sale of real estate shall be registered.
6. Power to punish witnesses.

*Passed 12th April 1861.*

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

1. Every Executor or Administrator who shall not file an Inventory of the Estate which he represents, or an account of his administration within the time allowed by law for that purpose, shall, after being required so to do by the Judge of Probates, file such Inventory or Account within such time as the Judge may appoint; and for every neglect, whensoever made, shall be liable to pay the costs of such proceeding, to be taxed and recovered as in other cases.

2. Whenever any testimony shall be taken before a Judge of Probates, the same need not be entered in a book, but shall be filed with the other papers in the case.

3. When all the Witnesses to any Will are dead, or some are dead and the others reside out of the Province, or the whole do so reside, the Judge of Probates may grant Probate of such Will on proof of the Land writing of the Witnesses and Testator, together with the fact of the deaths and non-residence aforesaid, to the satisfaction of the Judge, unless the Will be required to be proved in solemn form; in which case, and also if the Judge be satisfied there is just reason to believe the Will was procured by fraud, or the Testator was under any legal incapacity in making the same, a Commission may be ordered by the Judge, directed to one or more persons, to take the testimony of the Witnesses to the Will, with such other testimony as may be necessary, in such manner and under such direction as respects the expenses thereof, as may be mentioned in the said Commission.

4. If all the Witnesses to any Will reside out of the County, where by law the Will must be proved, but within this Province, and none of them can attend to prove the same from age, infirmity, sickness, or other good cause, a Commission may issue in the manner before mentioned, with the same powers, to any other part of the Province, to take the proof of the due execution of the said Will.

5. Every licence for the sale of real estate issued by any Judge of Probates, or a copy thereof, certified by the Registrar of Probates to be a true copy, and acknowledged or proved as in cases of conveyances, shall be registered in the Office of

the Registrar of Deeds in the County where issued, and also where the real estate is situate ; and the same, or a copy of such Registry, certified as in cases of registered conveyances by the Registrar of Deeds, shall be evidence of such licence in all Courts in this Province without further proof.

6. The Probate Courts shall have power to punish Witnesses for refusing to testify after appearing in any such Courts, in like manner as Courts of Record in similar cases.

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### CAP. VIII.

#### An Act to amend the Law relating to Divorce and Matrimonial Causes.

## Section.

1. Act 23 V. c. 37, s. 13, in part repealed.

## Section.

2. Appeal to Her Majesty in Council allowed.

*Passed 12th April 1861.*

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

1. So much of the thirteenth Section of an Act made and passed in the twenty third year of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes*, as takes away the right of appeal to Her Majesty in Her Majesty's Privy Council, be repealed.

2. Appeals from the Supreme Court, in all causes cognizable or adjudicated in the said Court of Marriage and Divorce, may be made to Her Majesty in Her Majesty's Privy Council, under such Rules and Regulations as Her Majesty may prescribe.

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### CAP. IX.

#### An Act relating to the Solemnization of Marriage.

## Section.

1. Governor in Council may license alien Ministers to solemnize marriage.

## Section.

2. License may be revoked.  
3. Notice to be given in Royal Gazette.

*Passed 12th April 1861.*

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

1. Whenever any person shall make it satisfactorily appear by Petition to the Governor in Council, that he is a regularly ordained Minister of the Denomination of Christians to which

he belongs, a resident of this Province for the period of at least one year immediately preceding the application, without having been during that time a stated resident of any foreign country, not engaged in any secular calling, and the settled Pastor of a Church during that period, but being an alien cannot solemnize Marriage, the Governor in Council may by Licence under his hand and seal, authorize such person to solemnize Marriage by Licence or Publication of Banns, with the same effect as any Christian Minister authorized by Chapter 106, Title XXVII, of the Revised Statutes, might do, subject to the provisions of any Law in force relating to the solemnization of Marriage.

2. The Governor in Council may revoke such Licence at any time on sufficient cause.

3. When the provisions of this Act have been complied with, notice thereof shall be given in the Royal Gazette, which shall be deemed evidence thereof.

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### CAP. X.

#### An Act to prevent the carrying of Deadly Weapons about the person.

##### Section.

1. Fine for carrying certain deadly weapons.
2. Penalty for carrying sheath knives in seaports; exception.
3. Penalty for selling, &c. certain deadly weapons.

##### Section.

4. Offences may be tried under Cap. 138, of Rev. Stat.
5. On conviction weapons to be impounded and destroyed.
6. When prosecutions to be commenced.

*Passed 12th April 1861.*

WHEREAS the practice of carrying deadly weapons about the person is attended with great danger, and tends to aggravate the consequences of sudden quarrels, and it is therefore expedient to put a stop thereto :—

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

1. That after the passing of this Act, any person found carrying about his person any bowie-knife or dagger, or any weapon known as iron, brass, or metal knuckles, skull-crackers, slung shot, or other offensive weapon of a like character, shall be subject to a fine of not less than four dollars nor more than twenty dollars, or imprisonment for a term not exceeding thirty nor less than ten days, at the option and discretion of

the Court where the offence is tried ; such fines, penalties, or imprisonments shall be in addition to any fines, penalties, or imprisonments imposed or liable to be imposed by law for offences committed in the use of such weapons ; provided that nothing herein contained shall apply to Her Majesty's army or navy, or militia, or volunteers, or police forces.

2. If any person shall be found in any of the Seaport Towns or Cities in this Province carrying about his person any sheath-knife, he shall be subject to the like pains and penalties as in the preceding section ; provided however, that nothing herein contained shall apply to seamen or riggers when occupied or engaged in their lawful trade or calling.

3. Any person having in his possession for sale, selling, or exposing for sale, any bowie-knife or dagger, or any weapon known as iron, brass, or metal knuckles, skull-crackers, or slung shot, shall be subject to the fine, penalty, or imprisonment mentioned in the first section of this Act.

4. Any person charged with having committed any offence against the provisions of this Act, may be tried and dealt with in pursuance with the provisions of the Revised Statutes, Chapter 138, Title XXXVII, 'Of Summary Convictions.'

5. It shall be the duty of the Court or Justice before whom any person is convicted under this Act, to impound the weapon for carrying which such person is convicted, and to cause the same to be destroyed.

6. All prosecutions under this Act shall be commenced within one month from the time when the offence charged shall have been committed.

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### CAP. XI.

#### An Act to amend the Law relating to Coroners' Inquests.

Coroners' Juries to consist of seven Jurors.

*Passed 12th April 1861.*

WHEREAS the practice of summoning twelve competent persons to serve as Jurors on Coroners' Inquests is in some cases almost impracticable, and in all cases expensive and inconvenient ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, Coroners' Juries shall consist of seven Jurors instead of twelve as heretofore accustomed.

## CAP. XII.

## An Act to regulate proceedings against Members of the General Assembly.

Section.	Section.
1. Proceedings by Bill and Summons abolished.	3. Act 12 V. c. 40, to extend to suits against Members of the General Assembly.
2. Commencement to be by <i>Capias</i> : not to impair the privilege.	4. Act 8 G. 4, c. 2, repealed.

*Passed 12th April 1861.*

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

1. From and after the passing of this Act, the proceeding by Bill and Summons against Members of the Legislative Council and House of Assembly is hereby abolished.

2. Actions against Members of the Legislative Council and House of Assembly shall be commenced by *capias*, and shall be regulated in all respects by the practice in suits against persons not having privilege of the General Assembly; provided that nothing in this Act contained shall subject any person entitled to the privilege of the General Assembly, to be arrested or imprisoned during the term of such privilege, but that every such person shall continue to be exempt therefrom in like manner as if this Act had not passed.

3. The provisions of an Act made and passed in the twelfth year of Her Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of Assembly relating to summary actions*, shall extend and apply to suits against Members of the General Assembly.

4. An Act passed in the eighth year of the Reign of His Majesty King George the Fourth, intituled *An Act to prevent unnecessary delay and expense in proceedings against persons having privilege of the General Assembly*, is hereby repealed.

## CAP. XIII.

## An Act to establish additional Polling places in the City of Saint John and City and County of Saint John.

Section.	Section.
1. Additional Polling places established in Wellington and Queen's Wards, and Parish of Portland.	2. Sheriff to determine the places of holding.
	3. Under what Acts elections for present year to be held.

*Passed 12th April 1861.*

WHEREAS the Voters registered to vote in the following

Wards and Parish in the City and County of Saint John, are so numerous that it will be impossible to receive their votes at one Polling place, as now provided by Law ;—

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

1. That in each of the following named Wards and Parish there be established two Polling places instead of one, as is now provided, to be designated by the No. 1 and No. 2 Polling places in the same respectively, that is to say, in Wellington and Queen's Wards in the City of Saint John, and in the Parish of Portland in the City and County of Saint John; and that all voters registered in the said Wards and Parish, whose surnames on the Registry of Votes filed shall commence any letter of the Alphabet down to and including the letter K, shall vote in No. 1 Polling place, and all after letter K shall vote in No. 2 Polling place, for the election of Members to serve in the General Assembly, to represent the City or the City and County of Saint John.

2. The several Polls to be opened under the provisions of this Act, shall be held at such Polling places as the Sheriff for the City and County of Saint John shall appoint.

3. Any election for Members to serve in the General Assembly held during the present year for the City of Saint John and the City and County of Saint John, shall be held under the provisions of the Act 18th Victoria, Chapter 37, and this Act, and in every respect as if two several Acts passed at the present Session of the Legislature, intituled *An Act to divide Wellington Ward in the City of Saint John into two several Wards*, and *An Act to establish an additional Ward in that part of the City of Saint John called 'Carleton,'* had not been passed.

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#### CAP. XIV.

#### An Act to amend Chapter 40, Title IV, of the Revised Statutes, 'Of the Post Office.'

##### Section.

1. Rev. Stat. c. 40, s. 9, 14, 16, and 17, repealed.
2. Letters to be prepaid.
3. All printed books, &c. shall be conveyed, but must be prepaid : rate.

##### Section.

4. Parliamentary and Government papers to be free.
5. Commencement of Act to be proclaimed

Passed 12th April 1861.

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

1. That sections nine, fourteen, sixteen, and seventeen, of Chapter 40, of Title IV, of the Revised Statutes, be and the same are hereby repealed.

2. All letters posted in this Province shall be prepaid, and in default thereof shall be subject to such fine as may from time to time be imposed by Order of the Governor in Council.

3. All printed Books, Magazines, Reviews, Pamphlets, Tracts, or Periodical publications, may be sent through the Post Office within this Province, or from this Province to any other place, the postage in all cases being prepaid, and at such rates of postage and under such conditions as may from time to time be established by Order of the Governor in Council.

4. All Parliamentary and Government papers, Imperial or Provincial, shall be transmitted free of postage.

5. The Governor in Council shall by Proclamation declare the time when this Act shall come into operation.

#### CAP. XV.

#### An Act relating to Grammar and Superior Schools.

Section.

1. Board of Education to have control of Grammar Schools.
2. Superintendent, under direction, to examine and report
3. Governor in Council may appoint persons to examine and report.

Section.

4. Board may refuse to establish a Superior School in Parish having a Grammar School.
5. Collegiate School and St. John Grammar School exempted.

*Passed 12th April 1861.*

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

1. The Board of Education constituted under the authority of the Act relating to Parish Schools, passed in the twenty first year of the Reign of Her present Majesty, shall have the general control of the Grammar Schools, and may make rules and regulations for their government.

2. The Superintendent of Schools shall, under the direction of the Board of Education, from time to time examine the Grammar Schools and report upon their condition to the Board of Education.

3. The Governor in Council may from time to time appoint such person or persons as he may deem necessary, to examine and report upon the Grammar Schools.

4. The Board of Education may refuse to establish a Superior School in any Parish having a Grammar School there.

5. The Collegiate School, Fredericton, and Grammar School, Saint John, to be exempted from the operation of this Act.

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### CAP. XVI.

#### An Act relating to Pilots.

Protection and pay of Pilots carried to sea without consent.

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That no Pilot, except under circumstances of unavoidable necessity, shall, without his consent, be taken or carried to sea or to any place out of this Province, and beyond the point or place to which his engagement or his duty shall require him to go; and every Pilot who shall be so taken or carried under circumstances of unavoidable necessity or without his consent, shall be entitled to demand and receive, sue for and recover, from the owner, master, agent, or person in charge of the ship or vessel in which he shall be so taken or carried without his consent, the sum of two dollars a day in addition to his pilotage, for every day he shall be necessarily absent from home on such occasion, inclusive of the day on which such ship or vessel passes the limits to which his engagement or duty required such Pilot to pilot such vessel, besides reasonable costs and expenses incurred by him during his absence, for living and his passage home.

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### CAP. XVII.

#### An Act to amend the Law relating to Municipalities.

##### Section.

1. Act 19 V. c. 37, s. 14 and 17, repealed.
2. Elections to be held on first Tuesday in November.
3. Cap. 45, s. 23, Rev. Stat. repealed. Accounts to be published.

##### Section.

4. Justices of the Common Pleas and of the Peace made eligible as Councillors.
5. Parish officers in incorporated Counties may be sworn by Secretary Treasurer.

*Passed 12th April 1861.*

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

1. That the fourteenth and seventeenth sections of an Act made and passed in the nineteenth year of Her present

Majesty's Reign, intituled *An Act relating to Municipalities*, be and the same are hereby repealed.

2. That the elections of Councillors and Parish Officers shall hereafter be held on the first Tuesday in November in every year, instead of the time prescribed by the fourteenth section of the said Act.

3. The twenty third section of Chapter 45, of the Revised Statutes, Title VI, 'Of Municipalities,' is hereby repealed, and in lieu thereof the Municipalities shall, at least one month before the annual election of Councillors, publish in a Newspaper published in the County, if any such be published, and if not, in such Newspaper as the Municipality shall direct, and as will afford the best information to the inhabitants of the County, a full and detailed statement of the receipts and expenditure of the Municipality during the past year; the different sources of revenue, and the amount received from each; the several appropriations and the objects thereof, and the amount expended under each; together with the amounts of all assessments ordered and made, the purpose thereof, the amount received, and the application thereof; such Account to be signed by the Warden and Auditor of the County.

4. So much of the Revised Statutes, Title VI, Chapter 44, 'Of Municipalities,' as prohibits Justices of the Inferior Court of Common Pleas and Justices of the Peace from being elected County Councillors, is hereby repealed.

5. All Parish Officers in incorporated Counties may be sworn to the faithful discharge of their duty before the Secretary Treasurer.

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#### CAP. XVIII.

An Act in addition to Chapter 101, Title XXII, of the Revised Statutes, 'Of the Sea and River Fisheries.'

Section.

1. Penalty for throwing fish gurry or offal within certain limits;

Section.

2. Recovery.

*Passed 12th April 1861.*

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

1. That no person shall from and after the passing of this Act, cast or throw into any part of the Petitcodiac River, Cumberland Bay, or Shepody Bay, Chignecto Bay, from Cape

Enrage upwards, within the limits of this Province, any gurry or offal of fish of any description, under the penalty for each and every offence not exceeding twenty dollars, nor less than four dollars.

2. All fines and penalties under this Act shall be sued for and recovered before any Justice of the Peace of either of the Counties of Westmorland or Albert, under Chapter 138, Title XXXVII, of the Revised Statutes, 'Of Summary Convictions.'

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### CAP. XIX.

An Act to impose a Tax on unimproved Granted Lands, to provide a Fund for opening of Roads and building Bridges in the Parishes in which the Lands lie.

Section.

1. One cent per acre to be annually assessed and collected on granted wilderness land.
2. Assessors to prepare the lists and deliver them to Collectors by 1st July; collection and recovery.
3. Assessors and Collectors to file documents with the Clerks of the Peace.

Section.

4. Remuneration of Assessors & Collectors.
- 5 & 6. When lands to be exempted from taxation.
7. Expenditure of money collected, by whom to be made, and purpose.
8. Liability for neglect by Assessors and Collectors;
9. Also by Commissioners.

*Passed 12th April 1861.*

WHEREAS there are many tracts of Granted Lands in various parts of this Province, now remaining unimproved ;—

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

1. That from and after the passing of this Act, there shall be annually assessed and collected a rate or sum of one cent on every acre of granted wilderness land, except as hereinafter excepted ; the said sum to be paid by the respective owners thereof, and to be assessed, levied, collected and applied as hereinafter is prescribed and directed.

2. It shall be the duty of the Assessors of Rates in the several Parishes in this Province, in each and every year, to prepare a list shewing the quantity of land to be taxed in their respective Parishes, with the amount to be assessed upon each individual, and deliver a true copy thereof on or before the first day of July in each and every year, to the Collectors elected or appointed for the said Parishes to collect the Parish rates, the said sum or tax to be collected, sued for, and recovered in the same manner as rates and taxes are now col-

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lected, sued for and recovered, under any Act now or that may be hereafter in force relative to the assessing, levying, and collecting County or Parish rates; and when collected to be paid over by the said Collector on the first Monday in every month—all moneys received by him during the previous month—to the Commissioners elected or appointed for the expenditure of Bye Road appropriations for the Parish in which the lands lie.

3. The Assessors of Rates shall without delay file in the office of the Clerk of the Peace a true copy of the assessment lists so made by them under this Act, in the same manner as in assessments in other cases, and the Collectors shall render an account of the collections made by them into the office of the Clerk of the Peace, in the same manner as is now required in other assessments for County and Parish rates.

4. The Assessors shall be entitled to receive from the Collectors at and after the rate of five per centum upon the amount assessed, for their trouble in making the assessment under this Act, to be first paid by the Collectors respectively when collected, and the Collector shall retain out of all moneys by him collected under this Act, at the rate of five per centum for his trouble in making such collection.

5. When any proprietor of any lot or tract of land containing three hundred acres or less shall be residing thereon either by himself or others, or in case of non-residents shall have improved and brought into a state of cultivation ten acres for each and every hundred acres of land of which such person shall be the owner for the time being as aforesaid, such tract or lot of land shall be deemed improved, and exempt from taxation under this Act.

6. That in all cases whenever the improvements made in manner aforesaid upon any lot or tract of land shall not equal the proportion of ten acres to every hundred acres contained in such tract or lot of land, every hundred acres of which the improvement falls short shall be deemed wild lands, and subject to the tax imposed by this Act; provided always, that nothing herein contained shall be construed to extend to actual settlers on lots not exceeding three hundred acres each; and in case any proprietor of any tract or lot of land containing more than three hundred acres shall be residing thereon either by himself or others, and shall not have cultivated at the

rate of ten acres for each and every hundred acres, such proprietors shall be liable to taxation for every hundred acres, more or less, not excepted by cultivation, which may exceed three hundred acres, at the rate of one cent per acre: provided always, that no owner of lands shall be taxed under the provisions of this Act on lands in the Parish where he resides.

7. All moneys collected and paid over to the Commissioners of Bye Roads under the provisions of this Act, shall be by them expended in each and every year, in the opening and improving of roads and the building and repairing of bridges through or near to the wilderness lands from which such moneys shall be raised, in the respective Parishes, and as far as practicable to encourage the settlement and improvement of such wilderness lands; and such Commissioners respectively shall, ten days before the first General Sessions, or the first meeting of the Municipality, as the case may be, for the respective Counties, in each and every year, file a detailed account on oath, accompanied by proper vouchers, in the office of the Clerk of the Peace or of the Secretary Treasurer, showing the manner in which such moneys have been expended and applied; provided, that in opening out new roads the same shall be laid out and recorded by the Commissioners of Highways as now provided by law.

8. The Assessors and Collectors of such rates, in case of neglect or refusal to perform the duties required of them respectively by this Act, shall be subject and liable to the same fines, penalties, and forfeitures, to be imposed, recovered, and applied in the same manner as provided under the laws now or that may hereafter be in force relative to the assessing, levying, and collecting of County or Parish rates.

9. Any Commissioner receiving moneys under the provisions of this Act, who shall neglect or refuse to render his account for the moneys received, or work done by him, or shall retain in his hands any moneys contrary to the provisions of this Act, or not properly expend the same, shall be liable to the same proceedings, fines, and penalties, to be imposed, sued for, and recovered and applied in the same manner as Commissioners of Highways are now or may hereafter be made liable, under any law that now is or that may hereafter be in force relating to Highways.

## CAP. XX.

An Act further to extend the time for the completion of the Railroad from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton, and for other purposes.

Section.

1. Time for completion of Railroad extended.

Section.

2. Grants of land already made to the Company to be absolute.

*Passed 12th April 1861.*

WHEREAS it is expedient that the time for the completion of the said Railroad should be extended;—

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

1. That the time for the completion of the Railroad from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton, with the Branch to the River Saint Croix, at or near the Ledge, (so called) in the Parish of Saint Stephen, in the County of Charlotte, as set forth in the Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act for the further facilitating and making a part of the Saint Andrews and Quebec Railroad*, shall be extended to the twentieth day of October which will be in the year of our Lord one thousand eight hundred and sixty two, and that all the conditions and provisions of the said recited Act, not inconsistent with this Act, shall continue in full operation till that time.

2. That all grants of Crown Lands already made under the authority of any Act of Assembly to the Saint Andrews and Quebec Railroad Company, and to the New Brunswick and Canada Railway and Land Company, limited respectively, shall be absolute and valid, and shall have effect as if the said grants had in the first instance been absolute and without any provision for the annulling or avoiding of the same.

## CAP XXI.

An Act to amend Chapter 68, of Title X, of the Revised Statutes, 'Of the division of Marsh Lands and the election of Commissioners for Westmorland and Albert, excepting the Parish of Sackville.'

Elections, when not voidable.

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in no case shall the election of any Commissioners be deemed void because a majority of the acres in the district has not been voted on at any election.

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**CAP. XXII.**

An Act relating to French Paupers in the Parish of  
Dorchester, in the County of Westmorland.

Section.

1. Election of Assessors, Overseers, and Collector for French poor in Dorchester.
2. Powers of such officers.

Section.

3. General Sessions may order assessment as in other cases.
4. French inhabitants exempt from other poor rates.

*Passed 12th April 1861.*

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

1. That three Assessors, three Overseers, and one Collector, for Poor rate purposes for the French inhabitants of the Parish of Dorchester, in the County of Westmorland, shall be elected by the French inhabitants only, at the time and in the same manner as other Town or Parish Officers, who shall be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties, as other Town or Parish Officers; and when the said Town or Parish shall fail to elect, the Sessions shall appoint as in other cases.

2. That the said Assessors, Overseers, and Collector, shall have, as far as regards the Poor rates, for support of the French Poor of the said Parish, all the powers incident to other similar officers respectively.

3. The General Sessions of the County shall have power to order an assessment upon the French inhabitants of the said Parish, for the support of French Paupers, as in other cases.

4. The French inhabitants of the said Parish shall not be liable for Poor rates, except for the support of French Paupers as aforesaid.

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**CAP. XXIII.**

An Act to regulate the sale of Spirituous Liquors in the  
City and County of Saint John.

Section.

1. No person to sell liquors without licence.
2. General Sessions empowered to grant wholesale and retail licences: rate.

Section.

3. Clerk of the Peace may issue licence in certain circumstances.
4. Recognizances to be entered into.

Section.	Section.
5. No licence except to sober and orderly persons; sales by wholesale dealers limited.	14. Lists of licensed persons to be sent to the Town Clerks, who shall inquire and report as to breaches.
6. Penalty for selling without licence, &c. What shall be evidence.	15. Presentments of the Grand Jury, how to be dealt with.
7. Licences restricted to places for which granted: residue of term.	16. Rate to be charged by the Mayor of the City for licences.
8. No remedy to Inn Keepers selling liquors upon credit; securities and pawns voidable.	17. Offences against Act to be given in charge to Grand Jury.
9. Penalty for selling liquors to apprentices, &c. or permitting them to remain drinking on premises;	18. Application of and prosecution for penalties.
10. For selling on Sunday; evidence of offence;	19. Definition of "Liquor or liquors."
11. For selling, &c. liquors illegally imported;	20. Penalty for selling liquors in booths, &c.
12. For seducing soldiers to desert, &c.	21. When burden of proof shall be on party prosecuted.
13. For harbouring articulated seamen or apprentices.	22. Before whom penalties shall be recovered: form of proceedings. Schedule of Forms.

*Passed 12th April 1861.*

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

1. No person shall directly or indirectly barter or sell any Liquors without Licence for that purpose first obtained as hereinafter provided.

2. The General Sessions of the Peace for the City and County of Saint John are hereby empowered to grant Wholesale and Tavern Licences to such and so many persons of good character as they in their discretion shall think proper, to sell Liquors by wholesale or keep a Tavern within the said County, demanding and receiving for every such licence a sum not exceeding twenty five pounds nor less than five pounds, which shall be paid to the Clerk of the Peace for the said County, together with five shillings for his trouble in issuing such licence; but no wholesale or Tavern licence shall be in force for a longer period than one year; but the said Sessions may in their discretion grant Tavern licences for the sum of forty shillings to persons residing in remote situations, when the same shall appear to such Court absolutely necessary for the accommodation of travellers.

3. The Clerk of the Peace may at any time issue a licence out of Sessions to any person who may bring a recommendation (A) for the same in writing, under the hands of any three of the Justices of the Peace for the City and County of Saint John, living nearest to the house where the Tavern is to be kept, or continued in case of death or removal of the original licensee, taking from the person so recommended the sum authorized in Sessions for such licence, with his fees, and also

a recognizance in the same manner as if done in Sessions, which shall have like force as if done there; such licence to continue only to the March Sessions following the issuing thereof, and in no case to be longer than for one year: If the party applying lives in a remote situation, the said Justices shall state what sum is to be taken in their recommendation; the Clerk shall make a return to the next Sessions of the parties so licensed, and pay over the moneys to the County Treasurer as if the same had been received at the Sessions, together with any other moneys received at the Sessions for licences, towards defraying the contingent expenses of the County.

4. Every person receiving a wholesale or Tavern licence by the authority aforesaid, shall enter into a recognizance to Her Majesty in the sum of forty pounds, with two good sureties, conditioned to obey the provisions of this Act, and of all such regulations as may be made respecting the same in General Sessions; such regulations to be made under such penalties not exceeding for any one offence the sum of five pounds, nor to be less than twenty shillings.

5. No licence to keep a Tavern or Inn shall be granted to any person unless he shall be of sober and orderly habits, and shall, if residing without the City of Saint John, have the means of comfortably entertaining travellers; and no person licensed to sell by wholesale any liquors under the provisions of this Act, shall sell any such liquors in any quantity less than one pint, nor shall any wholesale dealer permit any such liquors to be drunk on his premises.

6. If any person shall, directly or indirectly, sell or barter any liquors without licence, or if a licensed wholesale dealer shall sell any liquor in any quantity less than one pint, or shall allow any liquor to be drunk on his premises, such person so offending shall for each offence forfeit a sum not exceeding ten pounds, nor less than two pounds: Keeping a shop with liquors therein, or keeping such liquors in any part of any house or building apparently for sale, or any person being found drinking therein, or coming therefrom intoxicated, shall be evidence on any prosecution for any offence of selling or bartering any liquors without licence, and shall be sufficient proof of such offence, unless the party complained against

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shall prove to the satisfaction of the officer before whom the prosecution shall be conducted, either that he had a licence or that there was no sale or barter of liquors as complained of.

7. No licence granted under this Act shall entitle any person to keep any Tavern or Inn, or to sell liquor by wholesale in any other house or place than that for which his licence may have been granted; but in case of the death or removal of the person licensed, before the expiration of his term, a licence may be obtained by any other person for the remainder of the said term, on his entering into the like recognizance as aforesaid.

8. No Inn Keeper or Tavern Keeper who shall sell upon trust or credit any liquors, mixed or unmixed, to any person, shall have any remedy therefor in law or equity; and if any bill, bond, note, mortgage, or other security or conveyance, shall be made and delivered, the consideration or any part of which shall be proved to be liquors sold, the same shall be deemed to be fraudulent and void in all Courts of justice; and if any pawn or pledge shall be left by any person with any Tavern Keeper or Inn Keeper for liquors sold, any Justice of the Peace of the City and County of Saint John, on complaint and proof of the same, shall order the said pawn or pledge to be restored, and shall further convict the Tavern Keeper or Inn Keeper who may have received the same, in a penalty not exceeding five pounds for each offence.

9. No Tavern Keeper or Inn Keeper shall permit any apprentice to any profession or trade, or any servant, or any person under the age of sixteen years, or any Indian, or noted vagrant, to sit or remain drinking in his house or on his premises, nor sell or give, or suffer to be sold or given to any such person any liquors, unless in the case of any apprentice, servant, or person under age, as aforesaid, by the order or consent of the master, parent, or guardian of any such apprentice, servant, or person under age, under the penalty of five pounds.

10. No Tavern Keeper, Inn Keeper, or wholesale dealer, shall sell any liquors, mixed or unmixed, on the Lord's Day, commonly called 'Sunday,' under a penalty not exceeding five pounds and not less than two pounds for every offence: Any person being seen on the Lord's Day leaving the premises of

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any Tavern Keeper, Inn Keeper, or wholesale dealer, in a state of intoxication, shall be deemed sufficient evidence whereon to convict of the offence aforesaid, unless the party charged shall make it appear to the satisfaction of the Magistrate before whom the prosecution shall take place, that no such liquors were on that day sold or given, directly or indirectly, to such intoxicated person by the party charged, or by any one in his employ or under his control.

11. Any Tavern Keeper, Inn Keeper, or wholesale dealer, selling or offering for sale, or having in his possession any liquors, knowing the same to have been illegally imported, shall forfeit the sum of five pounds, and his licence shall be annulled, and he shall not be deemed eligible to receive any other licence whatsoever for two years then next ensuing.

12. If any Tavern Keeper, Inn Keeper, or wholesale dealer shall directly or indirectly persuade or seduce, or attempt to persuade or seduce, any soldier to desert from Her Majesty's service, or sailor or marine from Her Majesty's Navy, or shall assist any such soldier, or sailor, or marine, in deserting or concealing himself from such service in the Army or Navy, or shall buy, exchange, detain, or otherwise receive any arms, clothing, caps, or other furniture or accoutrements belonging to the Queen, or to any such soldier, sailor, marine, or deserter, which are generally deemed regimental necessaries according to the custom of the army, or necessaries according to the custom of the navy, or shall exchange, buy, or receive from any soldier, sailor, or marine, any provisions, unless by consent of the officer in command under whom any such person may be, it shall be lawful for the Governor in Council to annul the licence of the holder thereof, who shall thenceforth be deemed an unlicensed person, and shall be disqualified from holding or obtaining any licence whatever for one year from such annulment.

13. Any Tavern Keeper or Inn Keeper convicted of enticing, seducing, harbouring, or concealing any articed seaman or apprentice, shall not only forfeit his licence, but also be disqualified from holding a Tavern licence for the space of one year from the time of conviction.

14. The Clerk of the Peace of the City and County of Saint John, as soon as may be after every General Sessions at

which licences may be granted, or returned by him as aforesaid, shall transmit to the Town Clerk of the several Parishes in the County a list of persons licensed as aforesaid; and the Town Clerks shall make diligent enquiry, and make known to the Police Magistrate, when within his jurisdiction, or the nearest Justice to be found, when not, if any person be guilty, or suspected to be guilty, of any breach of the provisions of this Act, or of any regulations made in virtue thereof, in order that the offender may be prosecuted; for which duty the Justices in General Sessions shall make such remuneration out of the contingencies as the nature of the services shall warrant, which services shall be certified by the Magistrate aforesaid.

15. Whenever the Grand Jury shall present any one as selling without licence, or offending against this Act, such presentment shall forthwith be transmitted by the Clerk of the Peace, to the Police Magistrate of the City of Saint John, or of the Parish of Portland, or to some Justice of the Peace, by order of the Court, when not within the Police Magistrate's jurisdiction.

16. The Mayor of the City of Saint John may ask, demand, and receive for every licence by him to be granted under the Charter of the City, any such sum as he and the person petitioning for such licence shall agree upon, not to be less in the case of a wholesale licence than the sum of twelve pounds ten shillings, and in the case of a Tavern licence, of the sum of seven pounds ten shillings; to be applied to the public use of the Corporation of the City of Saint John; but this Act is not in any other respect to interfere with any of the rights already given, in granting licences for the sale of liquors, to the Corporation of the City.

17. At the opening of every General Sessions, it shall be given in charge by the Court to such Grand Jury, to make diligent enquiry and presentment of all persons found or suspected to be guilty of any offence against this Act.

18. All penalties recovered for any offence under this Act, shall be paid to the County Treasurer for the public contingencies of the County, if incurred in the County, and to the Chamberlain of the City, if incurred there; and shall be proceeded for in the name of the County Treasurer if incurred out of the City, and in the name of the Chamberlain if within the City.

19. In this Act, unless there be something in the context to the contrary, the word "Liquor or Liquors," shall mean wine, brandy, gin, whiskey, ale, porter, strong beer, or any other fermented, distilled, alcoholic, or intoxicating liquors, mixed or unmixed in any manner.

20. No liquors shall be sold in any booth or shed, or in any place whatever where any public meeting or gathering of people may take place, or within one mile thereof, unless the same be in the City of Saint John, or some Town of the City and County aforesaid, under the penalty of five pounds for every offence.

21. In all prosecutions for penalties under this Act, proof that any person has been found intoxicated on or coming out of any premises where liquors are permitted to be sold, shall throw the burden of proof on the party prosecuted.

22. All penalties under this Act shall be recovered, with costs, when the offences against this Act, or against the regulations made by virtue of the same, shall happen within the Parish of Portland, before the Police Magistrate there; and if within the City of Saint John, before the Police Magistrate in the City; and if in any of the other Parishes of the said County, before any Justice of the Peace of the Parish where such offences may be committed; and all proceedings therefor shall be according to the form and directions in the Schedule to this Act, B, C, D, E, or to the like effect; and the information or complaint for the same may be verbal or written, and if written, according to Form B; all other proceedings shall be according to Chapter 138, of the Revised Statutes, 'Of Summary Convictions.'

#### SCHEDULE OF FORMS.

##### A.

We, the undermentioned Justices of the Peace, living nearest the place of the residence of \_\_\_\_\_, bearer hereof, being satisfied that he is a person of orderly and sober habits, and has the means of comfortably entertaining travellers, do recommend him as a proper person to keep a Tavern or Inn in the Parish of \_\_\_\_\_, and to have a Licence therefor. [*If in a remote situation, add, And such person living in (describe the place) being a remote situation, he is to pay the sum of \_\_\_\_\_ therefor; and if to continue*



after deducting costs of such distress and sale, and after paying the sum of [*the penalty*] to the County Treasurer, and the sum of [*the costs*] to me, to the said \_\_\_\_\_, and for want of goods or chattels, take the body of the said \_\_\_\_\_, and commit him to the common Gaol of the City and County of Saint John for thirty days, [*or as in the conviction,*] unless the amount aforesaid be sooner paid.—Dated. &c.

P. M. or J. P.

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CAP. XXIV.

An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for defraying the expenses occasioned by the fitting up of the Court House of said City and County.

Section.	Section.
1. Authority to borrow \$2,000. Form and signature of certificates	3. Assessments to be made.
2. Certificates to be negotiable, and bear interest.	4. Application of the assessments.
	5. Remuneration of the County Treasurer.

Passed 12th April 1861.

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

1. The Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace holden for said City and County, shall borrow the sum of two thousand dollars for the purpose of defraying the expenses incurred by them in fitting up the Court House of the said City and County for a Reception Room, and afterwards in refitting the Court Room for the sittings of the Courts; to be paid off and discharged in the manner hereinafter mentioned; the sum to be taken in loans of not less than four hundred dollars; and that certificates or notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained :—

Number —.

City and County of Saint John, ss.

These are to certify that [*here insert the name, residence, and addition of lender*] hath lent and advanced to the Justices of the Peace for the City and County of Saint John, the sum of four hundred dollars, which sum is payable to him or to his order, together with lawful interest, pursuant to an Act of

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Assembly passed in the twenty fourth year of Her present Majesty, intituled *An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for defraying the expenses occasioned by the fitting up of the Court House of said City and County.*

Which certificates shall be signed by the Chairman of the Sessions or the Mayor, and countersigned by the Clerk of the Peace, and shall be respectively numbered according to the time when made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the Sessions.

2. The said certificates or notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest from the same annually, to be paid by the County Treasurer of the said City and County out of the assessments hereinafter mentioned.

3. The said Justices shall make a rate and assessment of twelve hundred dollars in the present year, and a rate and assessment for such further sum in the next succeeding year, besides the charge for assessing and collecting, as will discharge the principal and interest of the loans contracted under this Act, and County Treasurer's charge; the same to be assessed, levied, collected, and paid, in such proportions and in the same manner as other County charges under any Act or Acts then in force.

4. The moneys so to be assessed shall be applied, after discharging the yearly interest due on the loans, to the payment of the principal sums in such certificates or notes, in due order according to the numbers, beginning with number one; and the said County Treasurer shall give one month's public notice by advertisement in one of the newspapers published in the said City, for calling in so many of the same as he is prepared to pay off, specifying the numbers as aforesaid in the advertisement, and from the expiration of such notice the interest on the same shall cease.

5. The said County Treasurer shall be entitled to retain the sum of one and one-quarter cents on the dollar for his services in receiving and paying the said moneys so to be assessed under this Act, and no more.

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## CAP. XXV.

An Act to amend an Act intituled *An Act relating to the City Road in the City and County of Saint John.*

Amount payable by the City on account of the City Road limited.

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That notwithstanding any thing contained in the Act of Assembly made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act relating to the City Road in the City and County of Saint John*, the Road Commissioner or Commissioners for the Parish of Portland shall not be entitled to demand or recover from the Mayor, Aldermen and Commonalty of the City of Saint John, any sum or sums of money by him or them expended for repairs or other work on the said City Road, exceeding the sum of one hundred and fifty dollars, as the sum to be paid by the said City for its proportionate share of the expenditure on the said Road in any one year.

## CAP. XXVI.

## An Act to revive, continue, and amend certain Acts of Assembly, establishing a Board of Health in the City and County of Saint John.

Section.

1. Acts 18 V. c. 40, in part, and 21 V. c. 51, revived and continued.

2. No pigs, nor more than two cows, except under licence, to be kept in the City: Board may regulate penalties.

Section.

3. Authority to compel attendance and examination of witnesses.

*Passed 12th April 1861.*

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to establish a Board of Health in the City and County of Saint John*, except so far as the same is altered and repealed by an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to amend and continue an Act intituled 'An Act to establish a Board of Health in the City and County of Saint John,'* as also the said last named Act, be and the same are hereby revived and continued until the first day of May in the year of our Lord one thousand eight hundred and sixty three.

2. After the first day of May next, no pigs shall be kept in the City of Saint John, nor more than two cows be kept together in the same place or premises in the said City, without a licence from the said Board in such cases being first had and obtained therefor ; and the Board may regulate the penalties for the violation of this section, to any extent not exceeding twenty dollars, and enforce the same under the provisions of the fifteenth section of the said Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to establish a Board of Health in the City and County of Saint John.*

3. If it shall appear to the said Chairman by the oath of any person, that any person within the jurisdiction of the said Board is likely to give material evidence in any matter triable before the said Chairman, and after being duly summoned will not appear to be examined as a witness at the hearing of the said complaint, the said Chairman may issue his Warrant to compel his appearance at the hearing : If on the appearance of the witness he refuse to be examined on oath, the Chairman may commit him to the common Gaol for any time not exceeding seven days.

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#### CAP. XXVII.

An Act further to amend an Act intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Section.

1. Penalty for standing in groups and obstructing passengers.
2. Police-men may enter taverns, and no Keeper to sell liquor after eleven o'clock, P. M.

Section.

3. Summons may issue on a verbal or written complaint, for violation of spirituous liquor sale Act.

*Passed 12th April 1861.*

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

1. Three or more persons shall not stand in a group, or near to each other, on or near any sidewalk or crossing of any Street in the Parish of Portland, in the City and County of Saint John, in such a manner as to obstruct a free passage for foot passengers, for a longer time than twenty minutes, under a penalty not exceeding eight dollars, nor more than five

minutes after a request to move on made by a Magistrate, Policeman, or other Peace Officer of the said Parish, under like penalty.

2. That it shall be lawful for the Police Force of the said Parish, or any of them, to enter into any house, place, or premises where liquor is sold; and no licensed Tavern Keeper shall sell any liquor in the said Parish after eleven o'clock at night, under a penalty on the proprietor not exceeding eight dollars, to be recovered before the Police Magistrate.

3. A Summons may be issued and proceeded on for a breach of the Act regulating the sale of spirituous liquors, on a verbal or written complaint, without oath.

#### CAP. XXVIII.

An Act to alter and amend an Act intituled *An Act to amend the Charter of the City of Saint John and certain Acts of Assembly relating to the local government of the said City.*

##### Section.

1. Authority to make separate Ward lists of voters for elections of Mayor, Aldermen, Councillors, and Constables.
2. Authority to make bye laws for preparation of such lists and conducting the elections
3. Removal of doubts as to right of leaseholders to vote.

##### Section.

4. When nominations of candidates shall be filed
5. No certificate to be given to persons not assessed. Effect of certificate of being a fireman.
6. Lists of firemen to be furnished to the Receiver of taxes.

*Passed 12th April 1861.*

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

1. That whenever the Common Council of the City of Saint John shall so order and direct, the lists of voters at the elections for Mayor, or Aldermen, Councillors, and Constables, in the City of Saint John, shall be separate Ward lists, instead of general lists of all the voters in the said City; which lists shall contain the names only of persons authorized to vote in the particular Ward for which they shall be respectively prepared; and no person shall be allowed to vote in any other Ward than that in the list for which his name shall be contained.

2. The Mayor, Aldermen, and Commonalty of the said City shall have power to make such bye laws as may be necessary for the preparation of such Ward lists and the con-

ducting and perfecting the elections in accordance therewith, and to impose such penalties for the violation thereof as they may think fit.

3. For the purpose of settling doubts that have arisen respecting the right of leaseholders to vote at such elections, it is hereby declared that all persons assessed in the said City as upon freehold property, and whose names shall be found in the assessment lists for the year for which the said electoral lists shall be made up as so assessed, shall be deemed and taken to be freeholders for the purposes of such elections, and shall be entitled to vote as such thereat.

4. The nominations of candidates for any of the said offices shall be filed at or before four of the clock in the afternoon of the Saturday next preceding the day of election, whenever such election is held on a Tuesday, and at or before four of the clock of the second day next before the day of election, when such election is held on any other day.

5. The Receivers of Taxes of the said City shall not give a tax receipt or certificate to any person not assessed, for the purposes of any such election: A certificate signed by the Receiver of Taxes, stating that the person named therein is exempt from the payment of taxes as a fireman of the City, shall have the same effect as a receipt for taxes for the purposes of such election, and shall be furnished by the Receiver to any fireman so exempt requesting the same.

6. It shall be the duty of the Chief Engineers of the Fire Department respectively to furnish the Receiver of Taxes of the said City for which they are respectively appointed, with a list of firemen who may be exempt from the payment of taxes at the time, on or before the day next preceding any such election, and in sufficient time to enable him to fulfil his duty under the Law.

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### CAP. XXIX.

An Act to amend an Act intituled *An Act relating to the levying, assessing, and collecting of Rates in the City of Saint John.*

Section.

1. Receiver on eastern side of harbour may issue execution for unpaid taxes: proof of non-payment;

Section.

2 May direct the Sheriff to make sale of real estate.

## Section.

3. Receiver on western side to possess similar powers ;  
 4. And his commission to be on the amount collected.

## Section

5. The Auditor of City accounts to be Auditor of those of the Receivers.  
 6. Fees on executions.  
 7. Assessment Act of 1859 in part repealed.

*Passed 12th April 1861.*

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

1. If any person assessed on the eastern side of the Harbour in the City of Saint John, under and by virtue of the Saint John Assessment Act of 1859, or in accordance with the provisions thereof, in pursuance of any Act or Acts of Assembly made or to be made, shall not pay the amount for which he is liable under such assessment, either on his own account or by virtue of the seventeenth section of the hereinbefore recited Act, within ten days after notice of demand thereof, the Receiver of Taxes of the City of Saint John on the eastern side of the Harbour, may issue Execution (A) against the person so assessed, specifying in such Execution whether it be on the person's own account, or under the seventeenth section of the hereinbefore recited Act ; which Execution may be executed by any of the Marshals of the City Court of the said City, according to the tenor thereof ; provided always, that proof of such notice of assessment, and the non-payment of such assessment, shall be verified by the affidavit of the Collector.

2. It shall be lawful for the said Receiver of Taxes instead of the Police Magistrate, by warrant under his hand and seal, to order the Sheriff of the City and County of Saint John to make the sale of real estate under the provisions of the twenty fourth section of the said recited Act ; which sale shall be made and conducted in every respect, and have the like effect as if the same had been made under the warrant of the Police Magistrate prior to the passing of this Act.

3. The Receiver of Taxes on the western side of the Harbour in the said City, shall have the like power and authority in respect to the collection of taxes on the said western side of the Harbour in the said City, and the issuing of Executions and Warrants, as is hereby given to the Receiver for the eastern side in respect to assessments on the said eastern side of the said City ; and such Executions and Warrants shall be obeyed and executed by the Marshals and by the Sheriff respectively in the same manner.

4. The Receiver of Taxes on the said western side of the City, shall be entitled to receive his commission on the amount of taxes collected by him, and not on the amount assessed.

5. The Auditor for the time being of City Accounts in the City of Saint John, shall be Auditor of the Accounts of the Receivers of Taxes respectively of the said City, any law or bye law of the Corporation of the said City to the contrary notwithstanding.

6. The fees on Executions under this Act shall be as follows :—

To the Receiver on issuing every Execution for the use of the Corporation, the sum of ten cents.

To the Marshal for executing Warrant, forty cents.

7. So much of the Saint John City Assessment Act of 1859, as is inconsistent with this Act, is hereby repealed ; provided, that nothing in this Act shall be construed to prevent the Police Magistrate from collecting as heretofore, any Accounts for City and County Taxes that may have been placed in his hands prior to the passing of this Act.

A.—*Execution.*

To any Marshal of the City Court of the City of Saint John.

Levy and sell of the goods and chattels of A. B. within the City of Saint John, the sum of            which has been assessed upon him [*if under the 17th Section say under the seventeenth section of the Saint John Assessment Act of 1859,*] and also            for costs of execution and levying, the whole being            , and have that money at my office on the            day of [*not less than ten nor more than thirty days from the date of the Execution*] and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the keeper of the Gaol of the City and County of Saint John, who is hereby required to receive him and keep him safely            days, unless the same with costs be sooner paid, and make return hereof at the day and place aforesaid.—Dated this            day of            A. D. 18            .

C. D. Receiver of Taxes,  
City of Saint John.

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## CAP. XXX.

An Act in addition to and in amendment of an Act intituled *An Act relating to the Police of the City of Saint John.*

## Section.

1. Report of disorderly houses to be made. Police Magistrate to issue warrant of apprehension.
2. Trial and fine
3. Persons standing together or using indecent language may be requested by the Mayor, &c. to move on: penalty;
4. Penalty for returning.
5. Chief of Police to report in writing persons selling liquor without licence or on Sunday.

## Section.

6. Imprisonment for assaults in the night time when fine not paid
7. Fighting near a place of worship during divine service
8. This Act not to prevent proceeding as directed by other Acts.
9. Power to compel attendance at trials under this Act.

*Passed 12th April 1861.*

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

1. It shall be the duty of the Chief of the Police force of the City of Saint John, or of any of the said Police force, to make report to the Police Magistrate or Justice of the Peace sitting in the Police Court of the said City, of all hawdy or other disorderly houses in the said City; and the said Police Magistrate, upon information made before him on oath, shall issue his warrant to apprehend and bring before him any person suspected of being the keeper of any such house, to answer the charge of keeping the same.

2. Such Police Magistrate, with two Justices of the Peace for the said City and County, shall have power thereupon to try such person for any such offence, and if they shall adjudge him guilty thereof, to impose upon him a fine of not less than fifty dollars nor more than one hundred dollars, at their discretion, and for non-payment thereof to commit him to the common Gaol or Provincial Penitentiary for a term of not more than three months.

3. The Mayor or Recorder, or any Alderman or Councillor, or the Police Magistrate, or any of the Police force of the said City, or any Justice of the Peace for the City and County of Saint John, may request any three or more persons found standing together in any street, square, highway, alley, or wharf, in the said City of Saint John, or any person who may be in any of the places aforesaid, using indecent or offensive language towards or in the presence and hearing of passers-by, or who shall be otherwise misbehaving, to move on or

4. The Receiver of Taxes on the said western side of the City, shall be entitled to receive his commission on the amount of taxes collected by him, and not on the amount assessed.

5. The Auditor for the time being of City Accounts in the City of Saint John, shall be Auditor of the Accounts of the Receivers of Taxes respectively of the said City, any law or bye law of the Corporation of the said City to the contrary notwithstanding.

6. The fees on Executions under this Act shall be as follows:—

To the Receiver on issuing every Execution for the use of the Corporation, the sum of ten cents.

To the Marshal for executing Warrant, forty cents.

7. So much of the Saint John City Assessment Act of 1859, as is inconsistent with this Act, is hereby repealed; provided, that nothing in this Act shall be construed to prevent the Police Magistrate from collecting as heretofore, any Accounts for City and County Taxes that may have been placed in his hands prior to the passing of this Act.

A.—*Execution.*

To any Marshal of the City Court of the City of Saint John.

Levy and sell of the goods and chattels of A. B. within the City of Saint John, the sum of            which has been assessed upon him [*if under the 17th Section say under the seventeenth section of the Saint John Assessment Act of 1859,*] and also            for costs of execution and levying, the whole being           , and have that money at my office on the            day of [*not less than ten nor more than thirty days from the date of the Execution*] and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the keeper of the Gaol of the City and County of Saint John, who is hereby required to receive him and keep him safely            days, unless the same with costs be sooner paid, and make return hereof at the day and place aforesaid.—Dated this            day of            A. D. 18           .

C. D. *Receiver of Taxes,*  
*City of Saint John.*

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## CAP. XXX.

An Act in addition to and in amendment of an Act intituled *An Act relating to the Police of the City of Saint John.*

## Section.

1. Report of disorderly houses to be made. Police Magistrate to issue warrant of apprehension.
2. Trial and fine
3. Persons standing together or using indecent language may be requested by the Mayor, &c. to move on: penalty;
4. Penalty for returning.
5. Chief of Police to report in writing persons selling liquor without licence or on Sunday.

## Section.

6. Imprisonment for assaults in the night time when fine not paid
7. Fighting near a place of worship during divine service
8. This Act not to prevent proceeding as directed by other Acts.
9. Power to compel attendance at trials under this Act.

*Passed 12th April 1861.*

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

1. It shall be the duty of the Chief of the Police force of the City of Saint John, or of any of the said Police force, to make report to the Police Magistrate or Justice of the Peace sitting in the Police Court of the said City, of all hawdy or other disorderly houses in the said City; and the said Police Magistrate, upon information made before him on oath, shall issue his warrant to apprehend and bring before him any person suspected of being the keeper of any such house, to answer the charge of keeping the same.

2. Such Police Magistrate, with two Justices of the Peace for the said City and County, shall have power thereupon to try such person for any such offence, and if they shall adjudge him guilty thereof, to impose upon him a fine of not less than fifty dollars nor more than one hundred dollars, at their discretion, and for non-payment thereof to commit him to the common Gaol or Provincial Penitentiary for a term of not more than three months.

3. The Mayor or Recorder, or any Alderman or Councillor, or the Police Magistrate, or any of the Police force of the said City, or any Justice of the Peace for the City and County of Saint John, may request any three or more persons found standing together in any street, square, highway, alley, or wharf, in the said City of Saint John, or any person who may be in any of the places aforesaid, using indecent or offensive language towards or in the presence and hearing of passers-by, or who shall be otherwise misbehaving, to move on or

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away; and such person or persons shall move on or away accordingly, under penalty upon each and every of them of not less than two nor more than twenty dollars, to be recovered, with costs, by summary conviction as aforesaid.

4. If such persons or any of them so requested to move shall, after so doing, return to the same place or near thereto, so as to renew such annoyance, obstruction, or offensive behaviour, they shall be severally liable to a penalty of not less than five dollars nor more than twenty dollars, to be recovered, with costs, on summary conviction as aforesaid.

5. It shall be the duty of the Chief of the Police force of the said City to report in writing to the Police Magistrate or Justice aforesaid, any person selling or suspected of selling liquor without licence, or on a Sunday, and such person may thereupon be put upon his trial for such offence without any other information or complaint.

6. The said Magistrate or Justice may, in default of payment of the fine, sentence any person convicted before him of any assault or battery committed within the jurisdiction of the said Court in the night time, for a period of not more than three months.

7. All persons found guilty of fighting on any of the public streets, market-places, alleys, ways, squares, wharves, or ferry-boats, or at or near any place of public worship in the said City during the time of Divine service therein, shall be liable to a penalty of not less than five nor more than twenty dollars, and in default of payment, shall be imprisoned in the common Gaol or Penitentiary for a period not exceeding three months.

8. Nothing herein contained shall prevent the Police Magistrate or Justice aforesaid from proceeding by information or otherwise, as directed by any other Act of Assembly relating to such offences as aforesaid.

9. The said Police Magistrate or Justice shall have the same power to compel the attendance of parties and witnesses for the purposes of any trial under this Act, as in any other case or offence cognizable before the Police Court of the said City.

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## CAP. XXXI.

An Act for defraying the expenses of laying down a Sewer in Union, Saint Patrick, and Clarence Streets, in the City of Saint John.

## Section.

1. Authority to borrow \$4,800 and issue debentures;
2. Which shall be negotiable and bear interest.
3. Receipt and application of money borrowed
4. Annual assessment to pay interest and cost of assessing, &c.

## Section.

5. Money collected to be paid to the Chamberlain: Accounts and application of such money.
6. Balance to be transferred to Sewer repair fund.
7. No right of drainage into common sewer without permission and payment.

*Passed 12th April 1861.*

WHEREAS the Mayor, Aldermen and Commonalty of the City of Saint John have been obliged, at an expense of one thousand two hundred pounds, to lay down a Common Sewer through parts of Union, Saint Patrick, and Clarence Streets, in the said City, from the Main Sewer at the corner of the property owned by Michael Riley in Union Street, to Courtney Bay, for the purpose of carrying off the water flowing from other parts of the said City;—

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, to borrow the sum of four thousand eight hundred dollars in loans of not less than four hundred dollars each, and to issue Debentures to the lender or lenders thereof, with or without Coupons for interest, in such form as they may deem expedient; which Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, and consecutively numbered according to the times at which they shall be issued; and a record of the same shall be entered by the Common Clerk in the Minutes of the Common Council.

2. The said Debentures shall be negotiable in the same manner as promissory notes payable to bearer, and the respective holders thereof shall be entitled to receive interest upon the same semi-annually at a rate not exceeding six per cent. per annum, to be paid by the Chamberlain as hereinafter provided.

3. All moneys loaned to the said Corporation under this Act, shall be paid by the lenders thereof to the Chamberlain, and

shall be by him paid to the contractors or workmen who have been or shall be employed by the Common Council to lay down, complete, finish or repair the said Sewer, or the same shall be employed by the said Mayor, Aldermen and Commonalty of the City of Saint John, in repaying or reimbursing any money, or redeeming or paying off any debenture or security that may have been paid, issued, or appropriated for the purposes of the said Sewer.

4. The said Mayor, Aldermen and Commonalty of the City of Saint John, shall have power to order and direct a yearly assessment on that part of the City of Saint John lying on the eastern side of the Harbour, and the inhabitants thereof, of the sum of four hundred dollars, and such sum as shall from time to time be found necessary to meet the yearly interest on the said Debentures, besides the costs and charges of assessing and collecting the same; which assessment shall be assessed, levied, and collected in the same manner as any assessment made under and by virtue of an Act of Assembly made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act relating to the levying, assessing, and collecting of Rates in the City of Saint John.*

5. The moneys so assessed and collected shall be paid to the Chamberlain of the said City, who shall keep a separate account thereof, and the same shall be applied from time to time to the payment of the principal and interest of the said Debentures, one of which shall be redeemed every year in due order according to the number, beginning with the number one; and the Chamberlain so often as he shall be required by the Common Council, shall give one month's notice by advertisement in one or more of the public newspapers of the said City, calling in such and so many of the said Debentures as the said Common Council may be prepared to pay off, specifying the numbers thereof, and the same shall pay off accordingly, and from and after the expiration of the time appointed by the said notice, the interest on such Debentures shall cease to accrue.

6. Any moneys that may remain in the hands of the said Chamberlain after the payment of the said Debentures, shall be transferred to the fund for the repair of Sewers on the said eastern side of the said City.

7. No person shall have the right or privilege of carrying or conducting any drain or sewer from any private lot or premises into the said Common Sewer, without permission first had and obtained from the Mayor, Aldermen and Commonalty of the City of Saint John, and the payment of such sums of money as they the said Mayor, Aldermen and Commonalty may determine, and all sums received for such purpose shall be paid to the Chamberlain of the said City, and placed to the credit of the fund mentioned in the sixth section of this Act.

**CAP. XXXII.**

**An Act to divide Wellington Ward in the City of Saint John into two separate Wards.**

**Section.**

1. Prince Ward erected from part of Wellington Ward.
2. New Ward to elect one Alderman, one Councillor, and one Constable.

**Section.**

3. First and subsequent elections, when to be held: qualification of candidates.
4. Present officers for Wellington Ward to hold office until officers for new Ward be elected, &c.

*Passed 12th April 1861.*

WHEREAS in consequence of the great increase of the inhabitants of Wellington Ward, it is deemed expedient that the same should be divided into two separate Wards;—

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

1. That all that part of Wellington Ward which lies to the south and east of a line drawn from a point formed by the intersection of lines drawn through the centres of Union Street and Charlotte Street respectively, parallel with the lines of said Streets, through the centre of Union Street eastwardly, to a point formed by the intersection of the line drawn through Union Street aforesaid and the continuation of a line passing through the centre of Brussels Street; thence through the centre of Brussels Street to the centre of Waterloo Road; thence through the centre of Waterloo Road to Aboideau, is hereby erected into a Ward of the said City, separate and distinct from Wellington Ward, and shall be known and distinguished by the name of 'Prince Ward'; and the residue of the said Ward which lies to the northward and westward of the said line, shall comprise and be called 'Wellington Ward.'

2. The said new Ward shall be entitled to elect and choose

one Alderman and one Councillor, who shall be members of the Common Council of the said City, and one Constable for the said Ward, who shall be elected and hold their offices respectively for the same term, and shall have all the powers and be subject to all the duties and responsibilities of like officers of any Ward in the said City.

3. The first election of the officers for the said Ward shall be held on the first Tuesday in June next succeeding the passing of this Act, and the annual election of officers for the said Ward shall be held on the first Tuesday in April in each and every year, in the same manner and under the same provisions, and the candidates shall have the like qualifications as are now in force or shall hereafter be in force or required in respect of the elections of the like officers for any other Ward of the said City, by the Charter of the said City, or any Act of Assembly, or Bye Law of Corporation, in that behalf made; and in case of any vacancy occurring in any of the said offices, such vacancy shall be filled up in like manner as a vacancy occurring in any other Ward in the said City would be filled up under the provisions of the Charter, or any Act of Assembly, or Bye Law of the said City, now in force or hereafter to be made relating thereto.

4. The officers elected for the present Wellington Ward on the first Tuesday in April shall hold office for the said Ward as heretofore defined, until the officers for the said Prince Ward shall be elected and sworn, and the said officers for said Prince Ward when elected shall be sworn before the Common Council on the second Tuesday in June, after which time the officers elected or to be elected for Wellington Ward shall represent the same as defined by this Act.

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**CAP. XXXIII.**

**An Act to establish a new Ward in that part of the City of Saint John called 'Carleton.'**

Section.

1. Albert Ward erected from parts of Guy's and Brook's Wards.
2. Officers to be elected by new Ward.

Section.

3. First and subsequent elections, when to be held: qualification of candidates.
4. Present officers for Guy's and Brook's Wards to hold office until officers for new Ward be elected, &c.

*Passed 12th April 1861.*

WHEREAS it is deemed expedient to establish another Ward in that part of the City of Saint John called 'Carleton';—

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

1. That all that part of Guy's and Brook's Wards lying between the centre of Guilford Street and Nelson Slip in Guy's Ward, and between the centre of Saint George's Street and Protection Slip in Brook's Ward, and between the City Road and eastern boundaries of the said Wards, is hereby erected into a Ward of the said City, separate and distinct from Guy's and Brook's Wards, and shall be known and distinguished by the name of 'Albert Ward'; and all that portion of said City lying to the northward of said Albert Ward shall comprise and be called 'Guy's Ward,' and all that portion of the said City lying to the southward of Albert Ward shall comprise and be called 'Brook's Ward.'

2. The said new Ward shall be entitled to elect and choose one Alderman and one Councillor, who shall be members of the Common Council of the said City, and one Constable for the said Ward, who shall be elected and hold their offices respectively for the same term, and shall have all the powers and be subject to all the duties and responsibilities of like officers of any Ward in the said City.

3. The first election of the officers for the said Ward shall be held on the first Tuesday in June next succeeding the passing of this Act, and the annual election of officers for the said Ward shall be held on the first Tuesday in April in each and every year, in the same manner and under the same provisions, and the candidates shall have the like qualifications as are now in force and shall be hereafter in force or required in respect of the elections of the like officers for any other Ward of the said City, by the Charter of the said City, or any Act of Assembly, or Bye Law of the Corporation, in that behalf made; and in case of any vacancy occurring in any of the said offices, such vacancy shall be filled up in like manner as a vacancy occurring in any other Ward in the said City would be filled up under the provisions of the Charter, or any Act of Assembly, or Bye Law of the said City, now in force or hereafter to be made, relating thereto.

4. The officers elected for the present Guy's and Brook's Wards on the first Tuesday in April, shall hold office for the said Wards as heretofore defined, until the officers for said

Albert Ward shall be elected and sworn; and the said officers for the said Albert Ward, when elected, shall be sworn before the Common Council on the second Tuesday in June after which time the officers elected or to be elected for Guy's and Brook's Wards shall represent the same as defined by this Act.

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**CAP. XXXIV.**

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the Debt due by the Town of Saint Andrews.

Authority to assess the Town of Saint Andrews to pay debt.

Passed 12th April 1861.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Justices of the Peace for the County of Charlotte, at any General Session of the Peace hereafter to be holden, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding three hundred pounds on the inhabitants of the said Town, as they in their discretion may think necessary, for the purpose of paying off the debt of the said Town; the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for the assessing, collecting, and levying of County Rates.

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**CAP. XXXV.**

An Act to authorize the Justices of the Peace for the County of Charlotte to sell certain Lands in the Parish of Saint Andrews, and invest the proceeds in Government Securities.

Section.

1. Authority to sell specified lands to the lessees: minimum price limited.
2. Unoccupied land to be sold at auction.

Section.

3. Investment of proceeds.
4. & 5. Annual income to be applied for the original uses and trusts.

Passed 12th April 1861.

WHEREAS a certain tract of Land situate in the Parish of Saint Andrews, in the County of Charlotte, known as the Western Commons, is held in trust by the Justices of the Peace for the said County for the benefit of the inhabitants of the Town of Saint Andrews; and the said Justices have granted leases of the said tract of Land with covenants for renewal, or payment for improvements, and the rents falling

due upon the said leases are received and applied, a part thereof towards the support of the Poor of the said Parish, and a part thereof for the benefit of the inhabitants of the said Town of Saint Andrews : And whereas a certain tract of land situate at Chamcook in the said Parish, known as the School Lands, is vested in the said Justices of the Peace in trust for the use, benefit, and behoof of the Parish School of Saint Andrews aforesaid, and the said Justices have granted leases of the said tract with covenants for renewal, or payment for improvement : And whereas the lessees are desirous of purchasing in fee simple the lands occupied by them respectively, and it is deemed advisable to sell the same, and also those parts of the said tracts which are unoccupied, and invest the proceeds of such sales in other securities ;—

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

1. The Justices of the Peace for the County of Charlotte, at any General Sessions, are hereby authorized and empowered to sell and convey to the lessees of the said lands, those parts thereof occupied by them respectively, for such price as to the said Justices of the Peace may seem proper and expedient ; provided however, that no land now under lease shall be sold by private sale to any lessee at a lower rate than a sum the interest of which shall be equal to the rent now payable by said lessee.

2. All those parts of the said tracts of land which are at present or may hereafter become unoccupied, shall be sold at public auction to the highest bidder, one month's notice of such sale having been first advertised in a newspaper published in the Town of Saint Andrews.

3. The proceeds of such sales shall be invested by the said Justices of the Peace in the purchase of Provincial Railway Debentures issued by the Governor in Council, pursuant to the Act of Assembly Chapter 14, passed in the nineteenth year of the Reign of Her present Majesty, or in the Provincial Savings Bank, or some other Provincial Government security.

4. The annual income or interest arising from the proceeds of the sales of the Western Commons lands shall be received and applied to and for the same uses and trusts for which the said lands so sold were originally granted, received, and held.

5. The annual income or interest arising from the proceeds of the sales of the School lands shall be received and applied to and for the same uses and trusts for which the said lands so sold were originally granted, received, and held.

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**CAP. XXXVI.**

An Act to enable the Firewards of the Parish of Saint Stephen, in the County of Charlotte, to increase the number of Firemen attached to the Saint Stephen Volunteer Fire Engine Company Number Two.

*The Firewards may increase the number of Firemen.*

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That notwithstanding any thing contained in the first section of Chapter 59, of Title VIII, of the Revised Statutes, ‘Of preventing Fires,’ the Firewards of the Parish of Saint Stephen, in the County of Charlotte, are hereby authorized and empowered to appoint by Warrant a sufficient number of able men, not exceeding sixty five, to the Saint Stephen Volunteer Fire Engine Company Number Two, whose appointments shall be registered in the manner provided in the said above recited Act.

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**CAP. XXXVII.**

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Saint Stephen for the erection of a Lock-up House in Milltown, in the said Parish.

Section.

1. Authority to erect a Lock-up House, assess for expenses, and make regulations for management.

Section.

2. Authority to commit to Lock-up House.  
3. Assessment to be agreeably to Acts in force.

*Passed 12th April 1861.*

WHEREAS by reason of the distance of Milltown from the Shire Town, and also from the Lock-up House in the Town of Saint Stephen, and the risk, inconvenience, and expense of the removal of persons from thence to the said Lock-up House and Gaol, it is deemed advisable and necessary that a Lock-up House should be built in the said Village of Milltown ;—

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

1. Her Majesty's Justices of the Peace for the said County of Charlotte, or the major part of them, at any General Sessions of the Peace, shall be and they are hereby authorized and empowered to contract and agree with able and efficient workmen, for building and finishing a Lock-up House or House of Correction at Milltown, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect; and the said Justices, or the major part of them, at their General Sessions as aforesaid, are hereby authorized and empowered to make a rate and assessment upon the inhabitants of the Parish of Saint Stephen, for a sum not exceeding one hundred and fifty pounds, for defraying the expense of the erection and finishing the said Lock-up House or House of Correction; and from time to time to make such rules and regulations for the management of the said Lock-up House or House of Correction as to them may seem meet.

2. It shall and may be lawful for the High Sheriff of the said County, or for any other officer having legal custody of any person or persons who shall or may be arrested in the said Parish of Saint Stephen, or in any of the Parishes adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common Gaol of the said County, to commit the said person or persons to the said Lock-up House or House of Correction, until the said person or persons can be removed to the said County Gaol; provided always, that no person under civil arrest shall be detained in such Lock-up House or House of Correction for any space of time exceeding forty eight hours.

3. The said sum of one hundred and fifty pounds so to be assessed, shall be assessed, collected and paid agreeably to any Act in force for the assessing, collecting and levying of County Rates.

#### CAP. XXXVIII.

An Act in addition to an Act intituled *An Act relating to the Public Burial Grounds in the Parish of Saint Stephen.*

##### Section.

1. Act 20 V. c. 21, not to prevent certain persons being interred in the Church of England burial ground.

##### Section.

2. Persons aiding in such burials exempted from penalty.  
3. Removal of their bodies prohibited.

Passed 12th April 1861.

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

1. That notwithstanding the provisions of an Act made and passed in the twentieth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Burial Grounds in the Parish of Saint Stephen*, the bodies of the Reverend Dr. Thomson, Rector, Mrs. Joseph Porter, Mrs. Abraham H. Marks, and Mr. Archibald Thomson, may be buried after their decease in the consecrated burial ground belonging to the members of the National Church of England, near the Village of Saint Stephen.

2. That any person or persons burying, or aiding and assisting in burying any of the before named persons in the said burial ground, shall not incur and shall be exempted from all and every the fines and penalties imposed by said Act.

3. It shall not be lawful for any Magistrate, and all Magistrates are hereby prohibited from ordering and directing the removal of the bodies of any of the before named persons from the said burial ground.

### CAP. XXXIX.

An Act to amend an Act to provide for an Alms House and Work House in the Parish and Town of Woodstock, in the County of Carleton.

Section.

1. Act 23 V. c. 12, sec. 5, 6, & 10, repealed.
2. Commissioners to file Report of proceedings, and estimate of expenditures, &c.
3. Board of supervision to examine accounts and issue Warrants of assessment;
4. Also to assess towards principal and interest of loans.
5. Chairman *pro tem.* in absence of the Mayor.
6. Proceedings against Justices retaining assessments paid to them.

Section.

7. Collectors of rates to be annually appointed; liability;
8. To give a bond to the Queen;
9. To pay over periodically, and account with vouchers; liability.
10. Constables of the Parish to execute executions under this Act; and account on oath; penalty, &c.
11. Recovery of penalties.
12. Form of Warrant of assessment.

Passed 12th April 1861.

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

1. That sections five, six, and ten, of an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to provide for an Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton*, be and the same are hereby repealed; but this

repeal shall not affect any rate or assessment already ordered or made under said Act, but the same shall be levied and collected as if this Act had not been passed.

2. The said Commissioners shall, on or before the first day of December, make up and file with the Mayor of the Town Council of the Town of Woodstock, a report of the proceedings and of the condition of said Alms House, Work House, and Farm, and a detailed account of their receipts and expenditures, for the past year, and also an estimate of the expenditure for the succeeding year, accompanied with an application to the Board of Supervision for a rate or assessment upon the said Town and Parish for the amount of said estimate, with the costs of assessing and collecting added thereto, which said accounts may be examined, audited and allowed by said Board of Supervision, if they see fit.

3. The Board of Supervision mentioned in said Act of Assembly hereby amended, shall examine said accounts and report, and if satisfied therewith shall, upon such application from said Commissioners, issue a warrant of assessment upon said Town and Parish of Woodstock for the support of the Poor therein, and the maintenance of said Alms House, Work House, and Farm, for such sum as said Commissioners may require in said application; which said warrant of assessment shall be signed by the Chairman of said Board of Supervision for the time being; which said sum of money shall be assessed, levied and collected in such manner and form as by the laws of this Province are or shall be appointed for the assessing, levying and collecting of Poor rates; and which said sum, when so collected, shall be paid to the said Commissioners for such purposes, and no other.

4. The Board of Supervision mentioned in said Act shall, upon the application of said Commissioners, make a rate or assessment upon said Town and Parish of Woodstock, in such sum of money, not to exceed in any one year the sum of twelve hundred dollars, as the said Commissioners may by written application request, for the discharge of the principal and interest of the loan or loans contracted under the said Act, until the total amount of the loans and interest be paid off; all which said several sums of money shall be assessed, levied, collected, and paid, in such proportions and in the

same manner, except the warrant of assessment which is hereafter provided for, as Poor rates are assessed, levied, collected and paid by the laws of this Province.

5. In case of the absence of the Mayor of the Town of Woodstock at any meeting of the Board of Supervision called as prescribed in the twelfth section of said Act, the members present at such meeting may appoint a Chairman for the time being, who shall have all the powers and authority vested in said Mayor of said Town as such Chairman, by virtue of such Act, or any amendment thereof.

6. That if any money shall be paid to any Justice of the Peace, upon Execution or otherwise, in satisfaction or payment of any assessment or rate made by virtue of the authority and provisions in the Act hereby amended, or of this Act, and he shall have neglected or refused, after demand, to pay over the same to such person or persons as the said Board of Supervision mentioned in the said twelfth section of the Act hereby amended shall appoint or direct to receive the same, such neglect or refusal shall be deemed a misdemeanor, and punishable as such; or the Commissioners of the Alms House and Work House, in their names or the names of their successors in office, may maintain an action of assumpsit against said Justice in the Supreme Court, in the form of money had and received, for the recovery of the same with treble costs and interest, and such action shall be a bar to any criminal prosecution for the said offence.

7. That the said Board of Supervision shall have power and they are hereby authorized, on or before the tenth day of January in each year, to appoint a Collector or Collectors of the rates or assessments to be made under and by virtue of the authority of this Act, or the Act hereby amended, or of any other Act which may be passed in amendment of said Act; which said Collector shall be subject to the orders and directions of said Board, and may be removed by them, and shall be in all things liable to the same penalties and forfeitures for the refusal to act, as Town and Parish Officers are now subject to by any laws of this Province, in addition to any other penalties to which they are made liable by this Act.

8. The said Collector, before entering upon the duties of his office, shall give a Bond to the Queen, with two sureties,

and in such penal sum as the said Board of Supervision may direct, and with such condition as the said Chairman of said Board of Supervision may prescribe.

9. Every Collector appointed under this Act shall, on the first Monday in every month, pay over to the said Commissioners all moneys received by him during the previous month, with a list of persons from whom he received the same; and shall, in four months after the receipt of the precept, file with the Chairman of the said Board of Supervision a true account of every sum of money so by him received, with vouchers for the sums paid, and a correct list of defaulters verified on oath, and the list given him by the Assessor; and shall from time to time obey such orders and directions as may be given him by said Board of Supervision; and for the neglect of any of the duties by this section enjoined, or for disobedience of the orders and directions of said Board of Supervision, such Collector or Collectors shall be liable to a penalty, not exceeding eighty dollars for each and every such neglect of duty or disobedience.

10. The Constables for the Parish and Town of Woodstock respectively shall execute any Execution issued by virtue of this Act, or of the Act to which this is an amendment, and any such Constable neglecting or refusing to execute such Execution, or neglecting to pay over and furnish an account under oath of any moneys he may collect under the same, and of the parties from whom such moneys have been collected, to such person or persons as may be directed by the said Board of Supervision, shall for every such neglect or refusal be liable to a penalty not exceeding forty dollars, and may for such neglect or refusal be removed from the office of Constable by such Board of Supervision, and shall be liable to an action of assumpsit in the Supreme Court of this Province at the suit of the said Commissioners, in which said action the money received by such said Constable shall be recovered with interest and costs, and the proof of the receipt by said Constable of an Execution against any party or parties for the levying of any rates or assessments, shall be *prima facie* evidence of the receipt of the money directed by such Execution to be levied.

11. All fines, penalties and forfeitures imposed by this Act, shall and may be recovered with costs, upon the oath of a witness before any Justice of the Peace in and for the County

of Carleton, in the manner prescribed by Chapter 138, Title XXXVII, of the Revised Statutes, 'Of Summary Convictions,' or by any amendment or amendments thereof.

12. The Warrants of assessment under this Act may be in form following :—

To the Assessors of the Parish of Woodstock.

You are commanded to levy and assess the sum of

dollars in and upon the Parish

and Town of Woodstock, and cause the same to be collected and paid according to Law, for the support of the Poor, and the maintenance of the Alms House, Work House, and Farm, of the Parish and Town of Woodstock, [*or for such purposes as the Board of Supervision may direct, as the case may be.*]

By the Board of Supervision.

A. B., *Chairman.*

#### CAP. XL.

An Act to authorize the appointment of Commissioners to lay out the Streets or Highways in the Town of Newcastle, and to establish and regulate the Public Landings in the said Town.

Section.

1. Three Commissioners to be appointed to lay out the streets ;
2. To adhere to the lines at present used, unless with consent ;
3. To define public landings in the Town ;
4. To file a record with the Clerk of the Peace :

Section.

5. Such landings to be deemed part of the highways, and subject accordingly.
6. Return of streets laid out to be filed and entered in a book : consequences.
7. Record to be evidence.

*Passed 12th April 1861.*

WHEREAS it has been ascertained that several of the Streets or Highways within the Town of Newcastle have not been recorded agreeably to law ; and whereas the Commissioners of Highways have experienced great difficulty in preventing encumbrances thereon, from the bounds of the said Streets or Highways not being properly defined ; and whereas from the buildings and erections in the said Town, sufficient space is not left to enable the Commissioners to lay out and record the said Streets or Highways through the said Town, of the width of four rods, as by law is required ; and whereas great inconvenience has arisen to the public in consequence of the several landings in the said Town being obstructed ; for remedy whereof,—

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

1. That it shall be lawful for the Lieutenant Governor to appoint three fit persons Commissioners to lay out the said streets or public highways through the Town of Newcastle, commencing at the road dividing the property of John Miller and William Falconer, and terminating at the lower line of James Ledden's lot.

2. That it shall be the duty of the said Commissioners or the major part of them in laying out the said streets or highways, to adhere to the line of roads as at present used through the said Town, and to make the said streets or highways as wide and straight as practicable, not in any case interfering with existing buildings or fences, without the written consent of the proprietors.

3. That the said Commissioners or the major part of them are hereby authorized and required to lay out or define the landings in the Town of Newcastle, that have been heretofore used as public landings, to wit, the slip or landing at the Tank; the slip or landing to the southward of George Watts' store; the slip or landing to the eastward of M'Laggan and Parks' wharf; and the Ferry slip or landing to the southward of Alexander Fraser's store.

4. That all such landings or slips as the said Commissioners or the major part of them shall lay out or define to be public, under the provisions of this Act, such Commissioners or the major part of them shall cause a record of the same to be made and signed by them, with a plan of the same, and file the same in the office of the Clerk of the Peace for the County of Northumberland.

5. That when and so soon as the said Commissioners or the major part of them shall have so laid and defined the said public slips or landings in the said Town of Newcastle, as directed in and by the provisions of this Act, and shall have caused the record thereof to be made and filed in manner aforesaid, such slips and public landings shall thereafter be deemed and taken to be part of the Queen's highways, and be subject to all the rules and regulations that the other highways or public roads and slips of the said Parish are subject to, and all persons obstructing the same shall be subject to the

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like pains and penalties therefor that any person or persons is, are or may be subject by any laws now or that shall hereafter be in force for preventing the obstruction of the highways and public roads of the said Parish or County, and be recovered and applied in like manner.

6. That the said Commissioners or the major part of them shall forthwith, after laying out the said streets or highways, make a return thereof in writing under their hands into the office of the Clerk of the Peace for the said County, with a plan of the same, who shall enter the same in the Book kept for the purpose of recording roads or highways; which return shall distinctly designate the marks, bounds and lines by which the said streets or highways may be known and ascertained; and whatsoever the said Commissioners shall do, according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever, and the said streets or highways, when so laid out and entered as aforesaid, shall be deemed and used as public streets or highways for the use and benefit of the public, (such acts not to interfere with any buildings or erections as before excepted,) in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Highways*, or under and pursuant to any Act of Assembly now in force for establishing and regulating highways in this Province.

7. That such records of the said streets and highways, and of the slips and landings respectively, when so made and recorded in the office of the Clerk of the Peace of the said County, shall be good evidence of such being public streets or highways, and of the said slips and landings, in all Courts of Law in this Province, or certified copies of the same, under the hand of the said Clerk, without proving such laying out as aforesaid.

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## CAP. XLI.

An Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield, and reinvest the proceeds in other lands or other valuable securities more advantageous to the inhabitants of the said Parish.

## Section.

1. Authority to sell by auction certain School lands in Springfield.
2. Proceeds to be reinvested.

## Section.

3. Signing, sealing, and registering of conveyances.
4. Commencement of Act.

*Passed 12th April 1861.*

WHEREAS certain School Lands in the Parish of Springfield, in King's County, are not productive; and whereas it is deemed advisable to sell and dispose of such lands, and invest the proceeds arising therefrom in other lands or other valuable securities more advantageous to the inhabitants of the said Parish;—

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

1. That the Justices of the Peace for King's County, in General or Special Sessions, be and they are hereby authorized and empowered to sell by public auction, (after giving at least thirty days notice by advertisement posted up in four or more of the most public places in the Parish,) the School Lands in the Parish of Springfield in said County, or such portion or portions thereof as they may deem meet, and to make good and sufficient deeds of conveyance of the same to the purchaser or purchasers thereof, in fee simple.

2. The amount arising from such sale or sales shall be reinvested by the said Justices of the Peace for King's County, in the purchase of other freehold property, or other valuable securities in the Parish of Springfield aforesaid, more convenient and advantageous for the inhabitants of the said Parish, for the exclusive use, benefit and advantage of the inhabitants thereof, for the purpose of supporting a Superior School.

3. Every deed of conveyance, or of the discharge or assignment of any mortgage or other security executed under the authority of this Act, shall be sealed with the Seal of the Sessions, and signed by the presiding Justice of the said Sessions, and countersigned by the Clerk of the Peace of the said County,

and, on proof before the Registrar of Deeds for the said County that the said seal is the Seal of the Sessions, may be registered as any other Deed.

4. This Act shall not come into operation or be in force until the first day of November 1861.

### CAP. XLII.

An Act to enable the Rector, Church Wardens and Vestry of the Parish of Shediac, to sell and dispose of a certain parcel of the Church Land.

Section.

1. Authority to sell and convey described piece of land.

2. Public notice of sale to be given.

Section.

3. Sales to be by auction: investment of proceeds.

*Passed 12th April 1861.*

WHEREAS it is deemed advisable to sell a certain part of the Land granted to the Rector, Church Wardens and Vestry of the Church of Saint Martin's in the Woods, in the Parish of Shediac; and whereas the notice of sale required by law to be given three months before Easter next preceding such sale, has not been given; for remedy whereof,—

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

1. That the Rector, Church Wardens and Vestry of the Parish of Shediac, County of Westmorland, be and they are hereby authorized and empowered, by and with the consent of the Lord Bishop of the Diocese, signified by his being a party to such conveyance or conveyances, and executing the same, to sell, dispose of, and convey, all and singular the Lands, or any part thereof, described as follows:—Situate in the Parish of Shediac, bounded on the north by the road leading to Point du Chene, on the east by the Glebe lands, on the south by the Post road, and westerly by land originally granted to John Welling, being part of Lot number one, granted to the said Rector, Church Wardens and Vestry, which part contains about sixty acres, be the same more or less, and execute a good and sufficient deed or deeds of the whole, or such part or parts thereof as may be sold, in fee simple, to the purchaser or purchasers thereof.

2. That before said lands are sold and conveyed under this Act, notice of said intended sale shall be posted on the Church

door situate in said Parish, at least three months before the sale, specifying the lands intended to be sold, and the time and place of sale; also publishing said notice for a like period in a newspaper published in said County of Westmorland.

3. All sales under this Act shall be by public auction, and the proceeds of such sales shall be invested and laid out by the Rector, Church Wardens and Vestry, as is provided in and by the third section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to regulate the sale and disposal of Church and Glebe Lands of the Church of England in this Province.*

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CAP. XLIII.

An Act to authorize and empower the Trustees of Saint James' Church, Newcastle, in connexion with the Church of Scotland, to sell and dispose of certain Real and Leasehold Lands and premises in the County of Northumberland, devised to them in trust by the last Will of John Harkins, deceased, and to reinvest the proceeds for the purposes in such Will mentioned.

## Section.

1. Authority to sell and convey certain real and leasehold property, with concurrence of a Judge in Equity.
2. Investment and application of proceeds.

## Section.

3. Sales to be by auction after public notice.
4. Sufficiency of conveyances.
5. Rights reserved.

*Passed 12th April 1861.*

WHEREAS by the last Will and Testament of John Harkins, late of Newcastle, in the County of Northumberland, Merchant, deceased, bearing date the seventh day of April in the year of our Lord one thousand eight hundred and thirty seven, (subject to the life estate of Sarah Harkins, his Wife, since deceased, and the payment of certain legacies, and a bequest of a piece of land to the said Trustees of Saint James' Church, Newcastle, for the use of the Minister of the said Church for the time being,) he bequeathed all the residue of his property, real, leasehold, and personal, to the Trustees of Saint James' Church, in the Parish of Newcastle, and their successors, in trust to and for the express purpose of building a School House in the Parish of Newcastle, and for supporting a Master for teaching the children of the poor of the said Parish: And whereas in order that the said Trustees may be enabled to carry out the trusts in the said Will to advantage, it is deemed advisable that the

whole of the said real and leasehold property of the said Testator should be disposed of, and the proceeds, after defraying the expenses of erecting a suitable School House, be invested in real or Government securities, the annual dividends and profits thereof to be applied towards the support and maintenance of such School ;—

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

1. That the Trustees of Saint James' Church, Newcastle, in connexion with the Church of Scotland, and their successors, are hereby authorized and empowered to sell and dispose of the said real and leasehold property, devised and bequeathed to them in and by the said last Will and Testament of the said John Harkins, in trust for the purpose of building a School House in the said Parish of Newcastle, and for supporting a Master as aforesaid, with their appurtenances, in such lots or parcels, and under and subject to such conditions, covenants, and agreements, as by the said Trustees may be deemed necessary and proper ; and on payment of the purchase money, to make good, legal and sufficient conveyances of the same by and under the Seal of the said Corporation, to the purchaser or purchasers thereof ; and the respective purchasers shall not be bound to see to the application of the purchase money thereof ; provided always, that before any such lands, real or leasehold estate, shall be sold, the said Corporation shall apply to a Judge of the Supreme Court in Equity, who, on it being made to appear by affidavit that such sale would be for the interest of the trust fund, is hereby authorized and required by an order under his hand, to direct the sale of the whole or any part of the said real and leasehold estate, under the provisions of this Act ; such order to be recorded in the office of the Registrar of Deeds of the County of Northumberland, and the original order shall be filed in the office of the said Registrar, and a copy of such order, certified by said Registrar, shall be evidence in all Courts.

2. That the net proceeds of such sales, after defraying the expense of purchasing a site, and erecting thereon a suitable School House in the said Parish, shall be invested and kept out at legal interest, payable semi-annually, upon good and sufficient landed securities, or upon Government securities ;

and the annual income, dividends and profits arising therefrom, shall be received and applied to and for the same uses and trusts for which the said real and leasehold property so sold were devised and bequeathed and held by the said Trustees under the said Will.

3. All sales under this Act shall be at public auction, and not less than sixty days notice thereof shall be given, by publishing the same in a newspaper printed in the said County, and by handbills in at least three public places in the Parish where the lands to be sold are situate.

4. All deeds and conveyances of the said lands and premises, or any part or parts thereof, duly executed under the Seal of the said Corporation, proved and registered according to the laws of this Province, shall be sufficient to pass to the purchaser or purchasers of the lands in such deeds or conveyances described, all the estate and title which the said John Harkins at the time of his death, and which the said Corporation at the date of such deeds or conveyances had in and to such lands and premises; and such deeds and conveyances so executed, proved, and registered, shall be *prima facie* evidence that the same lands were regularly advertised and sold as required by the provisions of this Act.

5. The legal and equitable rights of all persons claiming under the provisions in the Will of the said John Harkins, are hereby reserved.

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#### CAP. XLIV.

### An Act to amend the several Acts incorporating the Carleton County Agricultural Society.

Acts 11 V. c. 54, s. 2, and 13 V. c. 20, s. 1, repealed: authority to make rules; elections to be at Woodstock.

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the second section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, Chapter fifty four, and also the first section of an Act made and passed in the thirteenth year of the same Reign, Chapter twenty, be and the same are hereby repealed; and that the Carleton County Agricultural Society be hereby authorized and empowered to regulate by rules which it may

for that purpose from time to time make, amend, and alter, as they see fit, the several matters hitherto regulated by the said sections of the said Acts; provided that the annual general meeting of the Society for the election of officers shall be held at Woodstock in the said County; and provided also, that the present officers of the said Society shall continue in office until others are chosen in their stead.

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CAP. XLV.

An Act to amend an Act intituled *An Act to incorporate the Humbolt Mining Company.*

Act 23 V. c. 86, s. 6, repealed: Act to be void if a certain subscription be not made.

*Passed 12<sup>th</sup> April 1861.*

WHEREAS in and by the sixth section of the Act to incorporate the Humbolt Mining Company it is enacted that “unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation shall cease, and the existence of the said Company shall terminate:” And whereas it is desirable to extend the said limitation to a further period of two years from the ninth day of April in the year of our Lord one thousand eight hundred and sixty one;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the sixth section of an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to incorporate the Humbolt Mining Company*, be and the same is hereby repealed; and in lieu thereof, unless twenty five per cent. of the capital stock of the said Company shall be subscribed within two years after the ninth day of April in the year of our Lord one thousand eight hundred and sixty one, the operation of this Act shall cease, and the existence of the said Company shall terminate.

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CAP. XLVI.

An Act to amend an Act intituled *An Act to incorporate the Westmorland Olive Freestone Company.*

Act 23 V. c. 84, s. 6, repealed. Act to be void if a certain subscription be not made.

*Passed 12<sup>th</sup> April 1861.*

WHEREAS in and by the sixth section of the Act to incorporate the Westmorland Olive Freestone Company, it is enacted that “ unless twenty five per cent. of the capital stock “ of the said Company shall be subscribed within one year “ after the passing of this Act, the operation of this Act shall “ cease, and the existence of the said Company shall terminate :” And whereas it is desirable to extend the said limitation to a further period of two years from the ninth day of April in the year of our Lord one thousand eight hundred and sixty one ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the sixth section of an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to incorporate the Westmorland Olive Freestone Company*, be and the same is hereby repealed ; and in lieu thereof be it enacted, that unless twenty five per cent. of the capital stock of the said Company shall be subscribed within two years after the ninth day of April in the year of our Lord one thousand eight hundred and sixty one, the operation of this Act shall cease, and the existence of the said Company shall terminate.

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CAP. XLVII.

An Act in amendment of and in addition to an Act to incorporate the York and Carleton Mining Company.

Section.

1. Act 10 V. c. 73, s. 4, repealed.
2. Joint stock and property alone responsible for the debts.

Section.

3. Act voidable on non-fulfilment of specified conditions.

*Passed 12th April 1861.*

WHEREAS the existing individual liability of the shareholders of the capital stock of the York and Carleton Mining Company for the debts and engagements of said Company, as enacted in the fourth section of the Act of incorporation thereof, passed in the tenth year of the Reign of Her Majesty Queen Victoria, and intituled *An Act to incorporate the York and Carleton Mining Company*, has tended to prevent the investment of capital in the said Company, and thereby greatly to limit its operations and usefulness ;—

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

1. That the said fourth section of the said Act of incorporation shall be and remain in force, and shall apply to such only of the debts, contracts, engagements, and liabilities of the said Company as shall be due or owing, or shall exist, or have been made or entered into, at or previous to the time of the passing of this Act, in reference to all which it shall continue and remain in full force; and that so far as relates to the debts and engagements of the said Company that shall be contracted, made, or entered into after the passing of this Act, the said fourth section of the said Act of incorporation shall be and is hereby repealed.

2. That from and after the passing of this Act, the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the said Company contracted, made, or entered into, after the passing of this Act, any thing in the said Act of incorporation to the contrary notwithstanding.

3. That unless ten thousand pounds of the said capital stock of the said Company, over and above the amount already subscribed for and taken, shall be actually subscribed for and taken by *bona fide* shareholders, and twenty five per centum of the said additional amount shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, made and verified on oath, by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the shareholders of the said Company shall be liable for the debts and engagements of the said Company contracted between the time of the passing of this Act and the time when its operation shall cease, and for all the subsequent debts and engagements of the said Company, in the same manner as is provided and enacted in the fourth section of the said Act of incorporation.

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### CAP. XLVIII.

#### An Act in addition to an Act to incorporate the Caledonia Mining and Manufacturing Company.

Section.

1. Liability for calls or assessments.

Section.

2. Sale of stock in arrear, how effectuated.

*Passed 12th April 1861.*

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

1. The capital stock held by any shareholder in the said Company at the time of making any call or assessment thereon shall be liable to the payment thereof, and in case of non-payment of such call or assessment at the time when the same shall be made payable, the Directors are authorized to order a sale to be made of so many of the said shares as they may think necessary for the payment thereof, with interest and expenses.

2. Such sale shall be made at auction, upon not less than thirty days' notice by the President, in some newspaper published in the City of Saint John, and the stock shall be transferred by the President and Secretary to the purchaser, who shall thereupon be entitled to a new certificate thereof; and the proceeds of such sale shall be applied towards paying the amount of such call or assessment with interest, and the costs, charges, and expenses of such notice, sale, and transfer, and the residue, if any, to the former owner.

#### CAP. XLIX.

An Act to incorporate sundry persons by the name of  
'The Saint Andrews Water Company.'

Section.

1. Saint Andrews Water Company incorporated.
2. Capital, amount, division into shares and payment.
3. First general meeting for choosing Directors.

Section.

4. Annual general meeting; election of Directors; choice of President.
5. Board for transaction of business.
6. Votes of stockholders regulated.
7. Votes by proxy.
8. Shares to be assignable.
9. Authority to open streets, &c. to lay pipes.

*Passed 12th April 1861.*

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

1. That Benjamin F. Milliken, John Aymar, James W. Chandler, John Bradford, Wellington Hatch, William Kerr, their associates, successors, and assigns, be and they are hereby constituted and declared a body corporate by the name of 'The Saint Andrews Water Company,' and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of supplying the inhabitants of the Town of Saint Andrews, in the County

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of Charlotte, with water, and for carrying on and managing the necessary works therewith connected.

2. The capital stock of the said Corporation shall consist of four thousand dollars current money of this Province, to be divided into four hundred shares, of ten dollars each, to be paid as may be required by the President and Directors of the said Company, for the use thereof; they giving one month's notice in a newspaper published in Saint Andrews, that any part thereof will be required; provided that the said Corporation shall have power to increase the said capital stock to a sum not exceeding ten thousand dollars.

3. When over one hundred shares have been subscribed, a general meeting of the members and stockholders, or a major part of them, shall take place by notice in a newspaper published in the said Town of Saint Andrews, for the purpose of choosing five Directors, being stockholders in the Corporation, under and in pursuance of the rules and regulations hereinafter provided; which Directors so chosen shall continue in office until others are chosen in their room, and shall have full power and authority to manage the affairs of the said Corporation.

4. There shall be a general meeting of the stockholders of the said Corporation, to be annually holden at Saint Andrews on the first Tuesday in May in each and every year, at which annual meeting there shall be chosen by a majority thereof, five Directors, who shall continue in office for one year, or until others are chosen in their stead; and the Directors, when chosen, shall at their first meeting after their election, choose out of their number a President.

5. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose a Chairman in his stead: The President or Chairman shall vote at the Board as a Director, and in case of an equal number of votes for or against any question before them, the President or Chairman shall have a casting vote.

6. The number of votes which each stockholder shall be entitled to give on every occasion when, in conformity with the provisions of this Act, the votes of the stockholders are to be given, shall be given in the following proportion:—For

one share and not more than four shares, one vote ; for every four shares above four and not exceeding twenty, one vote ; for every eight shares above twenty and not exceeding sixty, one vote ; and nine votes shall be the greatest number that any stockholder shall be entitled to have.

7. All stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing so to act.

8. The shares of the capital or stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf ; but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a book kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation, and all calls that may have been made for payment of stock ; but in no case shall any fractional part of a share be assignable.

9. It shall and may be lawful for the said Corporation, at a proper and convenient depth under the surface of each and every of the roads and streets through or on which it may be necessary to make reservoirs, or lay down, set, and place such and so many pipes, leaders, and conduits for the said water, as they shall find to be necessary for carrying it to any or every building, dwelling house, or store in the said Town of Saint Andrews ; and from time to time, as often as the said Company shall think necessary and proper, to lay down such pipes, leaders, and conduits, or shall have occasion to alter, amend, or repair the same : It shall also be lawful for the said Company to break up and open any part whatsoever of the said roads or streets, or the said side walks thereof, and the same to keep open and uncovered during the time necessary for the said purposes ; provided always, that the said Company shall and do at their own costs and charges, and to the satisfaction of the Commissioner of the said roads or streets, and without unnecessary delay, repair and amend the said roads and streets in every part where the said roads and streets shall be broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

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## CAP. L.

## An Act to incorporate the Carleton County Manufacturing Company.

## Section.

1. Company incorporated.
2. Capital, its amount, division into shares and payment: extension
3. First meeting, where and by whom to be called, and its object.
4. Annual general meeting: election of Directors and choice of President: quorum for business.
5. Qualification of Directors.
6. Votes of shareholders: proxy.
7. Shares to be assignable.
8. Special meeting for choice of Directors; supply of vacancies.

## Section.

9. Liability for corporate debts.
10. Suit for recovery of unpaid calls, &c ;
11. What shall be sufficient in the declaration;
12. What sufficient proof;
13. Register of shareholders to be *prima facie* evidence.
14. All meetings to be called by public notice.
15. Shareholders in arrear not to vote.
16. No dividend on shares in arrear.
17. Act voidable if 5 per cent. of capital be not paid and certificate filed.

*Passed 12th April 1861.*

WHEREAS the establishment of Factories for the manufacture of wood, woollen, and other domestic products, is desirable for the promotion of the general interests of the people of this Province, and must tend to stimulate the energy and enterprise of its inhabitants;—

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

1. That Charles Connell, Charles Perley, Robert A. Hay, William Lindsay, Thomas W. Longstaff, F. Fisher, J. Grover, L. P. Fisher, S. Watts, their associates, successors, and assigns, shall be and are hereby erected into a body politic and corporate, by the name of 'The Carleton County Manufacturing Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose aforesaid.

2. The capital stock of the said Corporation shall be twenty thousand dollars of current money of New Brunswick, which shall be divided into one thousand shares of twenty dollars currency each, payable at such times and in such instalments as the business of the Company may require; with power to the said Company, when necessary, to extend the said capital stock to the sum of sixty thousand dollars, by increasing the number of shares accordingly; such additional shares to be disposed of either at public or private sale, in such manner as a majority of the stockholders in number and amount may determine at any general or special meeting of the stockholders legally called.

3. The first meeting of the said Company for organizing the

same shall be held in the Town of Woodstock, in the County of Carleton : it shall be called by R. A. Hay, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers published in the said Town, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing Directors and such other officers as may be necessary for the management of the affairs of the said Company ; which Directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the shareholders in the said Company shall be held annually in the Town of Woodstock on the first Tuesday in May, for the purpose of choosing five Directors, who shall remain in office one year, or until others are chosen in their stead ; as soon as convenient after their election they shall choose one of their number President of the said Company ; but not less than three Directors shall form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless he holds at least ten shares of the capital stock of the said Company, and is of the full age of twenty one years.

6. On every occasion when the votes of the shareholders are to be given, the number of votes shall be in proportion of one to each share of stock ; absent shareholders may vote by proxy, provided the proxy be a shareholder, and produce sufficient authority in writing.

7. The shares of the Company shall be transferable, according to such regulations and in such mode and form as shall be established by the bye laws ; but no transfer shall be complete or effectual unless registered in a Book to be kept by the Directors for that purpose ; and in no case shall the fractional part of a share be transferable ; and whenever any shareholder shall transfer all his shares in the Company he shall cease to be a member thereof.

8. If it shall happen that the Directors shall not be chosen on

the first Tuesday in May in any year, they may be chosen on any other day, between the hours of eleven in the forenoon and three in the afternoon of such days ; fourteen days notice of the time and place of meeting being given in any one of the newspapers published in the said Town of Woodstock : if a Director shall be removed by the shareholders for misconduct or maladministration, his place shall be filled up by the shareholders, fourteen days notice of the time and place of meeting for that purpose being given in like manner ; and in case a vacancy among the Directors by death, resignation, or absence, or disqualification by transfer of stock, the vacancy shall be filled by the Directors choosing a duly qualified shareholder ; and the Director so chosen by the shareholders shall serve until another is chosen in his place.

9. The joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation.

10. If at any time appointed by the Company, or the Directors thereof, for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable ; the said Company shall have power from time to time to make and collect calls upon its shares, of such sums as may be necessary for carrying on its business ; and when any such call is made the Treasurer shall give notice thereof in one of the newspapers printed in the Town of Woodstock, requiring payment of the same within twenty days, at the office or place of business of the Company ; in case of non-payment, the delinquent shares may be sold at public auction, after twenty days notice, to the highest bidder, and after retaining the amount of the call and interest of the same, and all expenses, the residue, if any, shall be paid over to the former owner, and a new certificate of the shares sold shall be made out and delivered to the purchaser ; provided always, that no call shall be made except by a vote of the shareholders, or a majority of those present at any meeting called as provided for.

11. In any action to be brought by the said Company against any shareholder to recover any money due for any call, it shall

not be necessary to set forth the special matter ; but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, stating the number of shares, and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby the action hath accrued to the said Company by virtue of this Act.

12. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act, of which call and notice the newspapers containing the same shall be *prima facie* evidence ; it shall not be necessary to prove any other matter whatsoever ; and thereupon the Company shall be entitled to recover what is due upon such call, with interest and costs.

13. The production of the register of shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

14. All meetings of the Company shall be called by public notice being given of the meeting by the President, or any two of the Directors, of the time and place, in a newspaper printed in the Town of Woodstock, seven days at least before the time of meeting ; special meetings may be called by the authority of the Directors, or by shareholders representing not less than one hundred shares, upon giving the like notice.

15. No shareholder shall be entitled to transfer or vote upon any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being, and on every share held by him or them.

16. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

17. Unless five per cent. of the capital stock of the Company shall be actually paid in for the purposes thereof, and certificate verified on oath by the Secretary or Treasurer, or the Directors, or a majority of them, (which oath any Justice of the Peace is

hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of four years after the passing of this Act, the operation of the same shall cease, and the existence of the Company terminated at the expiration of the said four years.

### CAP. LI.

#### An Act to incorporate sundry persons by the name of the President, Directors and Company of the Miramichi Bank, in the County of Northumberland.

Section.	Section.
1. Company incorporated, with general powers.	22. Amount of corporate debts limited; liability for excess.
2. Capital, its amount, payment and division into shares.	23. Half yearly dividends to be made.
3. Real estate, amount to be held and mode of acquiring, limited.	24. Inspection of the books and funds.
4. Mortgages, what may be held and when to be collected.	25. Signature of Bank notes.
5. First general meeting to make regulations and choose Directors.	26. Liability for altered notes.
6. At annual general meeting Directors to be chosen, and these to elect a President.	27. Where Bank shall be kept.
7. Directors to appoint officers and their salaries, and exercise other powers.	28. Statement of affairs for the annual general meeting: Duplicate for Governor and Legislature.
8. Constitution of Board for business.	29. No loan on pledge of stock.
9. No Director to have a salary: compensation of President.	30. Joint Committees of Council & Assembly to have access to the Bank books, &c.
10. Qualification of Directors.	31. Calling of special general meetings.
11. Cashier and Clerks to give security.	32. Closing of affairs on dissolution.
12. Votes of stockholders regulated.	33. Debts to Bank by Directors limited.
13. Votes by proxy regulated.	34. Cashier to transmit semi-annual statements in triplicate to Provincial Secretary.
14. Subscription to stock and stock to be held, limited.	35. Delinquent sheet to be made for each discount day.
15. Supply of vacant Directorships.	36. Disqualification of Directors by continued delinquency.
16. Notice before payment required from stockholders; when business to be commenced.	37. No action on Bank note before presentation.
17. Specie in vaults at commencement to be verified.	38. Shares deemed personal property;
18. Shares to be assignable.	39. Liable to seizure for debt.
19. Transactions of Bank limited in kind.	40. Increase of capital, how effectuated.
20. Liability for corporate debts.	41. Additional shares to be sold.
21. Specification in Bank notes, &c.	42. Notice of sale to be given.
	43. Division of premium, if any.
	44. Additional shares liable as the original stock.
	45. Limitation of Act.

*Passed 12th April 1861.*

WHEREAS it is thought that the establishment of a Bank at Chatham, in the County of Northumberland, would promote the interest of the Province by increasing the means of circulation;—

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

1. That William J. Fraser, William Muirhead, John Haws, L. P. W. DesBrisay, Samuel Laphorn, John Burk, John M'Dougall, John Pallen, Alexander Loudoun, William Wil-

kinson, William M. Kelly, John Ferguson, Edward Williston, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of 'The President, Directors and Company of the Miramichi Bank;' and they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal, or mixed, and also to give, grant, let, or assign the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also they shall have one common seal to serve for the ensembling all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of Attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they the said President, Directors, and Company, or the major part of them, shall from time to time and at all times have full power and authority and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called 'England,' or repugnant or contrary to the laws or statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of eighty thousand dollars; the sum of forty thousand dollars, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and

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the further sum of forty thousand dollars within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of one hundred dollars each, making in the whole eight hundred shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple, any lands, tenements, real estate, and rents, to any amount not exceeding sixteen thousand dollars; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the Corporation; provided further that the said Corporation shall on no account lend money upon mortgage or upon lands or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. No mortgage shall be taken upon lands or other fixed property by the said Corporation as collateral security, except for debts previously contracted with the said Corporation in the course of its legitimate Banking business, and all such mortgages shall be collected or disposed of and converted into money within a period not exceeding five years from the date of every such mortgage.

5. Whenever four hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, may take place by notice in one or more of the public newspapers published in this Province thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing five Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corpo-

ration, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors and assigns.

6. There shall be a general meeting of the stockholders and members of the said Corporation to be annually holden on the first Monday in May in each and every year, at Chatham, in the County of Northumberland, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, five Directors, each of whom shall be a resident of the said County, and continue in office for one year or until others are chosen in their room; in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rules hereinafter mentioned, and the Directors when chosen shall at their first meeting after their election, choose out of their number a President.

7. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

8. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; the President shall vote at the Board as a Director, and in case of there being an equal

number of votes for and against any question before them, the President shall have a casting vote ; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

9. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

10. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation ; provided always, that the stockholder so otherwise qualified be not a Director in any other Banking Company in this Province.

11. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than twenty thousand dollars, with a condition for his good and faithful behaviour, and every Clerk with the like conditions and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

12. The number of votes which each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say :—For one share and not more than four shares, one vote ; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares ; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares ; which said number of ten votes shall be the greatest number that any stockholder shall be entitled to have.

13. All stockholders resident within this Province, or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act ; provided that no stockholder be entitled to more than three proxies.

14. No member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock ; and if the whole of the said

capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

15. The Directors are and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its members; but in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

16. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the Directors in two of the newspapers published in this Province of the time and place of payment; and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bills or bank notes shall be issued or put in circulation, nor any bill or note discounted at the said Bank, until the said sum of forty thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

17. As soon as the sum of forty thousand dollars shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of the Governor, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors that half the amount of its capital has been paid in by the stock-

holders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank ; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said Bank.

18. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf ; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a Book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation : In no case shall any fractional part of a share, or other than a complete share or shares be assignable or transferable ; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

19. The said Company shall not directly or indirectly deal in any thing excepting Bills of Exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed ; which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption ; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

20. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all Bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold ; provided always, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him ; provided nevertheless, that nothing previously contained shall

be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

21. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth section of this Act.

22. The total amount of the debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

23. The Directors shall make half yearly dividends of all profits, rents, premiums and interests of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days' notice in two newspapers published in this Province.

24. The books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the Directors; but no stockholder not a Director, shall inspect the account of any individual with the said Corporation.

25. All bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills and notes so signed and countersigned, shall be binding on the said Corporation and payable in specie at the said Bank; provided no note shall be issued by the said Corporation for a less sum than one dollar.

26. The said Corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said Bank

which shall have been counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

27. The said Bank shall be kept and established in the Parish of Chatham and County of Northumberland, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

28. The Directors shall at the general meeting to be held on the first Monday in May in every year, lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are in their opinion bad or doubtful; also the surplus or profit (if any) remaining after deductions of losses and provision for dividends, which statement shall be signed by the Directors and attested by the Cashier; and a duplicate statement so signed and attested shall be transmitted to the Secretary of the Province for the information of the Governor and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the accounts of any individual or individuals with the said Corporation.

29. No loan shall be made by the said Bank on the pledge of its own stock.

30. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

31. Any number of stockholders, not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days' previous notice in two newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any three



Balance due to other Banks,	..	..	..	..
Cash deposited, including all sums whatever due from the Bank not bearing Interest, its Bills in circulation, Profits, and Balances due to other Banks excepted,	..	..	..	..
Cash deposited bearing Interest,	..	..	..	..
Total amount due from the Bank,	..	..	..	..

*Resources of the Bank.*

Gold, Silver, and other coined Metals in its Banking House,	..	..	..	..
Real Estate,	..	..	..	..
Bills of other Banks incorporated in this Province,				
Balances due from other Banks,	..	..	..	..
Amount of all debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, except the balances due from other Banks,	..	..	..	..
Total amount of the Resources of the Bank,	..	..	..	..
Date and amount of the last Dividend, and when declared,	..	..	..	..
Amount of Reserved Profits at the time of declaring the last Dividend,	..	..	..	..
Amount of Debts due and not paid, and considered doubtful,	..	..	..	..

Which Return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of the said Return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return, under oath, whenever required by the Legislature, of the names of the stockholders and the amount of the stock owned by each; and a majority of the Directors of the said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the Books of the said Bank indicate the state of the facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

35. The Cashier or acting Cashier for the time being, shall on each and every discount day, furnish a true list to the President or Chairman of the said Bank, of all delinquent promisors, endorsers, and sureties, made up to three o'clock on the day preceding the discount day; which list shall be called a delinquent sheet: and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear in such delinquent sheet, either as promisor, endorser, or surety, it is hereby declared illegal for such Director to sit at the Board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

36. In the event of any Director continuing a delinquency, as aforesaid, for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat; and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth section of this Act, as in the case of death or absence from the Province.

37. No action shall be brought or maintained upon any bank bill or bank note which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

38. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

39. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution and sold in like manner with other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his Deputy, with the Cashier of the said Bank, and the shares in the capital stock of the said Bank, so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the num-

ber of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff, or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

40. And in case it should hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the shareholders present, in person or by proxy, at a general meeting convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares severally of the value before mentioned; provided that the whole of such additional stock shall not exceed one hundred and twenty thousand dollars, thereby making the utmost amount of capital stock of the said Bank two hundred thousand dollars, and in the whole, two thousand shares.

41. Such additional shares shall be sold at public auction, in separate lots of four shares each, as follows, that is to say, twenty thousand dollars, making two hundred shares, at such time as the Directors shall appoint, and the residue of such increased additional capital at such times as the Directors may from time to time determine; but not less than twenty thousand dollars to be sold at any one time.

42. The said Directors shall give at least forty days' notice of the time of sale of any such increased stock in some newspaper published in this Province, in which notice shall be specified the time when such additional stock, with the advance or premium thereon, will be required to be paid into the said Bank.

43. The whole of such advance or premium (if any), first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock; and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

44. The said additional shares shall be subject to all the rules, regulations, and provisions to which the original stock is subject or may hereafter be subject by any law of this Province.

45. This Act shall continue and be in force until the first day of May in the year of our Lord one thousand eight hundred and eighty five.

## CAP. LII.

### An Act to incorporate the Newcastle Gas Company.

#### Section.

1. Company incorporated.
2. Capital, amount, division into shares, payment, and extension.
3. First meeting for making bye laws and choosing Directors.
4. Annual general meeting; time and purpose: choice of President and quorum for business.
5. Qualification of Directors.
6. Votes of stockholders regulated.
7. Shares to be assignable.
8. Supply of vacant Directorships.
9. Liability for stock subscribed.
10. Recovery of debts and calls not exceeding \$20.
11. Recovery of assessments;

#### Section.

12. What shall be sufficient in declaration.
13. What sufficient proof.
14. Liability for corporate debts.
15. Who shall compose the Company.
16. Authority to levy assessments on shares.
17. Meetings, how called.
18. Authority to lay down pipes, &c. in the streets.
19. Repair of streets, if Company neglect.
20. No noxious substance to be drained into the river.
21. Act to be void if a certain payment of stock, &c. be not made.
22. Company to provide apparatus for lighting public lamps.

*Passed 12th April 1861.*

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the Town of Newcastle, in order to furnish the means of lighting the said Town in a superior manner, would be an object of public utility;—

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

1. That the Honorable Peter Mitchell, Alexander M'Laggan, Allan A Davidson, William Park, George Kerr, Edward Williston, Richard Davidson, James Allan, John Rundle, John Haws, John Noonan, James Fish, Richard Hutchison, Daniel Wetherall, James Mitchell, Patrick Morrissy, James Murray, Edward Fraser, W. M. Master, Robert Coll, George S. Pope, John Coghlin, and John Nevin, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate by the name of 'The Newcastle Gas Company,' and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the Town of Newcastle with gas, and for all necessary works therewith connected.

2. The capital stock of the said Corporation shall be twelve thousand dollars of current money of New Brunswick, and shall be divided into twelve hundred shares of ten dollars each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that twenty five per centum of the said capital stock, amounting to three thousand dollars, shall be actually paid in and invested in the business of the said Corporation in two years from the passing of this Act; and provided that the said Corporation shall, when necessary, have leave to extend the said capital stock of the said Corporation to the sum of sixteen thousand dollars of like current money, and shall have power to increase the number of shares accordingly; and provided also that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts, until the said twenty five per centum of the capital stock as aforesaid shall be paid in.

3. The first meeting of the said Corporation shall be held in the Town of Newcastle, and shall be called by Allan A. Davidson, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one of the public newspapers printed in Northumberland, at least ten days previous to such meeting, for the purpose of establishing bye laws and choosing Directors; which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations made and provided.

4. A general meeting of the stockholders of the said Corporation shall be held in Newcastle on the first Wednesday in January in each and every year, for the purpose of choosing five Directors; which Directors so chosen shall remain in office one year or until others are chosen in their stead, and shall, at their first meeting after their election, choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint any one of their number Chairman for the occasion.

5. No person shall be eligible for a Director, unless such person is a stockholder, and holds not less than five shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on any occasion when according to the provisions of this Act the votes of the stockholders are to be given, shall be for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have; and all stockholders may vote by proxy, such proxy being a stockholder and producing sufficient authority in writing from his constituent.

7. The shares in the Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a Book to be kept for that purpose; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member of the said Corporation.

8. In case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the remaining Directors shall and may fill up such vacancy, and the person or persons so chosen by the Directors shall serve until another or others is or are chosen in his or their room.

9. Each and every stockholder in the said Company shall be held liable to the said Company for the payment of each and every call or assessment made, (not however to exceed in amount the stock to be subscribed for,) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for and recovered by the said Company in any Court having jurisdiction, notwithstanding the whole of the stock may not have been subscribed, and although the whole of the subscribed stock may not have been paid up before the levying of such assessment.

10. That all sums not exceeding twenty dollars due to the said Company for any debt, or for any call or assessment that may be made on the subscribed stock in the said Company, may be sued for and recovered before any Justice of the Peace within the County of Northumberland, under and according to the provisions of Chapter 137, Title XXXVII, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits'; provided always, that nothing in this Act contained shall be construed to take away or affect the right of the said Company to forfeit and sell delinquent shares.

11. If any shareholder shall fail to pay the amount of any assessment made by the said Directors, or any part thereof, it shall be lawful for the said Company to sue such stockholder for the amount thereof, or so much thereof as may be and remain due and owing thereon in any Court of law or equity having competent jurisdiction; and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit.

12. In any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that

the defendant is the holder of one or more shares in the said Company, (state the number of shares,) and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, (state the number and amount of such assessments,) by means of which an action hath accrued to the said Company by virtue of this Act.

13. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of such assessment, was a holder of one share or more in the said undertaking, and that such an assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

14. The joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation; and no shareholder or member of the said Company shall be individually or personally responsible or liable for any debts, engagements or losses of the said Company, beyond the amount of his shares of the stock of the said Company.

15. The stock subscription list already subscribed, and such other names and shares as may be added thereto, to the extent of the stock, shall compose the Company; stockholders and the subscribers shall be in the same position as if they had subscribed after the passing of this Act, as well for the payment of such stock or otherwise.

16. The Directors shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment may be made by the Directors, it shall be the duty of the Treasurer to give notice thereof in one of the public newspapers printed in the County, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay the Treasurer the amount of such assessment upon his shares at the time prescribed, all such delinquent shares may be sold at public auction, the Treasurer giving at least thirty days' public notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest

from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of the assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate of the shares so sold shall be made out and delivered to the purchaser.

17. All meetings of the said Company shall be called by public notice thereof in one of the newspapers printed as aforesaid, ten days at least before the time of such meeting; and all special meetings may be called by the Secretary under the authority of the Directors, or by shareholders representing not less than one hundred shares of stock, upon giving the like notice.

18. It shall and may be lawful for the said Company, at a proper and convenient depth under each and every of the streets and roads leading into and through the said Town and its vicinity, to lay down, set and place such and so many pipes, leaders, and other apparatus for the said gas, as they shall find to be necessary for conveying the same to any or every building or lamp post in the said Town or its vicinity, and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders, and other apparatus, or if occasion require, to alter, amend, or repair the same; it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement, or sidewalk thereof, and the same to keep open and uncovered during the time necessary for such purposes; provided always, that the said Company shall and do at their own proper costs and charges, and to the satisfaction of the Commissioners of streets and highways for the Town and Parish of Newcastle for the time being, and without unnecessary delay, repair and amend the said roads, streets, coverings, pavements, or sidewalks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

19. If the said Company shall not repair the said streets, roads, coverings, pavements, or sidewalks, or any of them so broken up, to the satisfaction of the said Commissioners of highways for the time being, or a majority of them, it shall be lawful for the said Commissioners to cause the same to be

repaired, and to sue for and recover the expense incurred therein from the said Company, in any Court competent to try the same.

20. From and after the passing of this Act, the said Company or any person or persons who may in any way be employed by them, shall not throw, drain, or cause, suffer or permit any person or persons to throw or drain, into any part of the River Miramichi, any refuse of coal tar or other noxious substance that may arise from the said gas works, under the penalty of twenty dollars for each and every offence.

21. Provided always, that unless three thousand dollars of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of four years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated on the expiration of the said four years.

22. The said Company do and shall in every street or road through which the said pipes shall be laid, make and provide proper leaders and apparatus for supplying with gas any public lamps which may hereafter be set up in the several streets, and shall provide such apparatus and at such distances from each other as the Justices in General Sessions shall from time to time direct; provided that such Justices in General Sessions shall pay any additional expense that may be incurred by the said Company, by the making of such leaders and apparatus for supplying gas.

### CAP. LIII.

#### An Act to incorporate the Petitcodiac Bridge Company.

##### Section.

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2. Capital, amount, division into shares, payment, and extension.
3. First meeting for choosing Directors.
4. Annual general meeting; time and purpose: quorum for business.
5. Power to make bye laws.
6. Liability for the corporate debts.
7. Power to design and erect the Bridge, enter on lands, &c.

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9. Authority to erect gates across the Bridge and take tolls.
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11. For evading payment of the toll;
12. For wilfully damaging the works.
13. No toll demandable for specified public services.

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15. Recovery of arrears on shares.	19. Act void if Bridge not completed in three years.
16. What shall be sufficient in the declaration;	
17. What shall be sufficient proof.	

*Passed 12th April 1864.*

WHEREAS it is deemed advisable to construct a Bridge across the Petitcodiac River; and whereas a Bridge is much required and would be highly useful for the public in general, and it is thought advisable to incorporate such persons as may be willing to construct the said Bridge, and to grant them all necessary privileges for that purpose and for maintaining the same;—

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

1. That Lewis Smith, Millidge Steves, Edward S. Outhouse, Benjamin Wilbur, Ezra Steeves, Andrew Steeves, Honorable W. H. Steeves, Honorable A. J. Smith, Bliss Botsford, D. Hanington, Honorable James Steadman, John Lewis, A. R. M'Clelan, Oliver Jones, John A. Chapman, Moses Jones, William End, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate by the name of 'The Petitcodiac Bridge Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly.

2. The capital stock of the said Corporation shall be ninety thousand dollars, and shall be divided into four thousand five hundred shares of twenty dollars each, to be paid at such times and in such instalments as the business of the Company shall require; and the Corporation shall, when necessary, have leave to extend the said capital stock to the sum of twenty thousand dollars, and shall have power to increase the number of shares accordingly.

3. The first meeting of the Corporation shall be held in Moncton on or before the third Monday in August next, and shall be called by Oliver Jones, or in case of his death, neglect, refusal, or absence, by any two of the Company, by giving notice in the Westmorland Times newspaper, at least fifteen days previous to such meeting, for the purpose of choosing

Directors necessary for the management of the affairs of the Company ; which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the concerns of the said Corporation.

4. The annual meeting of the Company shall take place on the first Tuesday in June in each and every year, and shall be held in the town of Moncton, for the purpose of choosing seven Directors and transacting other business as hereinafter provided for ; which Directors so chosen shall remain in office for one year or until others are chosen in their place, and shall at the first meeting after their election, choose one of their number President, and also a Secretary and such other officers as may be necessary to manage the affairs of the said Company ; provided always, that no less than four Directors do form a quorum for the transaction of business ; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion ; and provided also, that in the event of the time of holding the annual meeting being found by the Company inconvenient, the stockholders shall and they are hereby authorized and empowered at any annual meeting to change the time of holding the same.

5. The Company at the first meeting, or some adjournment thereof, shall have power to make bye laws, rules, and ordinances, prescribing the duties, powers and authorities of the Directors of the said Company, and for regulating the transfer, registry and forfeiture of shares, and the sale of forfeited shares, also the right of voting in respect to the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct and government of the said Company, its affairs, and business, as may be requisite and necessary.

6. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

7. It shall and may be lawful for the Company and their successors, officers, and servants, and they are hereby authorized and empowered to design, erect, order, and build or cause to be built, and to complete, maintain, and keep in repair the

said Bridge across the Petiscodiac River, between the Town of Moncton in the County of Westmorland, and the Parish of Coverdale in the County of Albert, at any point between Fisher Creek and Jonathan Creek, as may be deemed most advisable and fit for such Bridge, and to dig and make proper foundations in the lands and grounds lying on each side of the said River, and to cut and level the banks of the said River in such manner as shall be necessary and proper for building the said Bridge, and to cut, remove, take, and carry away all and every impediment whatsoever, which may in any wise tend to hinder the erecting and completing the said Bridge, and to execute all other things necessary and requisite, useful or convenient for erecting, building, or maintaining and supporting the said Bridge, according to the tenor and effect, true intent and meaning of the said Act; and further they may from time to time enter and go in upon the lands and grounds adjacent to the said River, on either side thereof, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Bridge; and further they may explore, lay out, and make a road not more than four rods in width, leading from either end of the Bridge to the main post road on either side of the said River; and further, for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall from time to time have full power and authority to land on either side of the said River within two hundred yards of the said Bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants, of the property on which such Bridge and every part thereof shall be built, or in and upon which such surveys, examinations, and other arrangements may be made, or through which such roads may be explored, laid out, worked and made, or on which such materials and other things shall be landed, worked, or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners or occupiers of all lands and grounds, tenements and hereditaments, which shall be used and occupied, altered, damaged, spoiled, taken or made use of by means of or for the purposes of this Act.

8. The said Corporation shall make, allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken and occupied, altered, damaged, or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing within ten days after their appointment, then and in such case it shall and may be lawful for the Governor, upon application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private lands shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or some Judge thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a Jury of five freeholders within the said County who may be altogether disinterested, which Jury upon their oaths, (which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury is hereby empowered to administer,) shall enquire, ascertain, and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages

that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the award, inquisition, or verdict of such Jury shall be filed and retained in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, to be taxed and allowed by the Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

9. The said Company shall erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon and across the said intended Bridge, or within twenty yards thereof, together with toll houses and proper necessary buildings, conveniences and fences, near to each gate or turnpike across the said intended Bridge, or on the road or avenue immediately communicating therewith, and within twenty yards of the said Bridge; and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint as toll-gatherer, for each and every time of passing over the said Bridge, that is to say:—For every foot passenger, not to exceed ten cents; for every horse, mare, gelding, mule or ass, not exceeding twenty five cents; for every carriage drawn by one horse or beast of draught, with one person, not to exceed fifty cents; for every horse or beast of draught more than one, drawing a carriage, not to exceed sixty cents; for every person more than one, with a carriage, not to exceed sixty cents; for neat cattle, not to exceed ten cents; for sheep, calves, or hogs, not to exceed five cents each; provided always, that no toll be exacted from children under ten years of age; and the Corporation shall at all times by their bye laws regulate, alter and lessen the rate of tolls when deemed advisable for the interests of the Company, but in no case to exceed the rates herein specified; and all times when the toll-gatherer shall not attend to his duty, the gate or gates shall be left open, and the toll shall be collected in such manner as may be prescribed by the said Corporation: The rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers.

10. No horse or other beast, or carriage of any kind, shall be taken, rode, or driven over the said Bridge at a faster pace than a walk, on pain of a forfeiture of twenty shillings for each and every offence, to be recovered with costs of prosecution against the owner or driver of such horse or other beast, before any Justice of the Peace of either County, on the complaint of the toll-gatherer or any proprietor of stock in the said Company, on proof of the toll-gatherer, who is hereby declared to be a competent witness, or any other legal proof: the amount when recovered to be applied to the use of the said Corporation.

11. Any person who shall run or evade the payment of toll [from] crossing the said Bridge, shall forfeit and pay for the use of the said Corporation, a sum not exceeding ten dollars for each and every offence, to be recovered, together with the toll and costs of suit, as is directed in the last preceding section of this Act.

12. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony; and every such person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony by the laws of this Province.

13. No toll whatever shall be demanded or taken for any horse, beast, cattle or carriage of whatever description employed or to be employed in conveying, fetching, or guarding mails of letters and expresses under the authority of Her Majesty's Postmaster General, or the duly authorized Post Office authorities in this Province, or the Provincial Government, either when employed in conveying, fetching or guarding the same; or for any soldiers upon their march or upon duty, or for any horse, cattle or carriages attending them with their arms and baggage, or returning after having been so employed; nor for any wagon, cart or other carriage whatsoever, or the horse or horses or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other public stores of or belonging to Her Majesty's service; and no poor or other rates or taxes shall be assessed or levied upon the said Company for or on account of the said Bridge and its appurtenances.

14. The Directors shall, at the general annual meeting of the Company in each and every year, lay before the stockholders for their information, an exact and particular statement of the state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company; which statement shall be signed by the Directors and attested by the Secretary.

15. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit.

16. In any action or suit to be brought by the said Company against any shareholder to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, (state the number of shares,) and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, (state the number and amount of such assessments,) by means of which an action hath accrued to the said Company by virtue of this Act.

17. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such assessment was holder of one share or more in the said undertaking, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

18. Should the Provincial Government at any time after the passing of this Act be willing and desirous of assuming the said Bridge, and placing the same upon the Great Road establishment of the Province, for the free passage of all Her Majesty's subjects, and pay to the said Corporation the whole costs and outlay in and about its erection and maintenance, then

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and in such case the said Corporation shall yield and surrender up to the Provincial Government the said Bridge, with all things appertaining thereto, together with this Act; and such Corporation from that time shall cease and have no longer any existence.

19. If the said Company shall not within three years from and after the passing of this Act complete the said Bridge, or so as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

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24° VICTORIÆ, A. D. 1861.

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