
NEW BRUNSWICK.

== 1863 ==

ACTS OF THE GENERAL ASSEMBLY

PASSED

IN THE MONTH OF APRIL

1863.

ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,

PASSED IN THE MONTH OF APRIL, 1863.



FREDERICTON :
G. E. FENETY, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1863.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO SEXTO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twelfth day of February *Anno Domini* one thousand eight hundred and sixty two, in the Twenty fifth 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 three; being the Second Session of the Nineteenth General Assembly convened in the said Province.

ACTS
OF
THE GENERAL ASSEMBLY.

26° VICTORIÆ, A. D. 1863.

CAP. I.

An Act to continue and amend An Act imposing Duties for raising a Revenue, and the several Acts in amendment thereof, and to make further provision for raising a Revenue.

Section.

1. Continues former Acts, except so far as is inconsistent with this Act.
2. Regulates duties on Wines.
3. Regulates Fire Clay, and Brick and Tiles of Fire Clay.
4. Exempts certain cases and casks covering goods from duty.

Section.

5. How duties imposed are to be collected.
6. Nothing in this Act to affect duties heretofore imposed for Railway purposes.
7. Meaning of "first cost," and "costing."

Passed 20th April, 1863.

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

1. That (except so far as is inconsistent with this Act) an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, as amended by an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act in addition to and in amendment of an Act passed in the twenty second year of the Reign of Her present Majesty Queen Victoria, intituled 'An Act imposing Duties for raising a Revenue,'* and by another Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled 'An Act to levy an Impost for Railway purposes,'* and both the said last mentioned Acts, shall respectively be, and the said Acts, except so far as the same are repealed, are hereby continued until the first day of May which will be in the year one thousand eight hundred and sixty seven.

2. So much of the said Acts as impose any Duty upon Wines, (except for the Duties payable for Railway Impost,) are hereby repealed; and in lieu of the Duties so repealed, the following Duties shall be collected and paid:—Upon all Wines imported into this Province, that is to say, upon

Wines costing \$2.00 per gallon and upwards, 90 cents per gallon;

Wines costing \$1.00 per gallon and upwards, and less than \$2.00 per gallon, 80 cents per gallon;

Wines costing less than \$1.00 per gallon, 30 cents per gallon;

and on every \$100 of the true and real value of all Wines, in addition, \$12.50 over and above the Duties now payable for Railway Impost.

3. In lieu of the Duty now payable on Fire Clay, and Bricks and Tiles made of Fire Clay, under the provisions of the above recited Acts, there shall hereafter be imposed and collected on every \$100 of the true and real value thereof, \$1.00 over and above the Duties now payable thereon for Railway Impost.

4. The following Packages in which Goods are imported, viz:—Bales, Trusses, Cases covering casks of Wine or Brandy in wood, outside Cases and Casks covering Dry Goods, Hardware and Cutlery, Crates and Casks covering Glassware or Earthenware, and Cases and Casks covering bottled Liquors, Casks covering Oils, and Casks covering Molasses, shall hereafter be admitted free of Duty.

5. The Duties imposed by the second Section of this Act shall be collected, recovered and paid in all respects in the manner prescribed in the said hereinbefore first recited Act, and subject to all the provisions and penalties therein contained.

6. Nothing in this Act shall extend or be construed to extend to relieve any articles from the payment of any Duties now payable thereon, and imposed under and by virtue of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act for levying an Impost for Railway purposes*, or under the provisions of the fourth Section of the Act passed in the twenty fifth year of Her present Majesty's Reign, intituled *An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled 'An Act to levy an Impost for Railway purposes.'*

7. That the words "first cost," and "costing," used in this Act, or in the Acts hereby continued and amended, shall mean the cost or value of the articles at the Port or place from which the same are imported.

CAP. II.

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

Section.

1. Moneys granted.

Section.

2. Payable by Warrant.

Passed 20th April, 1863.

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 eighteen thousand seven hundred and seventy dollars, to provide for the Officers and contingent expenses of the Legislature, including the Legislative Library and Printing.

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

A sum not exceeding twenty eight thousand eight hundred and thirty 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 two thousand five hundred dollars, to meet any deficiency of Revenue in the Post Office Department.

A sum not exceeding twelve thousand eight hundred and ninety dollars, to provide for certain Educational purposes.

A sum not exceeding five hundred and eighty dollars, for the protection and encouragement of the Fisheries.

A sum not exceeding five 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 five 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 ten thousand dollars, to meet the expenses of the Militia, and apprehension of Deserters from Her Majesty's Service.

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

The sum of nine hundred and twelve dollars and twenty five cents, to refund advances made during the year one thousand eight hundred and sixty two, in excess of unforeseen expenses.

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

CAP. III.

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

Section.

1. Specifies sums granted.
2. By whom and how to be expended and accounted for.
3. Municipalities to account in same manner as Commissioners.
4. Money to be drawn by Warrants.
5. Commissioners to retain five per cent.
6. Limits period for expending money.

Section.

7. To be expended on recorded Roads only.
8. Bonds first to be given.
9. If Commissioner elected be a defaulter, Governor may appoint another person.
10. Vacancies, how to be filled.

Passed 20th April, 1863.

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

A sum not exceeding one hundred and thirteen thousand six hundred and ninety dollars and sixty three cents, 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 for Steam Navigation.

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 of 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 sum of money appropriated for Roads and Bridges is issued to such Municipality, 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 sum 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.

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 September; 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 September, 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 enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performance of 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 a Commissioner to fill such vacancy.

CAP. IV.

An Act relating to Buoys and Beacons.

Section.

1. Enumerates Acts repealed.
2. Amount of duties to be paid. Exemption.
3. Deputy Treasurer to collect and pay over, and to whom.
4. Master of Vessel to pay duty within 24 hours after arrival. Penalty for neglect.

Section.

5. Commissioners, how appointed.
6. Duty of Commissioners.
7. Provincial Treasurer, what Accounts to keep.
8. Allowance to Commissioners. To render Accounts annually on oath.
9. Penalty for defacing or destroying Beacons, &c.

Passed 20th April, 1863.

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

1. Chapter 19, Title iii, of the Revised Statutes, ‘Of Buoys and Beacons;’ an Act made and passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act further to amend the Law relating to Buoys and Beacons in the respective Ports in the County of Gloucester*; an Act made and passed in the twenty first year of the same Reign, intituled *An Act to amend the first Section of Chapter 19, Title iii, of the Revised Statutes, ‘Of Buoys and Beacons;’* and an Act made and passed in the twenty third year of the same Reign, intituled *An Act to amend Chapter 19, Title iii, of the Revised Statutes, ‘Of Buoys and Beacons,’* are hereby repealed.

2. There shall be paid to the Queen, for defraying the expenses of building, rebuilding, and supporting Buoys and Beacons, two cents for every ton registered tonnage on all vessels, coasters excepted, for every time they shall enter the following places:—The Bay or Harbour of Richibucto,

or Buctouche, in the County of Kent; the Bay or Harbour of Shediac, in the County of Westmorland, and the Bay or Harbour of Restigouche; four cents on entering the Bay or Harbour of Caraquet, Shippegan, and Tracadie, in the County of Gloucester; three cents on entering the Bay or Harbour of Bathurst, in the County of Gloucester, and the Bay or Harbour of Miramichi, in the County of Northumberland; and one cent on entering Passamaquoddy Bay, within Deer Island; but coasters entering the Bay of Passamaquoddy shall be exempt; and no coasting vessel under sixty tons register shall pay oftener than once every year, and between sixty and a hundred tons oftener than twice; and all vessels clearing from any Ports in British North America, or on a fishing voyage, shall be deemed coasters under this Act.

3. The Deputy Treasurer of the district where the vessel may arrive, or any person appointed by him, shall collect the duties hereby imposed, and pay the same as collected into the Provincial Treasury; he shall keep a separate account of such duties, and render the same annually, or as often as may be required, on oath, to the Provincial Treasurer.

4. Any master of a vessel liable to such duty, who shall not within twenty four hours after his arrival, call on such Deputy Treasurer and pay the same, shall forfeit the sum of twenty dollars, to be recovered in the name of such Deputy Treasurer before any Justice, and be paid into the Provincial Treasury for the purposes of this Act.

5. The Governor in Council may appoint any number of fit persons, being residents, not exceeding three to each Bay, Harbour, Port, or River, in the Counties where Beacons and Buoys are erected or required, to be Commissioners of Buoys and Beacons.

6. The Commissioners shall annually, as soon as practicable after the opening of the navigation, cause the necessary Beacons and Buoys to be erected or replaced in the most suitable situations for the protection of the navigation; no Beacon or Buoy to be removed for the winter season till the twentieth day of November in each year, or as soon after as the Commissioners shall require.

7. The Provincial Treasurer shall keep separate accounts of the moneys which may be received under this Act, for

each Bay, Harbour, Port, or River, and the same shall be paid out as may be necessary, for the purposes of this Act, by Warrant of the Lieutenant Governor; but such moneys shall only be expended in the several Bays, Harbours, Ports or Rivers respectively, in which such moneys shall be collected.

8. The Commissioners shall be allowed ten per cent. for their services on all moneys expended by them, and they shall annually on the thirty first day of October, render to the Treasurer an account, on oath, of the moneys received and expended by them, with proper vouchers to accompany his public accounts, when transmitted.

9. Whoever shall take away, destroy, deface or remove any of the said Beacons or Buoys, shall forfeit a sum not exceeding sixty dollars nor less than twenty dollars, to be recovered and applied as aforesaid.

CAP. V.

An Act to authorize a Loan, and for the construction and management of an Inter-Colonial Railway.

Section.

1. What amount may be borrowed, and through whom.
2. When loan may be contracted.
3. How to be applied.
4. To be a first charge on the Revenue after Civil List and existing debts.
5. How to be liquidated.
6. Mode of payment of three last instalments. [ed.]
7. Construction of, how to be conducted.
8. Terms for carriage of Troops.
9. Commissioner to carry out provisions of this Act, when to be appointed.
10. Terms of payment, if Railway be built by a Company.
11. If not by a Company, Governments to build by public tender & contract.

Section.

12. When construction may be commenced, and under what conditions.
13. Prescribes prerequisites before loan may be contracted. [rum.]
14. Three Commissioners to be a quorum.
15. No Member of the Legislature shall hold any office of emolument, be a contractor or party to any contract.
16. Government to grant Crown Lands for track, stations, and sidings.
17. Commissioners authorized to make Rules, &c. for management of entire line.
18. When, and under what conditions, this Act shall stand repealed.
19. Legislature to make further provisions to give effect to this Act. Schedule referred to in this Act.

Passed 20th April, 1863.

WHEREAS in reply to an application for Imperial aid to construct a Railroad from Truro in Nova Scotia, through New Brunswick, to Riviere du Loup in Canada, His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies, transmitted to the Governor General of Canada, and to each of the Lieutenant Governors of Nova Scotia and New Brunswick, a Despatch bearing date the twelfth day of April, A. D. one thousand eight hundred

and sixty two, in which, among other things, it is declared, that Her Majesty's Government, anxious to promote as far as they can the important object of completing the great line of railway communication on British ground, between the Atlantic and the westernmost parts of Canada, and to assist the Provinces in a scheme which would materially promote their interest, Her Majesty's Government are willing to offer to the Provincial Governments an Imperial guarantee of Interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the Railway : And whereas at a meeting of Delegates from the Provinces of Nova Scotia and New Brunswick with Members of the Government of Canada, held at Quebec on the tenth day of September, in the year last aforesaid, to consider such proposition, and to adjust the terms upon which the same should be accepted ; after deliberation had, two Memoranda in writing were drawn up and signed on behalf of the Governments of Canada, Nova Scotia, and New Brunswick, relating to the several matters under consideration, copies of which are contained in a Schedule hereunto annexed, marked respectively A and B : And whereas, in pursuance of the provisions in said Memoranda contained, a Delegation from the Provinces of Canada, Nova Scotia, and New Brunswick, proceeded to London, with a view of carrying out the objects therein set forth, and, after consultation with Members of Her Majesty's Government, a Paper, stating the terms and conditions upon which the British Government would afford their guarantee, was submitted by Sir Frederic Rogers on the thirteenth December, in the year aforesaid, as a basis for Colonial Legislation, a copy of which Paper is set forth in said Schedule, and marked C, followed by a further Paper from Sir Frederic Rogers, on behalf of the Duke of Newcastle, dated twenty fourth of January one thousand eight hundred and sixty three, transmitting a copy of a Minute by the Secretary of the Treasury, also hereto annexed, and marked D : And whereas, on the part of the Province of New Brunswick, it has been determined to accept this offer of Imperial aid to construct the said Railway, upon the terms in the said Papers set forth, and to assume the liability of three and one-half twelfths of three millions of pounds sterling, as specified therein ;—

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

1. The Governor in Council is hereby authorized to borrow, through and upon the guarantee of the British Government, three and one-half twelfths of three millions of pounds sterling, for the purpose of aiding in the construction of an Inter-Colonial Line of Railway between Truro in the Province of Nova Scotia, through the Province of New Brunswick, and Riviere du Loup in the Province of Canada.

2. No such loan shall be contracted on behalf of the Province of New Brunswick, until corresponding powers have been given by the Legislature of Canada to the Government of Canada to borrow, under like guarantee, five twelfths of three millions of pounds sterling, nor until corresponding powers shall have been given by the Legislature of Nova Scotia to the Government of Nova Scotia to borrow, under like guarantee, three and one-half twelfths of three millions of pounds sterling, for the same object.

3. The amount so borrowed shall be applied towards the completion of the said Railway, on a line to be approved by the Imperial Government.

4. The principal and interest on the said loan of three and one-half twelfths of three millions of pounds sterling, shall be a first charge on the Revenue of the Province after the Civil List and the principal and interest of existing debts and liabilities; the interest on the said loan to be payable semi-annually at London on or before the first day of May and November in each year.

5. The loan to be liquidated as follows:—Three and one-half twelfths of two hundred and fifty thousand pounds sterling, to be payable ten years after contracting such loan;—three and one-half twelfths of five hundred thousand pounds sterling, twenty years;—three and one-half twelfths of one million of pounds sterling, thirty years;—and three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, forty years after contracting such loan.

6. The payment of the three last instalments to be provided for as follows:—

2nd Decade, (say 1873 to 1882 inclusive.)

A Sinking Fund of three and one-half twelfths of forty thousand pounds sterling, to be remitted annually to the

Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of five hundred thousand pounds sterling at the end of the decade; the sum to be remitted annually, to be invested in the names of Trustees, in Colonial securities of any of the three Provinces aforesaid, prior to or forming part of the loan to be raised, or in such other Colonial securities as Her Majesty's Government shall direct, and the Government of New Brunswick shall approve.

3rd Decade, (say 1883 to 1892 inclusive.)

A Sinking Fund of three and one-half twelfths of eighty thousand pounds sterling, to be remitted annually to the Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of one million of pounds sterling at the end of the decade; the amount, when remitted, to be invested as in the case of the Sinking Fund for the preceding decade.

4th Decade, (say 1893 to 1902 inclusive.)

A Sinking Fund of three and one-half twelfths of one hundred thousand pounds sterling, to be remitted annually to the Imperial Treasury, being an amount adequate, if invested at five per centum compound interest, to provide three and one-half twelfths of one million two hundred and fifty thousand pounds sterling, being the balance of the loan, at the end of the decade; this amount, when remitted, to be invested as in the preceding decades.

Should the Sinking Fund of any decade produce a surplus, it will go to the credit of the next decade; and in the last decade, the Sinking Fund will be remitted or reduced accordingly.

7. The construction of said Railway, if by the Governments, shall be conducted by five Commissioners—two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick; these four to choose the remaining Commissioner. The preliminary surveys shall be effected at the expense of the Colonies, by three Engineers and other officers to be nominated—two of such Engineers to be chosen by the Governments of Canada, Nova Scotia, and New Brunswick, and one by the Imperial Government; and of such expense the Province of New Brunswick shall be liable for three and one-half twelfths.

8. The Road to be at the service of the Imperial Government for the carriage of Troops and Munitions of War, on such terms and at such rate of tariff as may from time to time be agreed upon between the Imperial and Colonial Governments.

9. As soon as the Provinces of Canada and Nova Scotia shall have provided the necessary legislation to carry into effect the stipulations contained in the Memoranda A and B, and upon the terms and conditions set forth in the Paper marked C, in the Schedule annexed, furnished by the British Government, the Governor in Council may appoint a suitable person, to hold office during pleasure, as one of the Commissioners to be selected in conformity with the provisions of Section one of Memorandum B in said Schedule, who shall be clothed with all the powers necessary to carry out the provisions of this Act in conjunction with Commissioners to be appointed by the Governments of Canada and Nova Scotia, as in said Section set forth.

10. If any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the contemplated Railway between Truro in Nova Scotia, and Riviere du Loup in Canada, and shall give such guarantee or assurance that they will complete the same as the several Governments of Canada, Nova Scotia and New Brunswick may deem necessary, the Governor in Council is hereby authorized and empowered, on the part and behalf of New Brunswick, to enter into an agreement, conjointly with Canada and Nova Scotia, with such Company or Body Corporate, for the construction of said Railway, upon the following terms, viz:—That upon completion of such Railway, the Province of New Brunswick shall each and every year for and during the first period of ten years thereafter in which the said Railway shall be effectually worked, pay to the said Company or Body Corporate, a sum which, together with the net earnings of the said Railway, shall be equal to the interest, at the rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling: Each and every year for and during the second period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of said Railway, shall be equal to the interest, at the

rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twenty thousand pounds sterling: Each and every year for and during the third period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of said Railway, shall be equal to the interest, at the rate of three and a half per centum, on three and one-half twelfths of three millions of pounds sterling, but not exceeding in any one year the sum of twelve thousand pounds sterling: Each and every year for and during the fourth period of ten years thereafter in which the said Railway shall be effectually worked, a sum which, together with the net earnings of the said Railway, shall be equal to the interest, at three and a half per centum, on three and one-half twelfths of three millions pounds sterling, but not exceeding in any one year the sum of six thousand pounds sterling; which said payments shall be and are hereby made a first charge upon the Revenues of the Province next after the Civil List and the debts and liabilities existing at the time of the passing of this Act.

11. In case that no suitable Company or Body Corporate shall offer or be found willing to construct and manage the said Railway, upon terms and conditions provided in the preceding Section, then the Commissioner to be appointed on behalf of this Province shall be empowered to act conjointly with the other Commissioners, to construct the said Road by public tender and contract, in the cheapest and most efficient manner the said Commissioners can devise, and upon the site that shall have been surveyed and approved by the Governments of the three Provinces.

12. When the preliminary surveys shall have been completed in the manner above provided, and the British Government shall have approved of a line and surveys, the work shall commence and be continued simultaneously in each of the Provinces, and such portions, or the whole of the line, shall be immediately put under contract of construction, in sections or otherwise, to be finished at such dates, with such guarantees and securities for completion, as shall be deemed most advisable by such Commissioners.

13. No such loan shall be contracted without the assent

of the Legislature, until it shall be satisfactorily made to appear to the Governor in Council, by the estimates and certificates of the Engineers appointed under the authority of this Act, that a first class Railway can be constructed from Truro in Nova Scotia, to Riviere du Loup in Canada, on the line selected, and under the terms of the proffered guarantee.

14. Three of the five Commissioners shall be a quorum for the transaction of business, and in case of disagreement, the decision of a majority shall be binding.

15. No person holding a seat in the Legislature shall become security for the performance of any contract with the Commissioners, or for any work or engagement in relation to the Railway to be constructed, referred to in this Act; and no Member of the Legislature of this Province shall hold the office of Commissioner, or hold or be appointed to any office of emolument under the Commissioners, or be a Contractor or party to any contract arising out of the construction, management or working of the Road, or any part thereof.

16. Where the Road shall pass through Crown Lands, the Governor in Council is hereby authorized to grant, for the purposes of the Road, the necessary Crown Lands for track, sidings, and stations.

17. The Commissioners to be appointed for carrying out the provisions of this Act, when the line shall be constructed, are authorized to make rules and regulations for managing and working the entire line, in conformity with the stipulations in the Memoranda aforesaid mentioned; and so far as the Province of New Brunswick is concerned, such rules and regulations, when approved by the Governor in Council, shall have all the force of law within the boundaries of this Province.

18. If either the Province of Canada or the Province of Nova Scotia shall not legislate within two years after the passing of this Act, providing for the construction of the said Inter-Colonial Railway on the terms of the said Memoranda and Papers in the said Schedule, or some modification of them to be agreed upon by the Legislatures of the three Provinces and the Imperial Government, then this Act, and every matter and thing herein contained, shall, at the end of two years from the passing hereof, be and stand repealed.

19. The Legislature will make such further provisions as may be deemed necessary to give effect to this Act, for the purpose of raising the Loan, paying the Interest, liquidating the Debt, and for the construction and management of the Road.

SCHEDULE IN THE FOREGOING ACT REFERRED TO.

MEMORANDUM A.

The undersigned, representing the three Governments of Canada, Nova Scotia, and New Brunswick, convened to consider the Despatch of His Grace the Duke of Newcastle of 12th April 1862, with reference to the Inter-Colonial Railway; having given the very important matters contained in that Despatch their attentive consideration, are agreed—

I. That whilst they have learnt with very great regret that Her Majesty's Imperial Government has finally declined to sanction the proposals made in behalf of these Provinces in December 1861, and at previous periods, they at the same time acknowledge the consideration exhibited in substituting the proposal of "an Imperial guarantee of Interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the Railway."

II. That, with an anxious desire to bind the Provinces more closely together, to strengthen their connection with the Mother Country, to promote their common commercial interests, and to provide facilities essential for the public defence of these Provinces as integral parts of the Empire, the undersigned are prepared to assume, under the Imperial guarantee, the liability necessary to construct this great work.

III. That the three Governments are agreed that the proportions of liability for the necessary expenditure shall be appropriated as follows, viz:—five-twelfths for Canada, and seven-twelfths to be equally divided between the Provinces of Nova Scotia and New Brunswick.

IV. But it is understood that the liability for principal and interest shall be borne by each Province to the extent only of the proportion hereby agreed upon.

V. That, in arriving at this conclusion, the undersigned have been greatly influenced by the conviction that the con-

struction of the Road between Halifax and Quebec must supply an essential link in the chain of an unbroken highway extending through British territory from the Atlantic to the Pacific, and in the completion of which every Imperial interest in North America is most deeply involved; and the undersigned are agreed that, to present properly this part of the subject to the Imperial authorities, the three Provinces will unite at an early day in a joint representation on the immense political and commercial importance of the Western extension of the projected line. *12th September, 1862.*

(Signed)	J. S. Macdonald,	}	Representing Canada.
	L. V. Sicotte,		
	J. Morris,		
	W. P. Howland,		
	Wm. M'Dougall,		
	U. T. Tessier,		
	T. D'Arcy M'Gee,	}	Representing Nova Scotia.
	F. Eventurel,		
	Adam Wilson,		
	Joseph Howe,	}	Representing New Brunswick.
	William Annand,		
	J. M'Culley,		
	S. L. Tilley,	}	Representing New Brunswick.
	W. H. Steeves,		
	P. Mitchell,		

MEMORANDUM B.

I. If it should be concluded that the work shall be constructed and managed by a joint Commission of the three Provinces, it shall be constituted in the proportion of two appointed by the Government of Canada, and one each by the Governments of Nova Scotia and New Brunswick, the four to select a fifth before entering upon the discharge of their duties.

II. That a joint Delegation proceed with as little loss of time as possible to England, to arrange with the Imperial Government the terms of the loans, the nature of the securities required, the amount to be paid for the transport of Troops and Mails, and, if possible, to obtain a modification of the terms proposed, to the extent of the interest accruing during the construction of the work.

III. That no surveys be authorized until the Laws contemplated shall have been passed, and the joint Commissioners appointed.

IV. That any profit or loss, after paying working expenses, shall be divided in proportion to the contributions of the several Provinces.

V. That such portions of the Railways now owned by the Governments of Nova Scotia and New Brunswick, which may be required to form part of the Inter-Colonial Road, shall be worked under such joint authority as may be appointed by the three Provinces; that the rates collected shall be uniform over each respective portion of the road: that all net gain or loss resulting from the working or keeping in repair of any portion of the road constructed by Nova Scotia or New Brunswick, and to be used as a part of the Inter-Colonial Railway, shall be received and borne by the said Provinces respectively, and the surplus, if any, after the payment of interest, shall go in abatement of interest on the whole line between Halifax and Riviere du Loup.

Crown Lands required for the Line or for Stations, shall be provided by each Province.

(Signed) THOS. D'ARCY M'GEE, *for Canada.*
JOSEPH HOWE, *for Nova Scotia.*
S. L. TILLEY, *for New Brunswick.*

MEMORANDUM C.

Paper furnished by Sir Frederic Rogers.

It is proposed—

1. That Bills shall be immediately submitted to the Legislatures of Canada, Nova Scotia, and New Brunswick, authorizing the respective Governments to borrow £3,000,000, under the Guarantee of the British Government, in the following proportions:—5-12ths, Canada; $3\frac{1}{2}$ -12ths, Nova Scotia; $3\frac{1}{2}$ -12ths, New Brunswick.

2. But no such Loan to be contracted on behalf of any one Colony, until corresponding powers have been given to the Governments of the other two Colonies concerned, nor unless the Imperial Government shall guarantee payment of Interest on such Loan until repaid.

3. The money to be applied to the completion of a Railway connecting Halifax with Quebec, on a line to be approved by the Imperial Government.

4. The Interest to be a first charge on the consolidated Revenue Funds of the different Provinces, after the Civil List

and the Interest of existing Debts ; and as regards Canada, after the rest of the six charges enumerated in the 5th & 6th Victoria, Chapter 118, and 3rd & 4th Victoria, Chapter 35. (Acts of Union.)

5. The Debentures to be in Series, as follows, viz :—

£250,000	to be payable	10 years	after contracting	Loan.
£500,000	“	20	“	“
£1,000,000	“	30	“	“
£1,250,000	“	40	“	“

In the event of these Debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge on their respective Revenues, next after the Loan, until paid. The principal to be repaid as follows :—

1st Decade, (say 1863 to 1872 inclusive.)—£250,000 in redemption of the 1st Series, at or before the close of the first decade from the contracting of the Loan.

2nd Decade, (say 1873 to 1882 inclusive.)—A Sinking Fund of £40,000, to be remitted annually ; being an amount adequate, if invested at five per cent. compound interest, to provide £500,000 at the end of the decade : the sum to be remitted annually, to be invested in the names of Trustees in Colonial securities of any of the three Provinces prior to or forming part of the Loan now to be raised, or in such other Colonial securities as Her Majesty's Government shall direct, and the three Colonial Governments approve.

3rd Decade, (say 1883 to 1892 inclusive.)—A Sinking Fund of £80,000, to be remitted annually ; being an amount adequate, if invested at five per cent. compound interest, to provide £1,000,000 at the end of the decade : the amount, when remitted, to be invested as in the case of the Sinking Fund for the preceding decade.

4th Decade, (say 1893 to 1902 inclusive.)—A Sinking Fund of £100,000, to be remitted annually ; being an amount adequate, if invested at five per cent. compound interest, to provide £1,250,000, being the balance of the Loan, at the end of the decade : this amount, when remitted, to be invested as in the preceding decade.

Should the Sinking Fund of any decade produce a surplus, it will go to the credit of the next decade. And in the last decade, the Sinking Fund will be remitted or reduced accordingly.

It is, of course, understood, that the assent of the Treasury to these arrangements, presupposes adequate proof of the sufficiency of the Colonial Revenues to meet the charges intended to be imposed upon them.

6. The construction of the Railway to be conducted by five Commissioners; two to be appointed by Canada, one by Nova Scotia, and one by New Brunswick: these four to choose the remaining Commissioner.

7. The preliminary Surveys to be effected at the expense of the Colonies by three Engineers or other officers, nominated, two by the Commissioners and one by the Home Government.

8. Fitting provision to be made for carriage of troops, &c.

9. Parliament not to be asked for the guarantee until the Line and Surveys shall have been submitted to and approved of by Her Majesty's Government, and until it shall have been shewn, to the satisfaction of Her Majesty's Government, that the Line can be constructed without further application for an Imperial guarantee.

MEMORANDUM D.

Downing Street, 24th January, 1863.

SIR,—I have to request that you will acquaint Mr. Tilley that his Letter of the 3rd instant, addressed to Sir Frederic Rogers, on the subject of the Treasury Minute on the proposed Loan for the construction of the Inter-Colonial Railway, has been received in this Department; and I enclose a copy of a Memorandum which I have received from the Secretary to the Treasury, on the points raised by Mr. Tilley respecting the mode of raising the Loan, and the priority of charge on the Colonial Revenues, which I trust will be satisfactory to him.

Mr. Tilley will, doubtless, communicate this information to his colleague, Mr. Howe; I have therefore not sent a copy of this Paper to Lord Mulgrave.

I have, &c.

(Signed)

FREDERIC ROGERS,

(In the absence of the Duke of Newcastle.)

Lieut. Gov. Hon. Arthur H. Gordon, &c. &c. &c.

[Enclosure.]

With reference to the two questions raised by Mr. Tilley upon the stipulations embodied in the Memorandum relating

to the proposed Loan for the construction of an Inter-Colonial Railway, the Treasury considers that an answer should be sent to the following effect:—

1. Her Majesty's Government never contemplated acquiring a precedence over existing engagements of the Colonial Governments, whether for interest or principal; but the assent of the Treasury to the arrangement, as stated in article V, presupposes adequate proof of the sufficiency of the Colonial Revenues to meet the charges imposed upon them, which charges would comprise not only the Civil List, and the accruing interest of any existing debt standing in priority to the proposed Railway Loan, but also any payment of principal standing in the same priority, which may fall due within the period at the expiration of which the Railway Loan is required to be fully liquidated, as well as the current interest and the decennial accumulation for extinction of principal of the proposed Railway Loan.

No statement of revenue or liabilities which would afford this evidence has as yet been exhibited to Her Majesty's Government.

2. In the event of the proposed arrangement being carried into effect, the Treasury will not object to issue the Debentures, upon the precedent of the Canada Guaranteed Loan of 1843, under the hand of the Lords Commissioners, and to authorize one of their officers to act as Trustee, together with a nominee of the Colony, for the investment in their joint names of the instalments remitted from time to time on account of Sinking Fund, provided such a course shall be deemed advisable by the Colonial Governments.

CAP. VI.

An Act relating to the Coast and River Fisheries.

Section.

1. & 2. Leases, by whom and where granted, and length of term.
3. Lease, when and how sold.
Private rights not to be affected.
4. Fishery Wardens, how appointed.
5. Duties of Wardens.
6. Rents of Leases, how disposed of.
7. Fines, &c. how recovered and accounted for.
8. Warden may act as witness.
9. Salary of Wardens.
10. Rules, &c. to be made by Governor in Council. Penalties.

Section.

11. Rules, &c. to be taken as part of Act.
12. Tax on Nets, &c.
13. Wardens to collect tax and pay over to Province Treasurer. Annual returns, when and to whom made.
14. Wardens to mark out "Gurry Grounds," and give public notice of the same.
15. Persons erecting Mill dams must attach thereto a good and sufficient "fish-pass." Penalty for neglect.
16. Fish-ways to be attached to dams already built. Penalty for neglect.

Section.	Section.
17. Slabs, edgings, &c. not to be thrown into the Rivers or Harbours. Exceptions. Sessions may make Rules and Regulations.	Grand Manan. Limits of Spawning Ground. Penalty.
18. Salmon not to be taken after 31st August. Spearing prohibited.	21. Penalties for infraction of Sections 17, 18, and 23. Mode of recovery.
19. Angling for Salmon permitted till 15th September.	25. Governor in Council may impose further penalties.
20. Fishing, where prohibited.	26. Penalties, how recovered.
21. Drift and sweeping Nets prohibited. Penalty.	27. Penalties must be sued for within one month.
22. Rules and Regulations relative to certain Parishes in the County of Charlotte.	28. Chapter 101, Title xxii. Rev. Stat. repealed.
23. Herring, when to be taken on Spawning Ground at Southern Head	29. Ac: 23 Vic. relating to Fisheries in Restigouche, when and how to be repealed.
	30. Not to apply to or interfere with Fisheries in Harbour of St. John.

Passed 20th April, 1863.

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

1. That the Governor in Council may grant leases or licences of occupation for a term not exceeding five years, of Fishing Stations on ungranted shores, beaches, or Islands, which shall terminate when such Stations shall cease to be used for such purpose; no Station shall occupy the whole of a locality where there may be space for more than one.

2. That the Governor in Council may grant leases or licences for fishing purposes on Rivers and streams above the tidal waters of such streams or rivers where the same belong to the Crown, or the lands are ungranted.

3. That when any application is made for any lease or licence under either of the preceding Sections, the lease or licence shall be sold at public auction, after thirty days notice in the Royal Gazette, the upset price being determined by the Governor in Council; but the rights of parties in lands and privileges already granted shall not be affected thereby.

4. That the Governor in Council may appoint such and so many persons as he may deem necessary to be Wardens of Fisheries in the various localities, who shall have jurisdiction over such Rivers and tributaries, and in such districts as may be defined and allotted to them by the Governor in Council.

5. That it shall be the duty of the said Wardens respectively, to watch over and protect the fisheries within their respective jurisdictions, and to enforce the provisions of this Act, and the rules and regulations to be made by authority hereof; and they shall be subject to the directions and liable

to the penalties imposed by the regulations of the Governor in Council for misconduct or neglect of duty.

6. That the rents and profits arising from leases and licences granted under this Act, shall be paid into the Provincial Treasury, and a separate account kept of the same, called "The Fishery Protection Account."

7. That all fines and penalties imposed by this Act, or by the regulations to be made thereunder, shall be recovered in the name of any Warden of the district, who shall account for the same to the Provincial Treasurer in such manner as the Governor in Council may direct, and shall be carried to the credit of the account mentioned in the last Section.

8. That nothing in this Act contained shall prevent any Warden from being a competent witness for the recovery of any fine or penalty, or in any proceeding for any forfeiture under this Act, or under any regulation made under the authority of the same.

9. That the Wardens shall receive respectively such salary, not in any case exceeding four hundred dollars per annum, as the Governor in Council may deem right; the same to be paid by Warrant on the Provincial Treasury.

10. That the Governor in Council may make rules and regulations for the management and protection of the Fisheries on the Sea Coast, or around any Island of the said Coast, between low water mark and three marine miles of such mark; and may also make rules and regulations for the management and protection of the River Fisheries; imposing no greater penalty than forty dollars, nor any longer imprisonment than twenty days; and all such rules and regulations shall be published in the Royal Gazette.

11. That the rules and regulations so made shall be in addition to the provisions of this Act, and shall, when so made and published, have the like force and effect as if herein contained and enacted.

12. The Governor in Council may impose and levy an annual tax on every net used for the taking of Salmon on the Sea Coast, or in the Bays and Rivers of this Province, not exceeding fifty cents for every net fifty fathoms in length, and one half cent for every fathom above fifty fathoms, and may also enforce and levy such annual tax as may be deemed reasonable, on all and every engine, weir or trap used for

taking fish in the Rivers, or on the Sea Coast, or in the Bays of this Province.

13. That the taxes imposed under the provisions of this Act, or the regulations to be made by authority hereof, shall be collected by the Wardens in the respective districts, and shall be paid by them into the Provincial Treasury in such manner as the Governor in Council may direct; and it shall be the duty of the Wardens to make full and correct returns of the amounts so collected and paid over by them respectively, annually, on the thirty first day of October in each year, such returns to be forthwith transmitted to the Auditor General.

14. That the Wardens shall, when necessary, mark out and designate, in proper positions, within their respective districts, proper "gurry grounds," putting up notices thereof on the several school houses and other most public places in the Parish where the said gurry grounds are marked out, and shall publish the like notice in the Royal Gazette; and no person shall throw overboard any ballast or offal of fish in any river, harbour, or roadstead, or within three marine miles of the mainland, or of any Island, or on any fishing bank, except on the gurry grounds; and any person acting in contravention of this Section, shall be liable to a penalty of twenty dollars.

15. Every person who constructs a new dam for mill or other purposes, or alters any dam so as to create increased obstructions to the fish in any waters where Salmon are found, shall attach and maintain attached thereto, in an efficient state, a fish-pass or ladder, of such form and dimensions as may be considered necessary by the Warden of the district, and if he do not do so he shall incur a penalty of forty dollars, and also a penalty of four dollars for each week he shall neglect to construct such ladder or fishway, after having been required so to do by the Warden of the district; and it shall be lawful for the Warden at any time after the expiration of one month from the giving notice to such persons of his intention so to do, to cause such ladder or fishway to be constructed, and to recover the expense of such construction from the owner or occupier of such dam, in a suit for money paid to the use of such person; and for the purpose of so constructing such ladder or fishway, it shall be

lawful for the said Warden and all parties employed by him, to enter upon the premises with all the necessary means and materials to construct and complete the same.

16. In every dam now built across any stream or river, except where fish may not resort, a proper and suitable fish-way shall be made and kept, under a penalty not exceeding twenty eight dollars, nor less than four dollars; and a further penalty of four dollars each week such dam shall be suffered to remain unprovided with such fishway, after due notice given by the Warden; and the Warden having jurisdiction, shall determine the dams entitled to the above mentioned exception.

17. That no slabs, edgings, or other mill rubbish, shall be thrown, put, or be allowed to fall into any of the Rivers or Harbours, except saw dust in streams above the tidal waters where Mills are so constructed that the saw dust falls directly from the saw into the stream; provided nevertheless, that nothing in this Section contained shall prevent the General Sessions or local authorities from making rules and regulations, or other ordinances or provisions for the preservation or protection of any Rivers and Harbours, where authorized so to do by any law now in force or hereafter to be made.

18. That no Salmon shall be taken on any coast, nor in any of the Bays, Rivers, or Harbours, or in any fresh water stream or river, after the thirty first day of August in any year, nor between sunset on any Saturday night and sunrise on the following Monday morning, nor in any place at any time by spearing, nor shall any person sell or offer for sale or purchase any Salmon taken by spearing; nothing in this Section shall apply to prevent killock nets remaining set on Sunday, in places where stake nets cannot be set.

19. That angling for Salmon may be permitted until the fifteenth day of September in each year.

20. That no person shall use any net, or take Salmon in any way whatever at any Salmon leap, or where any artificial Salmon-pass shall have been constructed, nor in any pools or ponds where the Salmon are wont to spawn; and no stake net, seine, or weir, or other contrivance for taking Salmon, shall be set or placed within two hundred yards next below any dam erected across any river, stream, or water course.

21. That no drift nets or sweeping nets shall be used for

catching Salmon in any River or Stream, or Harbour; any person using the same shall be subject to a penalty of not less than four dollars nor more than twenty dollars, and shall also forfeit the nets so illegally used.

22. That within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, no seine or net shall be set across the mouth of any Haven, River, Creek, or Harbour, nor in such place extending more than one third the distance across the same, or be within forty fathoms of each other, nor shall they be set within twenty fathoms of the shore at low water mark; and every fish weir in the said Parishes dry at low water mark, or which, in the opinion of Warden or Wardens requires a gate, shall have a gate therein of such dimensions and in such position as he or they may determine; and it shall be the duty of the Warden or Wardens, and the Overseers of the Fisheries in the Parishes in this Section mentioned, to severally seize and remove any net or obstruction whatever, set or placed contrary to the provisions of this Section, and after five days' notice to sell the same, together with any fish found therein, in some public place in the Parish where the seizure is made; after deducting from the proceeds the charges of seizure and sale, the residue shall be applied to the payment of the penalty incurred.

23. That no Herring shall be taken between the fifteenth day of July and the fifteenth day of October in any year, on the spawning ground at the southern head of Grand Manan, to commence at the eastern part of Seal Cove, taking in the two Inner Islands, so called, at a place known as Red Point, thence extending westerly along the coast to the southern head of Bradford's Cove, and extending one mile from the shore; all nets or engines used for catching Herrings on the said ground within that period shall be seized and forfeited, and every person engaged in using the same shall be guilty of a misdemeanor, and be imprisoned for any term not exceeding three months, or fined in a sum not exceeding twenty five pounds.

24. That any person guilty of violating the provisions of Section the seventeenth of this Act, for each offence shall forfeit and pay a fine not exceeding twenty dollars, nor less than four dollars; any person violating the provisions of Sec-

tion the eighteenth of this Act, shall for each offence forfeit and pay a fine of not exceeding twenty dollars, nor less than four dollars ; every person violating the provisions of Section the twenty third of this Act shall, in addition to the pains and penalties thereby incurred, forfeit and pay for each and every offence a fine of not less than twenty dollars nor more than eighty dollars, in the discretion of the Justices before whom tried ; to be sued for and recovered before any two Justices of the County where the offence shall be committed.

25. That the Governor in Council may, by regulations, impose a fine or fix fines and penalties for the breach of any of the provisions of this Act not herein provided for, and make full provision for the further protection of the Fisheries in the various localities in this Province, by rules and regulations for the prevention of spearing, the setting of fixed traps, weirs, or engines, or brush or wooden barricades, the buying or selling of speared Salmon, taking or destroying young Salmon or Spawn, the use of poisonous substances or chemicals, the disturbing of spawning fish, or taking fish to be used for manures, the size of meshes in nets, the manner of setting, and the length of nets, and any other matters deemed necessary, and may fix the fines and penalties for the violation of all and any of the regulations, as he may deem necessary ; and such provisions and regulations, when so made and published in the Royal Gazette, shall have all the force of law.

26. That every penalty or forfeiture imposed by this Act, or the regulations made hereunder, may be sued for and recovered on complaint of any Warden of the district, before any Stipendiary or other Magistrate or Magistrates, in a summary manner, upon the oath of one or more credible witness or witnesses, and the proceedings and the costs to be recovered shall be the same as provided by law in other cases where summary jurisdiction is given to Magistrates, except so far as is herein otherwise provided.

27. That all penalties incurred under this Act or the regulations, must be sued for within one month from the committal of the offence ; and all fines and penalties may be recovered in the ordinary way by distress and sale of the offender's goods and chattels, and for want of such goods and chattels, imprisonment in the common gaol, as provided by law in cases of summary convictions.

28. That Chapter 101, Title xxii, of the Revised Statutes, 'Of the Sea and River Fisheries,' and all Acts in addition to and in amendment of the same, are hereby repealed.

29. That an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act relating to the Fisheries in the County of Restigouche*, and the regulations of the Sessions made thereunder, shall remain in force until regulations shall be made by the Governor in Council under this Act, at which time the Governor in Council may, by Proclamation in the Royal Gazette, declare the same to be repealed, when this Act, and the regulations made hereunder, so far as the same may be applicable to the County of Restigouche, shall have effect in and apply to that County and to the River Restigouche and its tributaries.

30. Nothing in this Act contained shall in any wise apply to or interfere with the Fisheries of the Harbour of the City of Saint John, or with the rights, powers, duties, authorities or privileges of the Mayor, Aldermen and Commonalty of the City of Saint John.

CAP. VII.

An Act in amendment of the Act 21st Victoria, Chapter 9, intituled
An Act relating to Parish Schools.

Section.

1. Where Parish has been improperly divided into Districts, Board of Education may direct Trustees to re-divide.

Section.

2. Board may limit number of Schools in any Town, &c. Rate-payers may elect Committees for District or School.

Passed 20th April, 1863.

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

1. Whenever it shall be made appear to the Board of Education, either by the report of the District Inspector or otherwise, that any Parish has been improperly divided into School Districts, the Board may cancel such division, and it shall then be the duty of the Chief Superintendent to direct the Trustees of Schools for such Parish to make a new division thereof, and if deemed necessary he may instruct the District Inspector to assist them. On receipt of such instructions it shall be the duty of the Trustees, as provided by the sixth Section of 'An Act relating to Parish Schools,' forthwith to re-divide such Parish into School Districts, and to

file a description of such division with the Clerk of the Peace, or in incorporated Counties, with the Secretary Treasurer of the County, and also to transmit a copy thereof to the Chief Superintendent of Schools, to be filed in his office.

2. The Board of Education may limit the number of Schools to be kept in any town, village, or populous district, in which the Trustees are by the said sixth Section of the said Act empowered to authorize such number of Schools as the wants of the population may require, and make such regulations as may be deemed necessary as to the number of male and female Teachers respectively to be employed therein; and it shall not be lawful for the Trustees to exceed such limit, or depart from such regulations, or to establish a second School in any other School District, without the authority of the Board: Every such town, village, or populous district, shall be considered but one School District, but the rate-payers at any meeting held under the authority of the seventh Section of the said Act, may elect one or more Committees for the whole District, or a Committee for each School, as may be decided by a majority of the electors present.

CAP. VIII.

An Act further to amend an Act intituled *An Act in amendment and consolidation of the Laws relating to Highways.*

Section.

1. Section 16, 25 Vic. cap. 16, repealed.

Section.

2. Assessment on estates of females, minors, and non-residents, how collected and applied.

Passed 20th April, 1863.

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

1. The sixteenth Section of an Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, is hereby repealed.

2. All divided or undivided estates of females, minors, and non-residents, shall be assessed in the same ratio as the estates of residents, to be levied and collected as provided in and by the seventeenth Section of the Act to which this is an amendment, and to be paid to the Commissioners of the Parish in which such estate is situate, in proportion to

the assessment made on such estate, to be by them applied in repairing the Roads or Streets in such Parishes; any assessment on the property of females or minors may be paid in labour, by substitute; provided that this Act shall not apply to lands of non-residents subject to the tax of one cent per acre, levied under the Act made and passed in the twenty fourth year of Her Majesty's Reign, intituled *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.*

CAP. IX.

An Act to amend an Act intituled *An Act to amend the Revised Statutes, Chapter 53, 'Of Rates and Taxes.'*

Section.

1. Act 25 Vic. Cap. 30, repealed.

Section.

2. Assessments due by non-residents, how recovered.

Passed 20th April, 1863.

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

1. That the third Section of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to amend the Revised Statutes, Chapter 53, 'Of Rates and Taxes,'* be and the same is hereby repealed; and in lieu thereof,—

2. That if any person assessed as a non-resident, and having a known place of abode within the Province, shall neglect to pay his assessment within the time limited by the first Section of the Act to which this Act is an amendment, the Collector shall apply to a Justice of the Peace of the County in which such person may reside, who, upon the production of a Certificate from the Clerk of the Peace or Secretary Treasurer of the County, as the case may be, where the assessment was made, of the amount of such assessment, and the costs of advertising, and that due notice has been given as required by the said first Section of the said Act, shall issue an Execution against such person as directed in the twenty fifth Section of the Fifty third Chapter of the Revised Statutes; and no proceedings shall be taken against the real estate of such non-resident, for recovery of such assessment and costs, until after the return of such execution.

CAP. X. *Rep'd by 31st c/b. A.*

An Act to amend Chapter 124, Title xxxiv, of the Revised Statutes,
'Of Insolvent Confined Debtors.'

Section.

1. Order for maintenance or discharge,
how obtained.

Section.

2. Section 9 of Chap. 124, Title xxxiv,
Rev. Stat. repealed.

Passed 20th April, 1863.

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

1. That any person confined in any gaol, or on the limits thereof, for the space of six months, in any civil suit, may apply to any Judge of the Supreme Court, on affidavit, for relief, fourteen days' notice of such application, with copies of the affidavits, being first given to the opposite party or his Attorney, who, on being satisfied that the debtor has no property, real or personal, to discharge the demand in part or in whole, or means of support, and that he has applied to a Judge or Justice for weekly support without success, the said Judge may in his discretion make an Order either for the maintenance or discharge of such debtor, the decision of such Judge to be final.

2. Section 9 of Chapter 124, of Title xxxiv, of the Revised Statutes, is hereby repealed.

CAP. XI.

An Act relating to Physicians and Surgeons.

Section.

1. Enumerates Acts repealed.

2. Prescribes terms of qualification.

3. Persons licenced since 1816 recog-
nized.

4. Qualified persons can recover fees,

Section.

5. Not to extend to Naval or Military
Practitioners.

6. Persons at present authorized to
practise, not affected by this Act.

Passed 20th April, 1863.

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

1. From and after the passing of this Act, Title xxxv, Chapter 135, of the Revised Statutes, 'Of Physicians and Surgeons;' An Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick; An Act to amend an Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick; and

An Act further to amend an Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick; shall be and the same are hereby repealed.

2. No person shall practice Physic or Surgery within this Province, or demand or receive any fee or reward for the cure of any disease, or the performance of any surgical operation, unless he shall have obtained a Diploma from some College or other public Institution of Great Britain, Ireland, Canada, or other British Colonies, or any Country in Europe, or the United States of America, authorized to grant the same, unless he shall have been carefully examined by competent Judges appointed by the Governor in Council, and upon their report receive a Licence from the Governor for that purpose.

3. All persons licenced by the Governor since the eleventh day of March one thousand eight hundred and sixteen, shall be entitled to the benefits of this Chapter.

4. Every person qualified as aforesaid shall be entitled to demand, sue for and recover reasonable and customary fees for his services, and payment for medicines by him administered in the course of his practice in the capacity either of a Physician or Surgeon.

5. Nothing in this Chapter shall extend to any Physician or Surgeon appointed by Commission or Warrant to serve in the Royal Navy, or in any Garrison or Military Corps being within the limits of this Province.

6. Any person who by virtue of the Acts hereby repealed had obtained or had a right to practice Physic or Surgery in this Province, or who had such right prior to the passing of this Act, is hereby authorized to continue such practice, and to have all the rights and privileges of persons having a Diploma according to the second Section of this Act.

CAP. XII.

An Act requiring Justices of the Peace to make due return of the Lists of Defaulters in payment of Rates placed in their hands for collection.

Section.

1. List of public Rate defaulters to be furnished by Justices; penalty for neglect, how recovered.

Section.

2. Fines, how to be applied.

Passed 20th April, 1863.

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

1. That from and after the passing of this Act, it shall be the duty of every Justice of the Peace to whom any List of Defaulters in payment of Rates or Assessments shall be given by any Collector of Rates or Commissioner of Highways, for the purpose of being recovered by such Justice, on the first day of the General Sessions of the Peace, or general meeting of Councillors in Incorporated Counties, next after the receipt of such List, to lay before such General Sessions of the Peace, or meeting of Councillors, a detailed statement in writing under the hand of such Justice, setting forth his doings thereon, shewing the names of defaulters as first given to him, the names of the persons against whom he has taken legal proceedings, and the several amounts collected and paid over, and to whom paid; and any Justice of the Peace hereafter neglecting or refusing to fulfil the duty hereby imposed upon him, shall be liable to a penalty of twenty dollars, to be sued for and recovered in any competent Court, in the name of the County Treasurer, or Secretary Treasurer in Incorporated Counties.

2. The fines collected or imposed under this Act to be paid to the County Treasurer and to be applied for County purposes.

CAP. XIII.

AN Act in addition to an Act intituled *An Act in amendment of and in addition to certain Chapters of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes.'*

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That all fines and penalties which may be hereafter imposed under the authority of the ninth Section of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment of and in addition to certain Chapters of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,'* shall be forthwith paid to the Justice or Justices imposing the same, together with the costs of conviction;

and such fine or penalty, as soon as may be after receipt thereof, shall be paid over and applied by such Justice or Justices as may be directed by the regulations or order of Sessions relating to such fines and penalties; and if such fine or penalty, together with the costs, be not paid as hereinabove directed, the said Justice or Justices shall and may commit the offender to jail, there to remain one day for every forty cents of the said fine or penalty and costs, unless the same shall be sooner paid.

CAP. XIV.

An Act to prevent Nuisances upon Public Highways.

Section.

1. What erections prohibited. Penalty.
2. Sale of liquor prohibited. Penalty.
3. Magistrate or Special Constable may order and enforce removal of nuisance.

Section.

4. Special Constables, how appointed.
5. Violations when committed in Saint John, how prosecuted.

Passed 20th April, 1863.

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

1. That no person shall erect or place any booth, shanty, shed, tent, house, or other incumbrance, upon any road, highway or street within this Province, under the penalty not exceeding twenty dollars, together with costs of prosecution, or of imprisonment for a period of not more than thirty days.

2. That no person shall directly or indirectly barter or sell any liquor upon any road, highway, or street, or within any booth, shanty, tent, shed, house, or other erection, placed wholly or in part upon any road, highway, or street, under a penalty not exceeding twenty dollars, together with costs of prosecution, or imprisonment not more than thirty days.

3. That any Magistrate or special Constable to be appointed under the authority of this Act, may take down and remove any booth, shanty, tent, shed, house, or other erection, placed, after the passing of this Act, upon any road, highway, or street, and may direct and require any persons found therein, to move on and away from such booth, shanty, tent, shed, house, or other erection, and on refusal of such persons so to move on and away, may remove them, and shall have all other the powers incident to the office

and duty of a Constable for preserving the public peace and preventing any breach thereof.

4. That any such special Constable may be appointed under the hand of any Magistrate of the County, or of any neighbouring County, and shall be sworn before such Magistrate to carry out and fulfil the provisions of this Act, so far as the same relates to the duties of a special Constable, and generally to preserve the peace in the County or District for which such special Constable may be appointed.

5. That all prosecutions for violating any of the provisions of this Act shall be had, if committed in the County of Saint John, before the Police Magistrate of the City of Saint John or of the Parish of Portland; or if within the Police District of the European and North American Railway, before any Police Magistrate along the line of the European and North American Railway; or if committed in any place not within the County of Saint John, and not within the said Police District, then before any one of Her Majesty's Justices of the Peace of the County in which the offence was committed.

CAP. XV.

An Act to provide for Securities to be given by Public Officers in this Province.

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in all cases where no provision is already made by law for security to be given by Public Officers, every person appointed or hereafter to be appointed to any office, employment or commission under the Government, wherein he shall be concerned in the collection, receipt, disbursement or expenditure of any public money, shall execute a Bond to the Queen, in such sum and with such sufficient surety or sureties as may be approved of by the Governor in Council, for the faithful discharge of his duties, and for his duly accounting for all public moneys received by him or entrusted to his control.

CAP. XVI.

An Act to amend the Act relating to the administration of Justice in Equity.

Section.

1. Bill in Equity not to be sworn to, except in Injunction cases.
2. Bills filed for injunction to be sworn to, or facts proved by affidavit.
3. Causes set down for hearing on 14 days' notice, without publication of evidence. 17 V. c. 18, s. 16, sub-chapter 2, repealed.
4. Amount claimed to be endorsed on Summons in suits for foreclosure of Mortgages.
5. Bill taken *pro confesso* without notice of motion, if no appearance.
6. Causes heard *viva voce* after issue joined, on 14 days notice. Power of Judge to postpone hearing.
7. Judge to assess amount due in foreclosure suits, without notice, where Bill taken *pro confesso*, unless defendant applies for reference.
8. Memorial of absolute decree of foreclosure to be registered; certified copy to be evidence.
9. Facts occurring after commencement of suit, to be added to Bill as an amendment.
10. Power of Court to order sale of real estate in suits for administration of estates of deceased persons.

Section.

11. Any decree made for sale of land, the person entitled thereto, and bound by the decree, to be a Trustee.
12. Provisions of 17 V. c. 18, sub-chapter 4, s. 2, to extend to constructive trusts.
13. Persons interested in questions cognizable in equity, to state special case for opinion of the Court.
14. Form of special case, and authority of Court thereon.
15. How filed and set down for hearing.
16. Parties thereto subject to jurisdiction of the Court.
17. Court to determine questions raised, and declare opinion, without administering relief. Court may refuse to determine question.
18. Executor, &c. protected, when acting in conformity with decree made on a special case.
19. Costs of special case.
20. Suits pending, not affected by first seven Sections hereof.
21. Parts of Act 17 V. c. 18, inconsistent herewith, repealed.
22. Process to be served by Coroner.
23. Books or writings used on a reference, to be evidence before the Court.

Schedule of Form.

Passed 20th April, 1863.

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

1. That so much of the fourth Section of sub-Chapter 2 of an Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to the administration of Justice in Equity*, as requires the Bill to be sworn to by the Plaintiff or his Agent, is hereby repealed, except as hereinafter provided.

2. In Injunction causes, the Bill may be sworn to as directed by the said Act, or if not sworn to, the facts stated in the Bill may be proved by affidavit, according to the practice of the Court of Chancery in this Province prior to the passing of the said Act.

3. The sixteenth Section of sub-Chapter 2 of the before recited Act is hereby repealed; and in lieu thereof, be it enacted,—When evidence shall be taken before an Examiner, or the plaintiff proceeds after issue, on evidence furnished

by the answer, or the defendant on evidence furnished by the plaintiff's answer to defendant's interrogatories, it shall not be necessary to move for publication; but on fourteen days notice by either party, the cause may be set down for hearing at Fredericton, and the evidence may be used without delivering out copies thereof at such hearing.

4. In any suit commenced for the foreclosure of any mortgage, the date of such mortgage and the names of the parties thereto, shall be stated in the summons and copy served, and the amount which the plaintiff claims shall be indorsed on such summons and copy, in the following form, or to the like effect:—"The plaintiff claims £—— for principal on the within mentioned mortgage, and £—— for interest, from [*date of Mortgage, or as the case may be,*] to [*date of Summons.*]

5. If the defendant in any suit does not appear within one month after the filing of the Bill, the plaintiff may move that the Bill be taken *pro confesso*, without giving any notice of such motion; so much of the seventh Section of said sub-Chapter 2, as requires fourteen days notice of motion to be given to the defendant in case of no appearance, is hereby repealed.

6. When a cause is at issue by filing a replication, it may be heard on evidence taken *viva voce* in open Court at one of the Monthly Sittings, on fourteen days notice thereof given by the plaintiff to the defendant or his Solicitor; provided that any Judge, on sufficient cause shewn, may order the postponement of such hearing, or that the cause may be heard at any Circuit Court, on such terms as he may think just.

7. When a bill filed for the foreclosure of a Mortgage is taken *pro confesso* for want of appearance, a Judge may assess the amount due on such Mortgage, without any notice thereof given to the defendant, unless such defendant apply for a reference to a Barrister.

8. A Memorial (A) of every absolute and unconditional decree of foreclosure, may be registered in the office of the Registrar of Deeds of the County where the lands mentioned in such decree are situated; and such Memorial, or a copy thereof, certified by the Registrar, shall be evidence of such decree in all Courts in the Province.

9. It shall not be necessary to file any supplemental bill for the purpose only of stating or putting in issue facts or

circumstances which may have occurred after the commencement of the suit; but such facts or circumstances may be introduced into the bill filed, by way of amendment, if the cause is in such a state as to allow of an amendment being made in the bill, and if not, the plaintiff shall be at liberty to state such facts or circumstances on the record, in such manner and subject to such rules with respect to the proof thereof, and the affording the defendant leave and opportunity of answering and meeting the same, as shall be prescribed by any general rule of the Court.

10. Whenever a decree shall have been made in a suit by a creditor, next of kin, or legatee, or other party, for the administration of the estate of a deceased person, and it shall appear that the personal estate is insufficient for the payment of the debts of such estate, the Court may direct a sale of the real estate for that purpose; and in case the Court shall think fit so to order, the costs of the suit, or of such part thereof as may be so directed, may be ordered to be paid out of the proceeds of such sale.

11. When any decree or order shall have been made by the Court directing the sale of any land for any purpose whatsoever, every person seized or possessed of such land, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made, and bound thereby, or being otherwise bound by such decree or order, shall be deemed to be so seized or possessed or entitled (as the case may be) upon a trust; and in every such case it shall be lawful for the Court, if it shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such land, or any part thereof, for such estate, as the Court shall think fit, either in any purchaser, or in such other person as the Court shall direct; and every such order shall have the same effect as if such person so seized or possessed or entitled, had been free from all disability, and had duly executed all proper conveyances and assignments of such land for such estate.

12. The word "trust" in the second Section of sub-Chapter 4 of the above recited Act, shall extend to and include implied and ~~contractive~~ trusts.

13. It shall be lawful for any person interested or claiming to be interested in any question cognizable on the Equity side

of the Supreme Court, as to the construction of any Act of Assembly, Will, Deed, or other instrument in writing, or any article, clause, matter or thing therein contained, or as to the title, or evidence of title, to any real or personal estate contracted to be sold, or otherwise dealt with, or as to the parties to, or the form of any deed or instrument for carrying any contract into effect, or as to any other matter falling within the jurisdiction of the said Court, to concur in stating such question in the form of a special case for the opinion of the said Court, in the manner and under the restriction hereinafter contained; and it shall be lawful for all executors and trustees to concur in such case.

14. Every such special case shall be entitled as a cause between the parties interested, or claiming to be interested as plaintiff and defendant, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby; and upon the hearing of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents; and the Court shall be at liberty to draw from the facts and documents stated in such case, any inference which the Court might have drawn therefrom if proved in a cause.

15. Every such special case shall be signed by the Solicitors for the parties, and shall be filed with the Clerk of the Court, after which it may be set down for hearing, on fourteen days notice given by either party.

16. After a special case shall have been filed, the parties thereto shall be subject to the jurisdiction of the Court, in the same manner as if the plaintiff in such special case had filed a bill against the party named as defendant thereto, and such defendant had appeared to such bill.

17. Upon the hearing of any such special case, the Court may determine the questions raised therein, or any of them, and by decree declare its opinion thereon, and so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration contained in any such decree, shall have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been, if contained in a decree made in a suit between the same parties instituted

by bill; provided that, if upon the hearing of such case, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the said Court may refuse to decide the same.

18. Every executor, trustee, or other person making any payment, or doing any act in conformity with the declaration contained in any decree made upon a special case, shall, in all respects, be as fully and effectually protected and indemnified by such declaration, as if such payment had been made, or act done, under or in pursuance of an order of the said Court made in a suit between the same parties instituted by bill, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

19. The costs of the proceedings relating to any special case shall be in the discretion of the Court.

20. The first seven Sections of this Act shall not apply to suits now pending.

21. Any part of the above recited Act which is inconsistent with the provisions of this Act, is hereby repealed.

22. In Section 13 of Chapter 1 of the said Act, instead of process being directed to or served by all the Coroners of any County, the same may be directed to or served by any one of the Coroners of such County.

23. The books or writings mentioned in Section 5 of Chapter 3 of the same Act, when used in evidence on any reference under the said Section, shall be evidence to be used before the Supreme Court in Equity, or any Judge thereof, in the same manner as any other evidence taken in the same cause.

SCHEDULE A.

Supreme Court—Equity Side.

Between A. B. Plaintiff, and C. D. Defendant.

This is to certify that by a decree of this Court bearing date the —— day of ——, in the year one thousand eight hundred and ——, it was ordered that the said defendant should be absolutely barred and foreclosed from all right and equity of redemption in and to the following described lands, [*describe the lands as set forth in the bill,*] being the land mentioned in the said plaintiff's bill.—Given under my hand and the Seal of the said Court this —— day of ——, A. D. 186 .

_____ Clerk.

CAP. XVII.

An Act in further amendment of Chapter 40, Title iv, of the Revised Statutes, 'Of the Post Office.'

Section.

Section.

1. System of Money Orders, how established.

2. System may be extended.

Passed 20th April, 1863.

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

1. The Governor in Council may from time to time make regulations for enabling the public to remit sums of money, not exceeding one hundred dollars in any one Order, through the Post Office, by establishing a system of Money Orders, to be granted by one Postmaster or officer of the Department on another, and fixing the rates of poundage on which such Orders may be obtained; which said regulations may from time to time be repealed or amended by any subsequent regulations made in like manner.

2. The Governor in Council may also by regulations to be from time to time made, extend the Money Order System on Postmasters in the United Kingdom and the adjoining Colonies, or any of them, and the payment of Money Orders drawn by such Postmasters on Postmasters in this Province, by such arrangements and on such terms and conditions as may be deemed expedient.

CAP. XVIII.

An Act for the further protection of Sheep from Dogs.

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That any dog unaccompanied by its owner, found chasing sheep, shall be liable, on view, to be killed, and the owner of such dog shall be liable, on proof, to the owner of any sheep so chased, for any damage sustained by reason of such chasing; and any person killing such dog so found chasing sheep as aforesaid, may plead the general issue, and give the special matter in evidence in justification thereof.

CAP. XIX.

An Act to provide for the more efficient discharge of the duties of certain Parish Officers in Incorporated Counties, and for other purposes therein mentioned.

Section.

1. Overseers, when to make returns.
Penalty for neglect.
2. Duty of Collectors.

Section.

3. Powers vested in General Sessions by Act 25 V. c. 16, also vested in County Councils. [months.]
4. Fines to be prosecuted within six

Passed 20th April, 1863.

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

1. That the Overseers of the Poor for the several Parishes in Incorporated Counties, unless otherwise directed by any special Act or Acts of the General Assembly, shall, on or before the first day of January in each and every year, make returns in writing, under oath, to the Secretary Treasurers of their respective Counties, containing a detailed account of all moneys placed in their hands, or in the hands of any of them, for the support of the Poor, or otherwise, in their capacity of Overseers of the Poor, with the expenditure or other disposition of the same, accompanied by vouchers for the sums expended or disposed of, under a penalty against such Overseers of the Poor as may neglect the duty hereby imposed, of a sum not exceeding ten pounds, to be recovered before any Justice of the Peace of the County, with costs, in the name of the Secretary Treasurer, under the provisions of Chapter one hundred and thirty eight, Title xxxvii, of the Revised Statutes, ‘Of Summary Convictions,’ or of any Act made or to be hereafter made in addition to or in amendment of the same; and such penalty, when recovered, shall be paid over to the Secretary Treasurer for the use of the County in which such offence may have been committed.

2. That it shall be the duty of the Collectors of Rates for the several Parishes in such Counties, and they are hereby required to file with the Secretary Treasurers in their respective Counties, the true account of every sum of money received, with vouchers, and correct list of defaulters, verified on oath, and the list given them by the Assessors, in the manner and at the time in which such account should be filed with the Clerk of the Peace under the provisions of the twenty seventh Section of the fifty third Chapter of the

Revised Statutes, Title viii, 'Of Rates and Taxes,' under a penalty of a sum not exceeding ten pounds, to be recovered and applied in the manner directed by the preceding Section.

3. That all powers and authority vested in the Justices of the Peace in General Sessions in their respective Counties, under the provisions of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, or of any Act or Acts in addition to or in amendment or explanation of the same, now made or hereafter to be made, shall be and are hereby vested in the Municipal or County Councils of the several Incorporated Counties; and that all Commissioners of Highways for the several Parishes in such Counties shall deliver to the Secretary Treasurers of their respective Counties, at the times directed in and by the said Act, all lists, returns and accounts therein mentioned and required to be filed by the said Secretary Treasurers in their respective offices; and the said Commissioners of Highways in Incorporated Counties shall be subject and liable to all the fines, penalties and forfeitures prescribed by the said Act, to be sued for, recovered and applied as hereinbefore directed.

4. Every prosecution for any of the fines, penalties and forfeitures in this Act mentioned, shall be commenced within six calendar months after the offence has been committed, and not after.

CAP. XX.

An Act further to amend the Law relating to Courts of Probate.

Passed 20th April, 1863.

WHEREAS doubts have arisen as to the mode of execution of the license to sell the real estate of deceased persons for the purpose of registry, and it is expedient to declare the law in respect thereof;—

Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the acknowledgment and proof of the license to sell real estate, and of a certified copy thereof for the purpose of being registered, mentioned in the fifth Section of the Act of Assembly passed in the twenty fourth year of the Reign of Her present

Majesty, intituled *An Act in further amendment of the Law relating to Courts of Probate*, shall be deemed to be and shall be as follows:—By the Registrar of the Court acknowledging his signature to such license; and when a copy is required for registry in another County, in like manner acknowledging his signature to the certificate on such copy, before any person authorized by law to take acknowledgments of deeds and conveyances, or by proof of any such signature by any person present at the time of signing the same before any of the authorities aforesaid.

CAP. XXI.

An Act relating to the Accounts of Commissioners for Sick and Disabled Seamen.

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Accounts of expenses incurred by the Overseers and Commissioners for Sick and Disabled Seamen in the several and respective Ports in this Province, and which Accounts such Overseers and Commissioners are required to render, on oath, to the General Sessions of the County in which they may act, may be sworn to by such Overseers and Commissioners before any one of Her Majesty's Justices of the Peace in and for such County, any law, usage or custom to the contrary thereof in any wise notwithstanding.

CAP. XXII.

An Act relating to Securities to be given by Deputy Treasurers in this Province.

Section.

Section.

1. Amount of Bonds to be given by the respective Deputy Treasurers.

2. Not to affect Bonds already given.

Passed 20th April, 1863.

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

1. That Deputy Treasurers already appointed, or hereafter to be appointed in this Province, shall execute Bonds to the Queen, with at least two sureties to the satisfaction of the Governor in Council, for the faithful discharge of their

duties, and for their due accounting for all moneys received by them or placed under their control, as follows, that is to say :—The Deputy Treasurer of Chatham, Newcastle, Fredericton, Dalhousie, Bathurst, Richibucto, Saint Andrews, and Saint Stephen, each in a sum not less than eight thousand dollars ; for Shediac, Moncton, and Saint George, each in a sum not less than four thousand dollars ; for Campbellton, Caraquet, Shippigan, Buctouche, Sackville, and Hillsboro, each in a sum not less than two thousand dollars ; for Bay Verte, North Joggins, Dorchester, Harvey, Andover, Grand Falls, Edmundston, and West Isles, each in a sum not less than one thousand dollars ; and for all other places, not less than one thousand dollars each.

2. Nothing in this Act contained shall in any way interfere with or annul any Bond heretofore given by any Deputy Treasurer in this Province, but the same shall remain in full force as if this Act had not passed.

CAP. XXIII.

An Act relating to the admission of Attorneys of the Supreme Court.

Section.

1. Length of term required.

Section.

2. To extend to persons now engaged.

Passed 20th April, 1863.

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

1. That the term of study for a Student at Law be four years, and where the Student is a Graduate of any legally authorized University or College, the term be reduced to three years.

2. The provisions of this Act to extend to those Students who are at present or who may hereafter be engaged in the study of the Law.

CAP. XXIV.

An Act to continue an Act intituled *An Act to provide for the attendance and examination on oath of Witnesses before the Legislature or Committees thereof.*

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in

the twenty third year of the Reign of Her present Majesty, intituled *An Act to provide for the attendance and examination on oath of Witnesses before the Legislature or Committees thereof*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

CAP. XXV.

An Act further to provide for the erection of a Public Hall at Carleton, in the City of Saint John.

Section.

1. Authority to borrow money, to whom given.
2. Debentures to be issued, by whom and in what manner.
3. Debentures negotiable and to bear interest.

Section.

4. Loans to be paid to Chamberlain.
5. Interest, how paid, and sinking fund formed.
6. Sinking fund, how invested.
7. Deficiency of sinking fund, how to be made up.

Passed 20th April, 1863.

WHEREAS there is required for the erection of the proposed Public Hall at Carleton, in the City of Saint John, the sum of ten thousand dollars in addition to and beyond the sum provided to be applied toward that purpose under the fourth Section of an Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to abolish the Fishery Draft on the western side of the Harbour, in the City of Saint John, and to make other provisions for the disposal of the said fisheries, and to apply the annual proceeds thereof toward the erection of a Public Hall in Carleton, and in payment of interest on the Carleton Water Debentures*;—

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, and they are hereby authorized and empowered to borrow the sum of ten thousand dollars, to be applied towards the erecting and completing of the public building at Carleton, in the City of Saint John, contemplated in and by the said recited Act.

2. The said sum of ten thousand dollars shall be borrowed in loans of not less than two hundred dollars each; and Debentures, payable in twenty years from the first day of June next, shall be issued to the person or persons from whom any such loan may be obtained, and in such form as the said Mayor, Aldermen and Commonalty may deem

expedient, with Coupons for interest payable half yearly ; which Debentures shall be sealed with the common seal of the said Corporation, and signed by the Mayor and Common Clerk, and shall be numbered consecutively according to the order in which the same shall be issued ; and the Coupons for interest shall be signed by the Mayor and Common Clerk, and a record of the same shall be kept by the Common Clerk.

3. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as promissory notes ; and the holders thereof shall be entitled to receive interest on the same semi-annually, at the rate of six per centum per annum, to be paid by the Chamberlain of the said City out of the funds hereinafter provided, on presenting the Coupons for the same.

4. 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 out to the contractors or persons who shall be employed in the erection of the said building, upon the orders of the Common Council.

5. The Common Council shall, out of the rents, issues and profits of the common lands on the west side of the Harbour, after the payment of the interest annually on the public debt, as provided by the Act of the General Assembly passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act relating to the public debt of the City of Saint John*, and notwithstanding any thing in the said Act contained, and after payment of such sum as may in any year be chargeable upon the rents of the said common lands, under the provisions of the sixth Section of the Carleton Water Act, 18th Victoria, Chapter 6, in the next place pay and apply the sum of eight hundred dollars annually in each year, for twenty years from and after the passing of this Act, to be appropriated as follows:—In the first place to pay the interest on the said Debentures issued under the provisions of this Act ; and the balance of said sum of eight hundred dollars remaining in the hands of the Chamberlain in each year, after payment of such interest, to form a sinking fund, which is to accumulate from year to year during the said term of twenty years, for the payment of said Debentures, and shall immediately after the expiration of said twenty years be appropriated in full payment and satisfaction of said Debentures.

6. The moneys forming the said sinking fund shall from time to time, as the Common Council may direct, be invested by the Chamberlain, in the name of the Chamberlain of the City of Saint John, in good public or landed securities, as the Common Council may from time to time approve; and the sums so invested, and the securities therefor, and the interest thereon, shall be held by the said Chamberlain in trust for the purposes of this Act.

7. Any deficiency of the said sinking fund to provide for the full payment and satisfaction of the said Debentures, shall, at the expiration of the said term of twenty years, be made up out of the rents, issues and profits of the said common lands on the western side of the Harbour.

CAP. XXVI.

An Act to repeal an Act made and passed in the twenty fifth year of the Reign of Queen Victoria, intituled *An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John*, and make other provisions in lieu thereof.

Section.

1. Act 25 Vic. cap. 77, repealed.
2. Parish Officers to be elected; list of same.
3. Qualification of electors.
4. Nomination of candidates, when made; notice of meeting, by whom given.
5. Who to preside at meeting.
6. List of candidates, by whom prepared, and when.
7. Poll Clerk, when and how appointed; votes, how given; time when votes may be received.
8. List of officers elected, by whom made out, and where filed.
9. Sessions, in case of deficiency, to appoint.
10. Officer refusing to qualify, penalty; vacancy, how filled up.

Section.

11. Clerk of the Peace to furnish Town Clerk with registered list of electors.
12. When Accounts shall be rendered, and to whom.
13. Limits and description of Road Districts.
14. Moneys received for Roads, where and to whose credit paid in.
15. Roadmaster, by whom appointed.
16. Road assessment, how made and under what authority.
17. Commissioners to file with Clerk of the Peace estimate of the amount required for roads.
18. Collector to be also Receiver of Rates.
19. Collector to give Bonds.
20. Duty of Road Commissioners.
21. Acts in part repealed.

Passed 20th April, 1863.

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

1. That an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John*, be and the same is hereby repealed.

2. The Parish Officers for the Parish of Portland, in the

City and County of Saint John, to be elected annually for the said Parish, shall be as follows :—One Town Clerk, one Collector of Rates, four Pound Keepers, four Hogreeves, three Assessors of Rates, four Constables, four Fence Viewers, one Clerk of the Market, four Field Drivers, three Road Commissioners, three Revisors of Electors for Members to serve in the General Assembly, three Trustees of Schools, and three Auditors of Public Accounts, with such other officers, if deemed necessary, or any of them, as are mentioned in the Act 17 Victoria, Chapter 12.

3. No person shall be entitled to vote at the election of the aforesaid officers unless duly qualified as an elector for Members to serve in the General Assembly, such qualification to be ascertained by reference to the Revisors list of Electors in the said Parish for the current year, and unless his taxes for the year next preceding such election shall have been paid; such payment to be evidenced, if required by the Polling officer, by the production of the receipt of the Collector as Receiver of Taxes, as hereinafter mentioned.

4. The inhabitants of the said Parish so qualified to vote, or so many of them as shall choose to attend, shall on the first Tuesday in March in each year meet for the purpose of nominating candidates for the aforesaid offices, and for other the purposes hereinafter mentioned, ten days notice of the time and place of such meeting having been previously given by the Town Clerk, by handbills posted in six or more public places in the Parish; but if the Clerk should neglect to give such notice, or if there should be no Clerk, such meeting may be held at the time aforesaid, on five days notice given in manner aforesaid by any two Justices of the Peace for the said City and County.

5. At the time and place so appointed the Meeting shall be called to order by the Town Clerk, or if there be no Town Clerk, then by any Justice of the Peace for the said City and County, who, as the case may be, shall preside until a Chairman shall be nominated and elected for the time being, who shall preside at such meeting, and at any adjournment thereof, and be sworn before the Police Magistrate or any Justice of the Peace for the said City and County, to the faithful discharge of his duty, and shall receive the sum of four dollars for his services : The Town Clerk (who shall act

as Secretary) shall read the Report of the Committee of Audit upon the Parish Accounts, after which nominations may be made in writing to all or any of the said offices, such nomination to be signed by two or more of the electors; when a sufficient time shall have elapsed for making such nominations, and not less than two hours after the opening of such meeting, the meeting shall be adjourned to the following Tuesday, at eight of the clock A. M.

6. It shall be the duty of the Secretary, immediately after the adjournment, to prepare a list which shall be signed by himself and the Chairman, shewing all the persons nominated for each office, of which list each elector shall be entitled to receive a printed copy.

7. At or before such adjourned meeting the Chairman so elected shall appoint a Poll Clerk, who shall be sworn before the Police Magistrate or any Justice of the Peace for the said City and County, to the faithful performance of his duty, who shall receive two dollars for his services; the said Police Magistrate or Justice being hereby authorized and required to administer such oath: The Election shall be as follows:—each elector qualified as aforesaid, and wishing to vote, shall deliver to the Poll Clerk one of the said printed lists, having first struck out therefrom all names but those of the persons whom he may wish to be elected, and the Poll Clerk shall immediately deposit the same without opening it, in the ballot box; at the expiration of six hours after the opening of the meeting, the Poll Clerk shall ascertain by examination of the ballots, in the presence of the Chairman and such of the electors as may choose to attend, who has the greatest number of votes for each office; the persons having the greatest number shall be deemed duly elected, and shall be then and there publicly declared by the Chairman.

8. On or before the Saturday next following the said election, a correct list of the officers so elected, certified by the Chairman and attested by the Poll Clerk, shall be forwarded by the Chairman to the Clerk of the Peace for the City and County of Saint John, to be laid before the next Sessions at its opening.

9. The persons so elected and certified shall be confirmed in their offices by the Sessions for one year; and should there

be no election of officers, or not a sufficient number chosen, or no certified list laid before the Court, the Sessions shall make the necessary appointments.

10. Any person elected to office by virtue of the foregoing provisions, and refusing to qualify and serve, shall be liable to a fine of eight dollars; provided always, that no officer shall be required to serve two years in succession; and in case of refusal or neglect to serve, or in case of the death or removal of any person elected or appointed to any of the said offices, any two Justices of the Peace for the said City and County residing in the said Parish of Portland, may appoint a fit person to any such vacancy, and so from time to time as often as any such vacancy shall occur, and when so appointed such officer shall give the like security and in like manner (when by law security is required) as if elected in manner aforesaid, or appointed by the Sessions in the ordinary way; and any person so appointed shall have like powers, and if he shall neglect or refuse to serve, or be guilty of any misbehaviour or neglect of duty, he shall be subject to the same penalties, to be recovered and applied in the same manner as if elected or appointed in the ordinary way, according to the provisions of this and other Acts of Assembly in such case made and provided.

11. It shall be the duty of the Clerk of the Peace for the said City and County, in each and every year, to furnish the Town Clerk of the said Parish, for the purposes of such election as aforesaid, a true and faithful copy of the registered list of electors in the said Parish for the current year.

12. The Accounts for the year preceding, of all officers receiving or paying money on account of the Parish, shall be rendered to the Committee of Audit at least twenty days before the day of nomination hereinbefore mentioned.

13. For the better management of the Roads lying within the said Parish, the Parish shall be divided into three Districts, as follows:—District number one to comprise all that portion of the said Parish lying to the westward of a line commencing at the southern end of Simonds Street, and running due north across the Parish: District number two to comprise all that portion of the said Parish lying between the above mentioned line and a due north line commencing at Portland Bridge (so called), and extending to the northern

boundary of the said Parish ; and District number three to comprise all that part of the said Parish lying to the eastward of District number two : And in the election of the three Road Commissioners, as mentioned in the second Section of this Act, the following regulations shall be observed, viz :—One Commissioner shall be chosen for each of the said Districts, such person to be resident in the District for which he is chosen, but to be elected by a general ballot as in the case of other Parish officers ; and it shall be the duty of the said Commissioners to act jointly in the management of all business relating to the making and repairing of all Roads in the said Parish ; provided always, that the acts of any two of them shall be deemed legal and valid under the provisions of this Act ; and it shall further be the duty of the said Road Commissioners to act jointly in the expenditure of all Legislative grants for Bye Roads in the said Parish, and to make return thereof to the Sessions of the said City and County, at the expiration of their term of office.

14. All moneys received by the Collector, as Receiver of Taxes, on account of the Road assessment, and all moneys for Roads in the Parish, shall be paid into one of the Banks of the City of Saint John, to the credit of the Road Commissioners, and shall be drawn out by Cheque signed by the said Commissioners for the time being, or any two of them.

15. The Road Commissioners shall appoint one Roadmaster for the whole Parish, whose duty it shall be to superintend the work on the Roads, and who shall be entitled to receive for his services at the rate of two dollars per day, not to exceed in all one hundred and sixty dollars in any one year ; all work on the Roads to be let by auction or public tender, if practicable.

16. The assessment for Roads in the said Parish shall be as follows :—One dollar and fifty cents by a poll tax upon all the male inhabitants of the age of twenty one years and upwards, excepting those who are by law exempted ; and the remainder to be assessed by the Assessors of Rates and Taxes for the said Parish, to such amount as shall be directed by the Justices of the Peace for the City and County aforesaid, at the March Sessions, by a pound rate upon the value of all real and personal estate in the Parish, whether of residents or non-residents.

17. The said Commissioners shall annually, previously to the meeting of the March Sessions for the said City and County, file in the office of the Clerk of the Peace for the said City and County, to be laid before the Sessions at its meeting, an estimate of what sum or sums of money will be needful for the making, maintaining and repairing of the Roads within the said Parish for the ensuing year; such estimate to be used by the Sessions as the basis of the assessment for Roads in the said Parish for the current year.

18. The Collector for the time being is hereby appointed Receiver of all Rates and Taxes for the said Parish of Portland; and all persons assessed in the said Parish are hereby required to pay the amount of their taxes respectively at the office of the said Collector, whose receipt shall be a good and sufficient discharge of the same; and the said Collector is hereby authorized and required to enforce the payment of all taxes that may remain unpaid on the first day of October in each and every year, within thirty days after the said first day of October, in manner heretofore accustomed.

19. The Collector shall, in each and every year, before entering upon the discharge of the duties imposed on him by this Act, as Receiver of Taxes as aforesaid, enter into a Bond, together with two good and sufficient sureties to be approved of by the Justices of the Peace for the City and County of Saint John, and in such sums of money as the said Justices may think proper to order, the same to be taken in the name of the Queen, and to be conditioned for the payment of all moneys which shall come into his hands as such Receiver, under order of the said Justices or otherwise as herein provided, and for the due and faithful performance of his duties as Receiver of Taxes as aforesaid; and whenever found necessary, the said Bond may be directed by the said Justices to be sued in the name of the Queen, for the protection and benefit of the said Parish of Portland.

20. It shall be the duty of the three Road Commissioners to take charge and control of the Public Slip in the said Parish, at the foot of Simonds Street, to low water mark, called Thompson's Slip, and to make rules for the regulation of the same, such rules to be rescinded by the Sessions if they see fit so to do, but if not so rescinded, to stand good until rescinded or other rules made by the said Road Com-

missioners in their place and stead; the said Road Commissioners to have power, and it shall be their duty to let for the term of one year the said Slip, such letting to be by public auction to the highest bidder; the said letting to be done from year to year, and to be done within twenty days after the election of the said Road Commissioners, ten days public notice of the time and place of such letting having been first given; the said Commissioners to apply the net proceeds of such letting to the improvement of the said Slip.

21. So much of Title viii, Chapters 52 and 53, of the Revised Statutes, and of the Acts 11th Victoria, Chapter 12; 17th Victoria, Chapter 37; 18th Victoria, Chapter 22; 21st Victoria, Chapter 49; 23rd Victoria, Chapter 8; and 25th Victoria, Chapters 16 and 17, as is inconsistent with this Act, shall be deemed and the same is hereby repealed, so far as relates to the said Parish of Portland; provided always, that all the provisions of the said Acts, and any other Acts of the General Assembly of this Province now in force for the local government of Parishes, except so far as the same are amended by this Act, are and shall be deemed to be in full force, so far as the same are applicable to the said Parish of Portland.

CAP. XXVII.

An Act to continue the several Acts relating to the establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*; also an Act made and passed in the twelfth year of the same Reign, intituled *An Act 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;’* and also an Act made and passed in the fourteenth year of the same Reign, intituled *An Act to continue and amend an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, so far as the

said several Acts are now in force, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

CAP. XXVIII.

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

Section.

1. Mayor, &c. to determine amount of money to be raised; Proviso.
2. Sec. 1, 22nd Vic. cap. 37, in part repealed.
3. Amounts required, how levied.

Section.

4. No Rates to be quashed on account of want of form only; exceptions.
5. Sec. 1, 24th Vic. cap. 29, respecting affidavit, in part repealed.

Passed 20th April, 1863.

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

1. That notwithstanding any thing in the first Section of an Act 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*, the Mayor, Aldermen and Commonalty of the City of Saint John shall have power, on or before the first day of April in each year, to determine and direct what sum of money shall be raised and levied in the City of Saint John for the several purposes mentioned in the said first Section of the said Act; provided always, that the sum to be raised and levied in any one year for such purposes shall not exceed in the whole the sum of twelve thousand pounds.

2. That so much of said first Section of said before mentioned Act as is inconsistent with this Act, be and the same is hereby repealed.

3. The several amounts required for that part of the said City of Saint John on the eastern side of the Harbour, shall be levied and assessed upon the said east side and the inhabitants thereof; and the several amounts required for that part of the said City of Saint John on the western side of the Harbour, shall be levied and assessed upon the said west side and the inhabitants thereof.

4. No rate or rates levied or assessed, or that may hereafter be levied or assessed under or by virtue of the said before mentioned Act, or of any Act in alteration of, or in

amendment of, or in addition to the said Act or of this Act, or under or by virtue of any Act now passed or which may hereafter be passed, relating to the levying, assessing and collecting of rates in the said City of Saint John, or in the City and County of Saint John, shall be quashed for matter of form only, nor shall any general rate be quashed for any illegality in the rates of individuals except as to such individuals; nor shall the quashing of any rate or rates as to any person or persons assessed, affect or invalidate the rate or assessment except so far as relates to such particular person or persons.

5. The affidavit provided for by the first Section of an Act passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled 'An Act relating to the levying, assessing and collecting of Rates in the City of Saint John,'* so far as the same relates to the proof of the notice of assessment, shall, notwithstanding any thing in the proviso in such first Section contained, be made by a Commissioner of Streets for said City, or other person who serves such notice, and the nonpayment of assessment shall be verified by the affidavit of the Receiver of Taxes, called the 'Collector' in said proviso; so much of said proviso as is inconsistent herewith is hereby repealed.

CAP. XXIX.

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

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—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 continued until the first day of May in the year of our Lord one thousand eight hundred and seventy.

CAP. XXX.

An Act further in amendment of an Act for the incorporation of the Saint John Rural Cemetery Company.

Section.

1 Sec. 3, 25th Vic. cap. 73, repealed.

Section.

2. Persons assigning or transferring lots to give notice to Secretary.

Passed 20th April, 1863.

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

1. The third Section of Act twenty fifth Victoria, Chapter 73, is hereby repealed.

2. All persons assigning or transferring lots which they may hold in the Saint John Rural Cemetery, shall give notice thereof to the Secretary, who shall keep a book, in which memoranda of such assignments or transfers shall be registered.

CAP. XXXI.

An Act to incorporate the Saint John Pleasure Grounds Association.

Section.

1. Company incorporated.

2. Amount of capital stock and shares; twenty five per cent. to be paid within one year; power of Company to extend; Company not to purchase till twenty five per cent. paid in.

Section.

3. Place of first meeting, and by whom and how called.

4. Officers, how chosen.

5. Annual meeting, where held; each share to give one vote.

6. Shares assignable.

7. Property of Corporation alone liable.

Passed 20th April, 1863.

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

1. That James Johnston, Charles Clerke, S. P. Osgood, Archibald Brown, H. C. Stubbs, and W. T. Bunting, their associates, successors, and assigns, be and they are hereby created and declared to be a body politic and corporate, by the name of 'The Saint John Pleasure Grounds Association,' and by that name shall have all the general powers and privileges incident to a Corporation by Act of Assembly in this Province, and to make any bye laws for the management of their concerns not repugnant to the Laws of this Province.

2. The capital stock shall be four thousand dollars current money of New Brunswick, and shall be divided into four hundred shares of ten dollars each, to be paid at such times and in such instalments as the business of the said Company

shall require ; provided that twenty five per cent. of the said capital stock, amounting to one thousand dollars, shall be actually paid in and invested in the grounds and improvements thereon to be leased or purchased by the said Corporation, situated at or near Torryburn, fronting on the Kennebecasis, now in the possession of James Barber, within one year from the passing of this Act ; and provided also, that the said Corporation, when necessary, have power to extend the said capital stock to the additional sum of two thousand dollars of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares ; and provided also, that the said Corporation shall not be entitled to purchase or lease any property, real or personal, or to incur any debts, until the said twenty five per centum of the capital stock shall have been paid in.

3. The first meeting of the said Company shall be in the City of Saint John, and shall be called by Archibald Brown, 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 printed in the said City, at least fourteen days previous to the said meeting, for the purpose of establishing bye laws and choosing such officers as may be necessary for the management of the affairs of the said Company and their grounds ; which 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 bye laws and rules for its management ; each of said officers shall be a shareholder in said Corporation.

4. Officers chosen at any annual meeting shall remain in office one year, and shall at the first meeting after their election choose one of their number to be President of the said Company.

5. There shall be an annual meeting of the shareholders of the said Company held in the City of Saint John, at which the necessary officers shall be chosen, and a general statement of its affairs in every respect shall be submitted ; in the choice of officers, and on all occasions when the votes of the shareholders are given, each share shall entitle the party to one vote.

6. The shares or capital stock of the said Corporation shall be assignable or transferable, according to such rules and regulations as may be by the stockholders 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 officers for that purpose; and in no case shall any fractional part of a share be assignable or transferable.

7. The joint property of the said Corporation shall be alone liable for the debts or engagements of the same.

CAP. XXXII.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, to sell part of their Real Estate in the City and County of Saint John.

Section.

1. Power of Rector, &c. to sell; exceptions.

Section.

2. Lots excepted in first Section.
3. Moneys, how to be applied.

Passed 20th April, 1863.

WHEREAS the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, have by their Petition set forth that they, the said Rector, Church Wardens, and Vestry, are seized of divers parcels of real estate situate in the said City and County of Saint John, part of which they are desirous of selling, for the purpose of reducing the bonded debt of the said Rector, Church Wardens, and Vestry, and prayed that they may be empowered to make sale of part of the said real estate from time to time as may be found expedient: And whereas it is deemed desirable that the said Rector, Church Wardens, and Vestry, should have the power and authority prayed for in the said Petition;—

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

1. It shall and may be lawful for the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, and they are hereby empowered and authorized to sell and dispose of from time to time as they may deem expedient, for the purpose of reducing their said debt, by public auction to the highest bidder, the said real estate, lands and tenements to them

belonging, except the lots, pieces and parcels of land and tenements mentioned in the second Section of this Act, in such parcels, and on such terms as they shall see fit; and upon any sale or sales of the same or any part thereof, to make good and sufficient conveyances of the same in fee under their corporate seal, and when necessary to take security by way of mortgage or otherwise, and in case of forfeiture of any securities so taken, the mortgaged premises to possess, hold, and enjoy, and the same again to sell and dispose of in the same manner and with the like powers as aforesaid, as they the said Rector, Church Wardens, and Vestry, and their successors, shall deem it expedient, any Act or Law to the contrary notwithstanding.

2. Nothing in this Act shall be construed to empower or authorize the Rector, Church Wardens, and Vestry, or their successors, to sell or dispose of the whole or any part of the lots of land lying between Germain and Charlotte Streets in the said City, on which the Parish Church and School House now stand; nor of the lots on either side of King Street, under mortgage to the Lord Bishop of Fredericton; nor of the Burial Ground in the Parish of Simonds, belonging to the said Rector, Church Wardens, and Vestry.

3. The moneys arising from any such sale or sales shall be applied to the reduction of the Bond Debt of the said Rector, Church Wardens, and Vestry, as soon as may be after the same are realized; but it shall not be necessary for any purchaser under this Act to see to the proper application of the purchase money, nor shall his title be in any way affected by the misapplication thereof.

57 Act

28.

CAP. XXXIII.

An Act in addition to and in amendment of an Act to alter and amend the Act to incorporate the City of Fredericton.

Section.

Section.

1. Administration of affairs, in whom vested.
2. Rate-payers only allowed to engage in trade, &c., without licence.
3. Mayor to grant licence; licence to be in force one year.
4. Meaning of term 'Councillor.'
5. Designation of the Meetings of City Council.
6. Person nominating candidate for office, to produce Certificate that such candidate has been assessed,

- and paid assessment; presiding officer not to enter name in Poll Book, unless Certificate is produced; penalty.
7. City Treasurer to furnish duplicate Receipts.
8. When presiding officer is unable to attend, Mayor or City Clerk to appoint; time for opening Court at nomination; time for holding Court on polling day.

Section.	Section.
9. If election not held on day appointed, Mayor to order new election within ten days.	Warrant may be served or executed in any part of County.
10. If election be declared void, when new election to be held.	17. Justice of the Peace not to try offences committed within City; exceptions.
11. Protest against election, when to be made.	18. In absence of Mayor, Justice of the Peace to try cases.
12. In any case of protest, Mayor or person presiding to swear witnesses.	19. City Clerk to be Attorney of Supreme Court.
13. Mayor may issue Subpœna to compel attendance of witness, or production of papers, &c.	20. Persons convicted of any offence, how punished.
14. Witness neglecting Subpœna, penalty.	21. Fines, &c., how recovered.
15. Mayor not to have jurisdiction in civil suits.	22. Act 22 Vic. c. 8, in part repealed.
16. Power of Mayor and one Alderman to try certain cases; Summons or	23. Accounts to be published.
	24. Council to establish rates of anchorage.
	25. Mayor, &c. accepting certain offices, penalty.

Passed 20th April, 1863.

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

1. The administration of the fiscal, prudential and municipal affairs of the City of Fredericton, shall be vested in one principal officer, who shall be styled the Mayor of the City, and in ten other persons, and in no other power or authority whatever, two of whom shall be annually elected for each Ward of the said City, and who shall be styled Aldermen, all of whom shall be annually elected as directed in and by an Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, and in and by this Act; and such Mayor and Aldermen shall be a body corporate and politic in deed, fact, and name, by the name of 'The Mayor, Aldermen and Commonalty of the City of Fredericton,' and in and by that name to sue and be sued; and all bye laws made by the said Mayor, Aldermen and Commonalty, in City Council convened, shall express to be enacted by 'The Mayor, Aldermen and Commonalty of the City of Fredericton.'

2. No person not being a rate-payer in the City of Fredericton, or the County of York, shall engage in any trade, profession, occupation or calling within the limits of the said City of Fredericton, under a penalty not exceeding twenty dollars for each and every offence, unless he obtain a licence therefor as hereinafter directed.

3. The Mayor of the said City is hereby authorized to ask, demand and receive for the use of the City, a sum not exceed-

ing twenty dollars from any person not being a rate-payer in the said City or County, engaging or wishing to engage in any trade, profession, occupation or calling within the said City; and on the receipt of such sum, to grant unto such person a licence under the Seal of the City, to engage in any such trade, profession, occupation, or calling; which licence shall have force only for one year from the date thereof, or until the said person shall be rated or assessed in the general assessment of the said City.

4. Whenever in the said Act to which this is an amendment of and addition to, the words 'Councillor' or 'Councilors' occur, they shall be deemed to mean Alderman or Aldermen, as the case may occur.

5. When the Mayor and Aldermen meet in Council for the despatch of business, such meetings shall be designated 'The meetings of the City Council.'

6. At any election for Mayor, Aldermen, or Assessors, an elector nominating any person as a candidate for any of the said offices, shall produce to the presiding officer or person holding such election, a receipt or certificate of the City Treasurer, shewing that the person so nominated has been assessed as provided for in and by the sixth Section of the said Act to which this Act is an amendment, and that he has paid such assessment twenty days before said election; and the presiding officer or person holding such election, shall not enter in the Poll Book the name of any person as a candidate, unless such receipt or certificate be produced; for each and every wilful violation of the provisions of this Section, by any presiding officer or person holding any City Election, he shall forfeit and pay a sum of twelve dollars.

7. The City Treasurer shall furnish a duplicate receipt to any rate-payer in the City requiring the same.

8. Should any presiding officer, or person appointed to hold any City Election, from any cause be unable to attend at the time and place appointed for holding the election, the Mayor, or in his absence, the City Clerk, shall, on receiving notice of such inability, forthwith appoint a person to hold such election; and such person shall be sworn to discharge the duties of said office by the Mayor, if appointed by him, or by the City Clerk, if appointed by him; if such application be made on the morning of the day of holding

such election, and there be not time after the person so appointed shall have been sworn in, to open the Court for nomination at nine o'clock in the forenoon, the said person so appointed and sworn shall forthwith, after being sworn, open and continue the Court for nomination open for at least one half hour, but in no case to close the said Court for nomination before ten o'clock on the forenoon of the same day, nor shall he open any Court for nomination after twelve o'clock noon of the day appointed for holding any such election; if the Court for polling votes be opened after ten o'clock, and before twelve o'clock noon, the said presiding officer shall keep the said Court for polling votes open as many minutes after four o'clock in the afternoon, as will keep the said Court for polling votes open six consecutive hours.

9. If any election ordered to be held on a particular day, shall from any cause not be held on that day, and the same be duly certified to the Mayor by the City Clerk, it shall be lawful for the Mayor to order an election in lieu thereof, without calling the Council together, said election to take place within not less than ten days from the date of such order; and such order shall be directed to the City Clerk, who shall forthwith cause public notice thereof to be given by handbills posted up in the said City, and by publication in one of the Newspapers published in the City.

10. Upon any election protested against being declared null and void by the City Council, the new election ordered thereupon may be held within not less than seven days after the day of ordering such election, notice to be given as directed in the preceding Section.

11. No petition complaining of an undue election of Mayor, Aldermen, or Assessors, shall be received or inquired into by the City Council unless within two hours after the declaration of the person so elected, an elector or candidate at such election do make, subscribe, and deliver to the presiding officer or person holding such election, a written protest against the return of the person so declared elected, stating the ground upon which he protests; and the inquiry shall be confined to the grounds stated in the protest.

12. The Mayor or Chairman presiding at any meeting of the City Council convened to try any protest against any election, shall have power and authority to swear all persons

produced as witnesses before the Council, and any such person being convicted of swearing falsely, shall be deemed guilty of perjury.

13. The Mayor shall have power to issue Subpœnas to require and compel the attendance of witnesses before the City Council, to give evidence on such enquiry, and to produce any books, papers or documents that may be required by either party.

14. Any person being duly subpœnaed, and neglecting or refusing to attend, shall forfeit and pay a fine not exceeding five dollars; and any person attending and refusing to be sworn or to give evidence, without sufficient excuse, shall be considered in contempt, and may for every such contempt be committed by the Mayor or Chairman to the common gaol of the County of York, for any period not exceeding twenty four hours at any one time, or fined at the discretion of the Council; which fine shall not exceed the sum of eight dollars, and shall be recovered on information and proof as other fines are to be collected or imposed by this Act, or the Act to which this Act is an amendment and addition.

15. Notwithstanding any thing contained in the Act passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, the Mayor of the said City shall have no jurisdiction in civil cases.

16. The Mayor of the City of Fredericton, with one of the Aldermen of the City, shall have the sole power to hear, try and determine all cases of information and complaint of offences committed within the said City that can be heard, tried and determined under the provisions of the Revised Statutes, Title xxxvii, Chapter 138, except for violation of any of the City bye laws: Any summons or warrant issued by the said Mayor or Aldermen, upon any such information or complaint, may be served or executed in any part of the County of York, and shall have the same force, power, and effect, as summons or warrants issued by any Justice of the Peace for the said County.

17. It shall not be lawful for any Justice of the Peace in for the County of York, other than the Mayor and Alderman as aforesaid, to hear, try or determine any information or complaint for offences alleged to have been committed

within the said City, to be heard, tried and determined in the manner prescribed by the Revised Statutes, Title xxxvii, Chapter 138, 'Of Summary Convictions;' and any conviction by any Justice other than the Mayor and Alderman, except as hereinafter directed, shall be null and void; provided that nothing herein contained shall apply to trials for larceny under the Revised Statutes, Title xl, Chapter 159, Section 26.

18. In the absence of the Mayor from the City, or his inability to attend from any cause, any two Justices of the Peace in and for the said County shall have power to hear, try and determine any of the cases referred to in the two preceding Sections.

19. The City Clerk shall be an Attorney of the Supreme Court.

20. Persons convicted before the Mayor for any offence tried in a summary manner, or before any three Justices of the Peace in the said City, may be sentenced to be imprisoned in the common gaol of the County of York to hard labour; and it shall be lawful for the Mayor and Corporation, with the assent of the County Council of the County of York, to enclose and use such portion of the ground around and belonging to the said gaol, for the purposes of such labour, as they may deem necessary, and to make such rules, ordinances and bye laws relating thereto, and the government of the premises, and the nature of the labour, as they may deem requisite; the said rules, ordinances, or bye laws, before going into operation, receiving the approval and sanction of the Governor in Council.

21. All fines, penalties and forfeitures to be recovered by the provisions of this Act, may be recovered with the costs of prosecuting the same, in the manner prescribed by the Act to which this Act is an amendment of and addition to.

22. So much of an Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, as is inconsistent with this Act, is hereby repealed, except as to any thing done, pending, or in progress and undetermined, under and by virtue thereof.

23. The Accounts of the said City shall be published at least one week before the annual election of Mayor for the said City, instead of the time now prescribed by law.

24. The City Council shall have power and authority to establish tolls and rates for anchorage, within the limits for anchorage.

25. Any Mayor or Alderman of the said City, who shall accept or hold office contrary to the provisions of the tenth Section of an Act made and passed in the twenty second year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, shall forfeit and pay the sum of forty dollars for every offence; and the acceptance of office by such Mayor or Alderman, and every day's continuance in office by such Mayor or Alderman, shall be a substantive offence.

CAP. XXXIV.

An Act to enable the Corporation of the City of Fredericton to raise a sum of money by way of Loan, to purchase a Steam Fire Engine.

Section.

1. Council to borrow money on Debentures; amount to be raised.
2. Debentures, how executed.

Section.

3. Money raised to be paid to Treasurer of City.
4. Council to levy rate, and when.
5. Moneys assessed, how applied.

Passed 20th April, 1863.

WHEREAS the Corporation of the City of Fredericton are desirous of procuring a Steam Fire Engine for the use of the City of Fredericton, and to raise money by way of loan to pay for the same;—

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

1. It shall and may be lawful for the City Council of the City of Fredericton, and they are hereby authorized and empowered to borrow such sum or sums of money in loans of not less than one hundred dollars each, not exceeding four thousand dollars in the whole, to procure a Steam Fire Engine, and the necessary quantity of Hose for the use of the said Engine, and to issue Debentures with or without Coupons for interest at a rate not to exceed six per cent. *per annum*, payable semi-annually to the lenders thereof, in such form as the City Council may deem expedient, which Debentures and Coupons shall be respectively negotiable in the same manner as promissory notes payable to bearer.

2. The said Debentures shall be sealed with the common seal of the said Corporation, and signed by the Mayor and

the City Clerk, and shall be consecutively numbered according to the time at which the same shall be issued.

3. All moneys loaned to the said Corporation under this Act, shall be paid by the lenders to the Treasurer of the said City, and by him paid for the purchase of a Steam Fire Engine of such class as the City Council may direct, and for such quantity of Hose for the said Engine as the Council may deem necessary.

4. The said City Council are hereby authorized to make and levy a rate of assessment on the inhabitants of the said City of Fredericton liable to be assessed for the support of the Fire Department, a sum not exceeding six hundred and forty dollars in the present year, and such a sum in each succeeding year as will pay four hundred dollars of the principal sum borrowed yearly, and the interest due on the balance, beside the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any City Rates for public charges, and when collected shall be paid into the hands of the City Treasurer for the purposes of this Act.

5. The moneys so assessed shall, from time to time, be applied in payment of the said Debentures and the interest due thereon; and the City Treasurer shall, when and so often as he may be directed by the City Council so to do, give one calendar month's public notice, by advertisement in one or more of the Newspapers of the City, for calling in such and so many of the Debentures as the Council may be prepared to pay off, specifying the number of such Debentures in such advertisement; and the same, by and under such order aforesaid, shall pay off accordingly, and from and after the expiration of such notice, the interest on such Debentures shall cease.

CAP. XXXV.

An Act relating to the assessing, levying and collecting of Rates in the City of Fredericton.

Section.

Section.

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| 1. Purposes to which rates shall be applied. | 2. Estimates to be prepared and approved of before assessment made. |
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Section.

3. When order approved, Secretary to give Assessors certified copy.
4. Assessors to give public notice.
5. Assessors, after receiving order and notice given, to make out Assessment List, and file List with Clerk.
6. Clerk to transmit Warrant to Assessor.
7. Assessor to apportion within twenty days after receiving Warrant.
8. Assessment Roll to be filed with City Treasurer.
9. Treasurer to give notice of receipt of Roll; Discount of five per cent. allowed, if paid within thirty days.
10. Treasurer to notify each rate-payer.
11. Treasurer to notify defaulters.
12. Treasurer to issue Execution.
13. Fees.
14. Estates of deceased persons, &c., how rated.
15. Non-residents, how notified.
16. When Rate not paid, Mayor to issue Warrant for sale of property to Sheriff.
17. Sheriff to give notice of sale.
18. Sheriff to give Deed.
19. Rate on property of deceased person, how recovered.
20. Who are deemed inhabitants.
21. President, Agent, &c. of Company, how reimbursed.
22. Name, &c. of Co-partnership to be entered on Roll.
23. Exemptions.
24. Agent, &c. of non-resident Company, &c., to be taxed for income.

Section.

25. Agent to furnish Assessor with statement.
26. If Agent refuse statement, Assessors may rate.
27. Agent and Company to be assessed separately.
28. Exemptions from certain rates.
29. Appeal to Assessors.
30. Appeal against Assessors' decision to City Council.
31. Fee to Registrar of Deeds for searches, from Assessors.
32. Rates, how levied, assessed, and collected.
33. Rates may be recovered from owner or occupier of property.
34. Debts due City to have preference, except of Debts due Crown.
35. Assessors may correct errors in lists.
36. Assessment not illegal unless it exceeds ten per cent. of amount ordered.
37. Mortgagor deemed owner unless Mortgagee in possession.
38. Council to make Bye Laws; proviso.
39. Treasurer to be Collector and Receiver of Taxes.
40. "City Taxes" defined.
41. "Real Estate" defined.
42. Stockholders not to be rated.
43. Amount of assessment to pay off expenses of Prince of Wales' reception; proviso.
44. Amount in Section 43, to whom paid.
45. Designation of Act.
46. Laws repealed; proviso.

Passed 20th April, 1863.

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

1. The City Council of the City of Fredericton shall have power, on or before the first day of April in each year, to determine and direct what sum of money shall be raised and levied in the City of Fredericton for the following purposes:—

For making, repairing, altering, and improving the Streets, Squares, Bridges, and Highways:

For the support of the Poor:

For lighting the Streets:

For the administration of Justice:

For the maintenance of the Fire Department, including the erection and keeping in repair a sufficient number of Water Tanks:

For erecting, repairing, altering, and improving any public work.

2. Separate and detailed estimates shall be made up by the City Council of the said City of the amount of money

required for the above or any other objects for which they may be authorized to levy an annual assessment, and approved of previous to their ordering any such assessment; the City Council shall, at the same time, nominate one of the Assessors then in office to make the apportionment of such Rates according to the list or roll to be filed with the City Clerk, as hereinafter directed.

3. The City Clerk shall, immediately after such order and approval by the City Council, furnish the Assessors with a certified copy of the same.

4. The Assessors, immediately after being sworn into office, shall give public notice thereof in one or more of the Newspapers printed in the City; and any person assessed in the City may, within fourteen days after the publication of such notice, give to the said Assessors, or either of them, a statement under oath before the Mayor or a Justice of the Peace, of his property and income, in the manner prescribed in the Revised Statutes, Title viii, Chapter 53, Section 20, and such person shall be rated accordingly.

5. The Assessors on receiving the order for assessment mentioned in the second and third Sections of this Act, (provided the fourteen days mentioned in the last preceding Section of this Act have expired,) shall immediately assess or appraise the real and personal estate of the inhabitants of the City, and of non-residents having property therein; and all persons and bodies corporate, and Companies liable to be assessed, and the income of the said inhabitants derived from any trade, profession or calling within the Province, but not from real or personal property; and shall file with the City Clerk, a roll or list of such assessment, to be prepared in such form as the City Council may by any bye law made or to be made direct.

6. The City Clerk shall forthwith on receiving said roll or list, prepare and transmit the Warrant of assessment, together with the roll or list filed with him by the Assessors, to the Assessor appointed to apportion the rates.

7. The said Assessor appointed to apportion as aforesaid, within twenty days after receiving the Warrant aforesaid, shall complete the assessment roll transmitted to him by the City Clerk, in such form as the City Council, by any bye law made or to be made, may direct.

8. Immediately on the completion of the said Assessment Roll, the same, signed by all the Assessors, shall, by the said Assessor appointed to apportion, be placed in the hands of the City Treasurer.

9. The City Treasurer on receiving the said Assessment Roll, shall forthwith cause to be published in two or more of the Newspapers printed in the City, and by handbills posted up in each Ward of the City, a notice that he has received the said Assessment Roll, and that all persons assessed in the City shall be entitled to a deduction or discount of five per centum on the amount assessed against them respectively, upon payment of their respective rates to the City Treasurer within thirty days after the first publication of the said notice.

10. The City Treasurer upon receipt of the said Assessment Roll, shall also immediately prepare, or cause to be prepared, a notice to each person named in such Assessment Roll, in the form following :—

Mr. A. B.

Take notice that you have been assessed in the City of Fredericton for the year 186 , to the amount of \$; being upon real estate to the value of \$, personal estate to the value of \$, and income to the value of \$; and that unless the said sum of \$ is paid to me on or before the day of next, an Execution will immediately thereafter issue against you.—Dated at Fredericton the day of , A. D. 186 .

A. C., *City Treasurer.*

Which notice, when so prepared, shall forthwith be delivered to a Constable to be appointed for that purpose by the City Council, who shall without delay serve the said notices upon the respective persons to whom they may be respectively addressed, and when served, such notice shall, for the purposes of this Act, be deemed and taken to be a demand of the rates or taxes.

11. Immediately upon the expiration of the thirty days mentioned in the ninth Section of this Act, the City Treasurer shall by publication in two or more of the Newspapers printed in the City, and by handbills posted up in each Ward in the City, give notice that the Assessment Roll remains in his hands as Collector and Receiver of Taxes, (as

hereinafter provided), and that all persons who have not paid within the thirty days as aforesaid are defaulters, and unless payment be made by them respectively at the expiration of the time mentioned in the demand of the rates or taxes, payment will be enforced without delay.

12. If any person assessed under and by virtue of this or any other Act of Assembly made or to be made, shall not pay the amount for which he is liable under such assessment, at the expiration of the time mentioned in the said demand of the rates or taxes, the City Treasurer may issue Execution (A) against the person so assessed, which Execution may be executed by any of the City Constables according to the tenor thereof; provided always, that proof of the service of the notice of demand of the rates or taxes shall be first certified by the person who served such notice before the Mayor, or in his absence, any Justice of the Peace for the City of Fredericton.

13. The Fee on Execution (A) issued under this Act, shall be as follows:—

To the City Treasurer, for the use of the City, on issuing every Execution, ten cents :

To the Constable for executing the Execution, forty cents.

14. The estate of deceased persons under control of their Executors, Administrators, or Trustees, the separate property of married women, and the property of minors, or other property under the control of Agent or Trustee, may be rated in the name of the principal party or parties exercising control over them, but under such description as will keep the rating separate and distinct from any assessment on such parties in respect of property held in their own right.

15. When any person made liable to pay any assessment shall not reside within the limits of the City, or his place of residence shall be unknown to the City Treasurer, the said City Treasurer shall cause public notice to be given of such rate and assessment by advertisement in one or more of the Newspapers published in the City, which advertisement shall be continued in such Newspaper for four consecutive weeks, unless some person shall within that time appear and pay to the City Treasurer the said rate and assessment, with the costs of the publication of such notice ; if such person have a Clerk or Agent in the City, the notice of demand of rates or taxes

may be delivered to such Clerk or Agent, and the said publication shall not be necessary, and the Mayor shall, on proof of such delivering, issue his Warrant (B), which shall be enforced as hereinafter directed.

16. If no person shall appear and pay the said rate and assessment with the costs of the said publication within the time aforesaid, it shall be the duty of the Mayor, and he is hereby authorized and empowered, on the affidavit of the City Treasurer, verifying the due publication aforesaid, to issue the Warrant (B) under his hand and seal, directed to the Sheriff for the City of Fredericton.

17. It shall be the duty of the said Sheriff on receiving said Warrant, forthwith to give thirty days public notice in one of the Newspapers published in the City, and by hand-bills, and sell at public auction to the highest bidder so much of the real estate in respect of which such assessment shall have been made, as may in his judgment be sufficient to pay such rate and assessment, with all the costs and charges attending the recovery of the same, retaining the overplus (if any) for the use of such owner.

18. The said Sheriff is hereby empowered and directed to sell the same, and to execute a deed to the purchaser thereof, his heirs and assigns, and to deliver seizin and possession thereof, which deed shall pass all the right, title and interest of the person assessed, of and in the property so sold.

19. When the estate of any deceased person shall be rated or assessed, and payment of the same be not made to the City Treasurer within ten days after the first publication of the notice mentioned in the eleventh Section of this Act, and there be no personal or legal representative of said estate residing in the City, upon whom the notice of demand as aforesaid can be served, the said rate and assessment shall be recovered in the same manner as provided for the recovery of the rates and assessments of non-residents in the fifteenth, sixteenth, seventeenth and eighteenth preceding Sections of this Act.

20. For the purposes of this Act, every person carrying on business in this City shall be deemed an inhabitant thereof, and the President or other chief officer, Cashier, Agent or Manager of any Joint Stock Company or Corporation, shall be deemed and be assessed as the owner of real and personal

estate, capital stock, and assets of such Company or Corporation, and shall be dealt with and may be proceeded against accordingly; but such assessment shall be made separate and distinct from the personal assessment of such President, Chief Officer, Cashier, Agent, or Manager.

21. Such President, Chief Officer, Cashier, Agent, or Manager, may charge against and recover from such Company or Corporation, the amount of any assessment which he may be required to pay for or on account of such Company or Corporation.

22. The name, style, or firm, of any Co-partnership in trade or business, shall be entered in the assessment roll as assessed for the property or income of such Co-partnership, and the amount assessed may be recovered from and levied upon any member of such Co-partnership.

23. Nothing in this Act shall render liable to any assessment the real or personal estate, income, or other thing of "The City of Fredericton," or of any Religious or Literary Institution.

24. The Agent or Manager of any Joint Stock Company or Corporation established abroad, or out of the limits of this City, who shall carry on business for such Company or Corporation in the City of Fredericton, shall be rated and assessed in like manner as any inhabitant, upon the amount of income received by him as such Agent or Manager.

25. For the purpose of enabling the Assessors to rate such Company or Corporation, the said Agent or Manager shall, when required in writing by the Assessors so to do, furnish to them a true and correct statement in writing under oath, setting forth the whole amount of income received in the City of Fredericton during the fiscal year, of said Companies or Corporations, preceding the making up the annual assessment.

26. Should the Agent or Manager of any such Company or Corporation mentioned in the two last preceding Sections, refuse to furnish the said Assessors with the required information, the said Assessors, within ten days after the application in writing mentioned in the last preceding Section, may rate and assess the said Agent or Manager according to the best of their knowledge.

27. The Agent or Manager mentioned in the three last

preceding Sections shall, for the purposes of this Act, be deemed the owner of such income, and shall be dealt with accordingly; but he may recover from the Company or Corporation he represents any assessment he may be called upon to pay on such income as aforesaid; and such assessment shall be made separately and distinctly from any other assessment to which such Agent or Manager shall be liable.

28. The property in, and the inhabitants of that part of the City lying in rear of the line dividing the second and third ranges of pasture lots, and its prolongation southeasterly to the River Saint John, and northwesterly to the prolongation of the upper or northwesterly side line of land heretofore granted to Samuel Ferris, and above the said last mentioned line and its prolongation northeasterly to the said River, shall be exempt from taxation under this Act, except for the support of the Poor, making and repairing Streets and Highways, and the administration of Justice; the City Council may also remit so much of the rates imposed upon mills and other manufacturing establishments within the City, as they shall deem just and reasonable.

29. Any person thinking himself or herself aggrieved by any assessment for City Taxes, may appeal by petition under oath made before any Justice of the Peace, to the Assessors, who shall duly consider the same, and if they deem the party entitled to relief shall make such alteration in their assessment as to them shall appear to be just and right; provided such appeal be made within ten days after such person shall have received notice of such assessment; notice in writing of the decision of the Assessors shall be given forthwith to the appellant, signed by the Assessors or a majority of them.

30. Should the appellant be dissatisfied with the decision of the Assessors, he may appeal to the City Council, who may either affirm the first or amended assessment, or otherwise deal with the matter as they may deem just and right, and their decision shall be final; provided no such appeal to the City Council shall be made or received by them, unless the said petition under oath, or a duplicate thereof, be filed in the City Clerk's office within ten days after notice of the decision of the Assessors shall have been given to the appellant.

31. The Assessors shall have liberty to search the office of the Register of Deeds for the County of York, to ascertain the amount of property owned by any person liable to assessment, and the Registrar shall receive for all searches from the Assessors connected with any one individual's property, the sum of twenty cents, and no more; which sum so paid by the Assessors shall be allowed and repaid them in addition to any other allowance; provided that such Assessors shall only be permitted to search, as Assessors, between the time of their appointment and the making the assessment, or on an assessment appealed from.

32. All rates and assessments which now are or may hereafter be required to be levied annually in the said City, shall be levied, assessed and collected under the provisions and according to the principle of this Act, any thing in any law now in force to the contrary notwithstanding.

33. Any rate or assessment with which any lands, tenements or hereditaments in the City may be legally rated or assessed, may be levied and recovered either from the owner of the property so assessed, or from any person occupying the same or any part thereof as a tenant, or otherwise; the said tenant, or other person so occupying the same, being first served with notice of demand of such rates or taxes; and when any such rate or assessment shall be paid under and by virtue of this Section, by any person not liable for such rates or assessments by the terms of his lease or agreement under which he holds or occupies such property, he may deduct or set off the sum so paid from the rent payable by him for such property, or may recover the same with costs from the said owner by action for money paid, in any Court of competent jurisdiction.

34. All debts that become due and payable to the said City of Fredericton for any rate or assessment in the City, shall be privileged debts, and shall be paid in preference to all other debts excepting debts due to the Crown, and shall in the distribution of the proceeds of property of any person liable for such debt, be so held and adjudged in all Courts in this Province; such preference shall not extend beyond the amount due for two years, that is to say, the amount due for the then current year, and the year next preceding.

35. If property belonging to one person shall be assessed

against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension, or apportionment of any part of the said list, the Assessors may correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

36. No assessment shall be deemed illegal although the aggregate amount thereof may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent.

37. In case of mortgaged real estate the mortgagor shall, for the purpose of assessment, be deemed to be the owner until the mortgagee shall have taken possession, after which the mortgagee shall be deemed and taken to be the owner.

38. The City Council are hereby authorized to make such bye laws and ordinances for the making, levying and collecting all City Taxes ordered by the City Council, as they may from time to time deem necessary and expedient; and also are empowered to make bye laws for the government of the Assessors, and City Treasurer as Collector and Receiver of City Taxes, and to order and direct the mode in which they shall execute their duties, and for the enforcement thereof, not in any case exceeding forty dollars for each offence; provided that no bye law or ordinance so made shall be repugnant to any part of the spirit and meaning of this Act.

39. For the purposes of this Act the City Treasurer shall be the Collector and Receiver of City Taxes, and his receipts for City Taxes shall be signed by him as 'Collector and Receiver of City Taxes.'

40. The term 'City Taxes' in this Act shall be construed to mean all such rates and assessments as shall be imposed by the City Council upon the City, or any district thereof, by virtue of this Act or Acts of Assembly.

41. The term 'Real Estate' in this Act shall be deemed to signify land, and buildings or erections upon lands, and any term or terms of years, or present beneficial and productive interest in land; and the term 'Personal Estate' shall be deemed to signify all goods, chattels, money, capital, and effects, and any share or interest therein, and all goods, debts, whether due upon account, or upon any contract, promissory note, or bond and mortgage, and all public

stocks and securities, and any share or interest therein, not being stock in any Joint Stock Company or Corporation.

42. No stockholder of any Joint Stock Company or Corporation liable to be rated or assessed under this Act, shall be assessed in respect of any property in or income derived from such Company or Corporation.

43. The City Council shall assess upon the said City a sum not exceeding three hundred and fifty pounds, to pay off the amount justly due for the preparations made in the City for the reception of His Royal Highness the Prince of Wales; such sum to be assessed, levied and collected in the same manner as is directed for the assessing, levying and collecting of other City rates by this Act; provided that half the said sum so due shall be assessed and levied during the present year, and the remainder during the year one thousand eight hundred and sixty four.

44. The amounts due for the services mentioned in the last preceding Section shall be paid to the several persons entitled thereto, by the order of the City Council.

45. This Act may at all times be referred to and designated as 'The Fredericton Assessment Act of 1863.'

46. So much or such parts of any Law now in force relating to levying, assessing and collecting of Rates in the City of Fredericton, as are inconsistent with this Act, are hereby repealed, except as to any thing done, pending, or in progress and undetermined under and by virtue thereof; provided that this Act is not in any way to affect the liability of the Collector of Taxes, or his sureties, as respects any thing done or omitted, or any default made or to be made by him.

SCHEDULE TO THIS ACT.

(A.) *Execution.*

To any Constable of the City of Fredericton.

Levy and sell of the goods and chattels of A. B. within the City of Fredericton, the sum of which has been assessed upon him for City Rates for the year of our Lord 18 , and also 10 cents for this Execution, in the whole amounting to , 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, take the said A. B. and deliver him to the Keeper of the Gaol for the County of York, who is hereby required to receive him and keep him safely [*being for every day forty cents*] 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 .

A. C. *City Treasurer.*

(B.) *Warrant.*

To the High Sheriff of the City of Fredericton.

You are hereby commanded to sell at public auction to the highest bidder, first giving thirty days' public notice thereof, so much of the real estate of A. B. situate, lying and being in the City of Fredericton, as in your judgment will be sufficient to pay the sum of being the City Taxes due by the said A. B. and the costs of advertising same, for the year of our Lord 18 , with all your costs and charges, and make return of the said sum of [*being the amount of taxes and costs of advertising, &c.*] and this execution to me within forty days.—Given under my hand and seal this day of A. D. 18 .

W. H. N., *Mayor.*

CAP. XXXVI.

An Act relating to Rules and Regulations for the government of Pilots in the County of Charlotte.

Section.

1. Sec. 14, Cap. 64, Title viii, Revised Statutes, in part repealed.
2. Governor in Council to appoint Commissioners. Commissioners to make rules and regulations.
3. Copies of all rules to be transmitted to Provincial Secretary for allow-

Section.

- ance or disallowance of Governor in Council.
4. Rules, &c. of Sessions, how long to remain in force.
5. Prosecutions for breaches, &c. of rules, how conducted.

Passed 20th April, 1863.

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

1. That the fourteenth Section of Chapter 64, Title viii, of the Revised Statutes, 'Of Rules and Regulations,' so far as the same gives power or may be construed to give power to the General Sessions of the Peace of the County of Charlotte in this Province, to make Rules and Regulations for the government of Pilots, and fixing the rates of Pilotage, be and the same is hereby repealed.

2. That it shall and may be lawful for the Governor in Council to appoint three Commissioners in and for the said County of Charlotte, who shall have power, and whose duty it shall be from time to time, to make Rules and Regulations for the government of Pilots for the Coasts and Harbours of the said County, and to fix the rates of Pilotage for the same, and to ordain such penalties and forfeitures for breach of such rules, or any of them, as such Commissioners may deem necessary, not to exceed in any case the sum of ten pounds for each offence.

3. That copies of all Rules and Regulations to be made by such Commissioners under the authority of this Act, shall be forthwith transmitted to the office of the Provincial Secretary, who shall endorse thereon the day of receipt thereof; the same shall not be of force until the expiration of one calendar month thereafter, unless sooner allowed by the Governor in Council; and the Governor in Council may within that period disallow the same, and such disallowance, with a certificate of the day of the receipt, shall be forthwith transmitted by the Provincial Secretary to the said Commissioners, or to some one of them, and the regulation shall thenceforth be void.

4. That all Rules and Regulations heretofore made by the General Sessions of the Peace of the said County of Charlotte, in any way relating to Pilots within the same, shall remain in force until others shall be made in their stead by the Commissioners to be appointed under the authority of this Act; and all fines and penalties incurred for any breach of Rules and Regulations heretofore made under the authority of the Section of the Act hereby repealed, shall be levied, collected and enforced in like manner as if this Act had not been made and passed.

5. That all prosecutions for non-compliance with, or breaches of any rule or regulation to be made under the authority of this Act, shall be had and conducted under the provisions of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions.'

CAP. XXXVII.

An Act to repeal an Act intituled *An Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews.*

Passed 20th April, 1863.

WHEREAS from the multiplicity of exemptions from statute labour in the Town Plat of Saint Andrews, by the formation of Fire and Volunteer Companies in said Town; and that the moneys collected under the above Act are found to be insufficient for the repairs of the Streets and Bridges in the said Town of Saint Andrews;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act of Assembly passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews*, be and is hereby repealed.

CAP. XXXVIII.

An Act to provide more effectually for the repairing the Roads, Streets and Bridges in a part of the Parish of Newcastle, in the County of Northumberland.

Section.

1. Upper District defined.
2. Special Commissioner for District to be annually elected; to give Bond.
3. Persons to be assessed; Rates how paid.
4. Commissioner to file road list; assessment, by whom paid; if not paid, how recovered.

Section.

5. Money collected, how expended.
6. Public Landing and Slips to be part of Highway.
7. Duties of Commissioner.
8. Commissioner elected last annual meeting to be Commissioner under this Act.

Passed 20th April, 1863.

WHEREAS it is desirable that the Roads, Streets and Bridges in a part of the Parish of Newcastle hereinafter defined, should be repaired and upheld by a tax payable in money instead of labour;—

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

1. That part of the Parish of Newcastle, in the County of Northumberland, beginning at the division line of the said Parishes of Newcastle and Northesk, and extending down stream or easterly to the centre of the Bridge at French Fort Cove, and thence northerly in a line parallel with the westerly line of the said Parish, to the rear line of the front lots,

be and the same is hereby declared to be a separate and distinct district, to be known as the Upper District of the said Parish of Newcastle, for the purposes hereinafter mentioned.

2. One of the three Commissioners of Highways to be annually elected or appointed for the said Parish, under the laws now in force, or any law that may hereafter be in force in this Province relating to Highways, shall at the time of election or appointment, be elected or appointed specially for the said upper district as other Parish officers are elected or appointed; and such Commissioner shall, before entering upon the duties of his office, give a Bond with two sureties to the Queen, to be approved by two Justices residing in the town of Newcastle, in such sum as the Sessions shall from time to time prescribe, conditioned for the faithful performance of the duties of his office, and the due accounting for all moneys that he shall collect and receive as such Commissioner, which Bond shall be filed with the Clerk of the Peace within one month after such election or appointment; such Commissioner may retain ten per cent. of the moneys by him annually collected, as compensation for collecting and expending the same.

3. The male inhabitants of the said district of the age of twenty one years and upwards, and the property of such inhabitants, as also the real estate within the said district of non-residents, females and minors liable to perform statute labour, or to be assessed therefor under any law now in force, or that may hereafter be in force relating to Highways, shall be assessed the number of days according to the scale prescribed in the law now in force, or that may hereafter be in force relating to Highways, and the amount of such assessment shall be payable in money only at the rate of thirty cents for each and every day such person and property shall be assessed; provided always, that the real estate situate in the said district only shall be liable to be assessed against the owners thereof.

4. So soon as the Commissioners of Highways for the said Parish shall have completed the road list in each year, the Commissioner for the said upper district shall, in conjunction with the other Commissioners, make therefrom a list of the persons and property in his district liable to be assessed under this Act; such list to contain as well the number of

days as the amount to be paid by such persons and property respectively, as provided by the third Section of this Act, and shall, within ten days thereafter, file a copy of such list in the office of the Clerk of the Peace; and the said Commissioner of Highways for the said upper district shall in his own name forthwith collect the said assessment from the inhabitants over twenty one years assessed in such district, residing in the said County, in the same manner as Parish rates and taxes are by law collected; non-residents, females and minors assessed on real estate within the said district, neglecting or refusing to pay such assessment in money as aforesaid, shall be proceeded against, and the same shall be recovered in the way and manner provided by the laws now in force, or that may at any time hereafter be in force relating to Highways; provided that any person or persons shall have the same right of appeal as in other cases of Parish Rates.

5. The moneys, as collected under any such assessment, and all fines and forfeitures imposed and recovered within the said district under the Laws relating to Highways, shall be expended by the Commissioner of the said upper district, in the repairing and upholding of the Roads, Streets, Bridges and Public Landings in the same, between the first day of May and the first day of September in each year: the said repairs and work to be from time to time let out at public auction to the lowest bidder, except in cases where immediate repairs are absolutely necessary, six days previous public notice to be given of the time and place of every such sale.

6. All the public landings and slips within said district, are hereby declared to be parts of the public highways in the said district, and shall be subject and liable to the provisions of this Act, and to the laws in force from time to time relating to Highways.

7. The Commissioner for the said district shall, within the said district, perform all the duties required by law to be performed by Surveyors of Roads, and shall have all the powers and authorities, and shall perform all the other duties within the said district authorized and required by the laws now in force, or that may hereafter be in force relating to Highways.

8. The Commissioner elected for the upper district of the said Parish, at the last annual meeting in the said Parish, shall be the Commissioner for the said district under this Act, until another Commissioner shall be elected or appointed, and has qualified.

CAP. XXXIX.

An Act to provide more effectually for the repairing the Roads, Streets and Bridges in a part of the Parish of Chatham, in the County of Northumberland.

Section.

1. Middle District defined.
2. Commissioner to be annually elected; to give Bond.
3. Persons to be assessed; rates, how paid.
4. Commissioner to file road list: assessment, by whom paid; if not paid, how recovered.

Section.

5. Money collected, how expended.
6. Public Landings and Slips to be part of Highway.
7. Duties of Commissioner.
8. Commissioner elected at last annual meeting, to be Commissioner under this Act.

Passed 20th April, 1863.

WHEREAS it is desirable that the Roads, Streets and Bridges in a part of the Parish of Chatham hereinafter defined, should be repaired and upheld by a Tax payable in money instead of labour;—

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

1. That part of the Parish of Chatham, in the County of Northumberland, bounded easterly by Saint Andrew's Church and the old Napan Road, southerly to Napan River, westerly by the westerly end of Clarke's Cove Bridge, running southerly along the upper side of said Cove to the westerly line of the lands now owned and occupied by Henry Cunard, and along said line to the rear of said land, and thence easterly to the Road leading from the Rectory to Napan River, and along said Road southerly to the southerly line of the said Parish, and thence easterly along such southerly line to the Napan Road aforesaid, be and the same is hereby declared to be a separate and distinct District, to be known as the Middle District of the said Parish of Chatham, for the purposes hereinafter mentioned.

2. One of three Commissioners of Highways to be annually elected or appointed for the said Parish under the laws now in force, or any law that may hereafter be in force in this Province relating to Highways, shall at the time of election

or appointment be elected or appointed specially for the said middle district, as other Parish officers are elected or appointed; and such Commissioner shall, before entering upon the duties of his office, give a Bond with two sureties to the Queen, to be approved of by two Justices residing in the Town of Chatham, in such sum as the Sessions shall from time to time prescribe, conditioned for the faithful performance of the duties of his office, and the due accounting for all moneys that he shall collect and receive as such Commissioner, which Bond shall be filed with the Clerk of the Peace within one month after such election or appointment; such Commissioner may retain ten per cent. of the moneys by him annually collected, as compensation for collecting and expending the same.

3. The male inhabitants of the said district of the age of twenty one years and upwards, and the property of such inhabitants, as also the real estate within the said district of non-residents, females and minors liable to perform statute labour, or to be assessed therefor under any law now in force, or that may hereafter be in force relating to Highways, shall be assessed the number of days according to the scale prescribed in the law now in force, or that may hereafter be in force relating to Highways; and the amount of such assessment shall be payable in money only, at the rate of thirty cents for each and every day such persons and property shall be assessed; provided always, that the real estate situate in the said district only shall be liable to be assessed against the owners thereof.

4. So soon as the Commissioners of Highways for the said Parish shall have completed the road list in each year, the Commissioner for the said middle district shall, in conjunction with the other Commissioners, make therefrom a list of the persons and property in his district liable to be assessed under this Act; such list to contain as well the number of days as the amount to be paid by such persons and property respectively, as provided by the third Section of this Act, and shall within ten days thereafter file a copy of such list in the office of the Clerk of the Peace; and the said Commissioner of Highways for the said middle district shall, in his own name, forthwith collect the said assessment from the inhabitants over twenty one years assessed in such district, re-

siding in the said County, in the same manner as Parish rates and taxes are by law collected ; non-residents, females or minors assessed on real estate within the said district, neglecting or refusing to pay such assessment in money aforesaid, shall be proceeded against, and the same shall be recovered in the way and manner provided by the laws now in force, or that may at any time hereafter be in force relating to Highways ; provided that any person or persons shall have the same right of appeal as in other cases of Parish Rates.

5. The moneys as collected under any such assessment, and all fines and forfeitures imposed and recovered within the said district under the Laws relating to Highways, shall be expended by the Commissioner of the said middle district in the repairing and upholding the Roads, Streets, Bridges and Public Landings within the same, between the first day of May and the first day of September in each year ; the said repairs and work to be from time to time let out at public auction to the lowest bidder, except in cases where immediate repairs are absolutely necessary ; six days previous public notice to be given of the time and place of every such sale.

6. All the public landings and slips within the said district are hereby declared to the parts of the public highways in the said district, and shall be subject and liable to the provisions of this Act and to the laws in force from time to time relating to Highways.

7. The Commissioner for the said district shall, within the said district, perform all the duties required by law to be performed by Surveyors of Roads ; and shall have all the powers and authority, and shall perform all the other duties within the said district authorized and required by the laws now in force, or that may hereafter be in force relating to Highways.

8. The Commissioner elected for the middle district of the said Parish, at the last annual meeting in the said Parish, shall be the Commissioner for the said district under this Act, until another Commissioner shall be elected or appointed, and has qualified.

CAP. XL.

An Act in amendment of an Act intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland.*

Section.

1. Sec. 5, 22 Vic. cap. 46, repealed.
 Wha: Sections of 11th Vic. cap.
 12. to be taken as part of this Act;
 proviso.

Section.

2. Actions under 22 Vic. cap. 46, how
 and when to be brought.
3. Not to affect recovery of fines reco-
 verable before passing this Act.

Passed 20th April, 1863.

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

1. That the fifth Section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland*, be and the same is hereby repealed; and in lieu thereof,—The sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty second, twenty ninth, thirtieth, thirty first, thirty fifth, together with the Schedules A and B therein referred to, *mutatis mutandis*, thirty seventh, thirty eighth and thirty ninth Sections of an Act made and passed in the eleventh year of the same Reign, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Chatham, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in the said several Sections respectively, shall be created, incurred, and be observed, practiced and put in execution in the Town of Chatham aforesaid, as fully and effectually to all intents and purposes as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things were severally, particularly and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed and taken to belong to this Act in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the said thirty first Section, and the Bond mentioned in the said thirty seventh Section of the said Act,

shall be taken in the name of the Justices of the Peace of the County of Northumberland instead of the Commissioners therein mentioned; and in case of forfeiture of such Bond, the said Justices of the Peace for the County of Northumberland shall by that name have power to sue for and recover the amount of the same, to be by them paid to the County Treasurer for the purposes of the said Act; and the several powers and authorities given to, and the duties to be performed by the Police Magistrate under the several provisions of the said Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John, and in this Section enumerated, shall be exercised, enforced and performed by any Justice of the Peace of the County of Northumberland residing within the limits of the said Town of Chatham.

2. No action, suit, or information, or any other proceeding of what nature or kind soever, shall be brought, commenced or prosecuted against any person for any thing done or omitted to be done in pursuance of the Act first herein mentioned, or in the execution of the powers and authorities under the same, unless twenty days previous notice in writing shall be given by the party intending to commence and prosecute such suit, information, or other proceeding, to the intended defendant; nor unless such action, suit, information or other proceedings shall be brought or commenced within three calendar months next after the act committed; or in case there shall be a continuation of damages, then within three calendar months next after the doing or committing such damages shall have ceased; or unless such action, suit or information shall be laid and brought in the County of Northumberland.

3. Nothing in this Act contained shall prevent, or be construed to prevent, the recovery of any fine or forfeiture legally recoverable before the passing of this Act; but the same may be recovered in like manner as if this Act had not been passed.

CAP. XLI.

An Act to amend an Act intituled *An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland.*

Section.

1. Sec. 5 of 25 Vic. cap. 55, in part repealed.

Section.

2. Actions under 25 Vic. cap. 55, how and when brought.

Passed 20th April, 1863.

WHEREAS in and by the fifth Section of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland*, it is among other things enacted— “That the fortieth Section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Newcastle, to all intents and purposes;” and it is found that such application is unsuitable to the said Town of Newcastle;—

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

1. That the said fifth Section of the said recited Act, so far as the same directs that the provisions of the fortieth Section of the Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Newcastle, be and the same is hereby repealed; and in lieu thereof,—

2. That no action, suit, or information, or any other proceedings of what nature or kind soever, shall be brought, commenced or prosecuted against any person for any thing done or omitted to be done in pursuance of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland*, or in the execution of the powers and authorities under the same, unless twenty days previous notice in writing shall be given by the party intending to commence and prosecute such suit, information, or other proceeding, to the intended defendant, nor unless such action, suit, information

or other proceedings shall be brought or commenced within three calendar months next after the act committed, or in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased, or unless such action, suit or information shall be laid and brought in the County of Northumberland.

CAP. XLII.

*Agre
Act*
An Act in addition to and in amendment of the Acts now in force relating to the Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton.

Section.

1. Commissioner not liable to serve more than 2 years consecutively.
2. Board of Supervision to publish accounts in detail.
3. Justice when required to make return of defaulters, and money collected on lists handed to him.

Section.

4. Sec. 11, 23 Vic. cap. 13, repealed; moneys assessed under 4th sec. 24 Vic. cap. 39, after paying interest, to be applied towards paying up principal.

Passed 20th April, 1863.

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

1. That no person now appointed or hereafter to be appointed Commissioner by the Town Council, under the authority 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*, or by the authority of any Act made or to be made in amendment thereof, shall be liable to serve as such Commissioner or remain in office as such for more than two years consecutively.

2. That the Board of Supervision in the said Act mentioned, shall cause to be published for the information of the rate-payers of the said Town or Parish, in some Newspaper printed in the said County of Carleton, the accounts in detail for the past year, submitted to them from time to time by the Commissioners of the Alms House and Work House aforesaid, within one month after the said accounts have been examined and audited by the said Board of Supervision, with the Report of any audit or examination of such accounts made under the authority of such Board of Supervision; and the expense (if any) of such publication shall be paid by

the said Commissioners, and shall constitute an item in the account of expenditures attending the management of the said Alms House and Work House.

3. That every Justice of the Peace to whom may have been delivered, or shall at any time hereafter be delivered for collection, any list or lists of amounts due by defaulters, in the payment of any assessment ordered and made by authority of the Act before mentioned, or of any Act or Acts made or to be hereafter made in amendment thereof, shall, when required by the said Board of Supervision, or by any person or persons appointed by them, within ten days after having been so required, make a return in writing under his hand to the Board of Supervision, of his doings thereon; which return shall exhibit the names of all the original defaulters, with the sum due by each, the names of the defaulters from whom moneys have been collected, with the several and respective amounts, and the names of the persons who remain in default at the time of making such return; which return shall be in detail, signed by such Justice, and shall be accompanied by all necessary vouchers, and every neglect or refusal to make such return shall be and be deemed a misdemeanor, and punishable as such.

4. The eleventh Section of the Act in the first Section of this Act mentioned, is hereby repealed; and in lieu thereof, the moneys to be assessed under the authority of the fourth Section of an Act made and passed in the twenty fourth year of the Reign of her present Majesty, intituled *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*, shall from time to time be applied, after discharging the interest due on the several loans contracted for under legal authority, to the payment of the principal sums mentioned in the certificates or notes in due order, according to the numbers, beginning with number one; and the Commissioners shall, from time to time, give one month's public notice by advertisement in one of the Newspapers published in the said County of Carleton, for calling in such and so many of the certificates or notes as they are prepared to pay off, specifying the numbers in such advertisement, and stating that from and after the expiration of the time mentioned in the said notice, the interest on such certificates or notes shall cease.

CAP. XLIII.

An Act to erect a new Parish in the County of Carleton.

Section.

1. Limits of new Parish; name of Parish.
2. New Parish to have same privileges and subject to same Laws as other Parishes.
3. Polling place.

Section.

4. Parish Clerk, by whom appointed; list of rate-payers, by whom furnished.
5. Not to interfere with recovery of rates ordered, or fines, &c., due before the passing of this Act.

Passed 20th April, 1863.

WHEREAS it is expedient for the greater convenience of the inhabitants, that the Settlements known as Glassville, Knowlesville, and Ketchum Settlements, in the County of Carleton, and now constituting portions of the Parishes of Brighton, Peel, and Kent, should be set off and erected into a separate Parish;—

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

1. That all that tract of land bounded as follows, that is to say:—Beginning at the northern angle of lot number ten granted to William Woodforde, on the Coldstream, in the Parish of Peel, and County of Carleton, and thence running by the magnet of the year one thousand eight hundred and fifty seven, north seventy two degrees west eight chains, to the eastern line of a reserved road; thence following the several courses of the said road, by the base line of the lots, in a northerly direction, to the northwest angle of the lot letter I, northeast of Brown's Portage Road; thence south seventy two degrees and thirty minutes east, by the magnet of the year one thousand eight hundred and sixty one, fifteen chains, to meet the western line of a reserved road at a post; thence along the said line, being the western line of Glassville, north seventeen degrees and thirty minutes east, to the northern angle of lot number fifty three; thence northerly along an explored road, to the northwest angle of lot number fifty five in Johnsville; thence south eighty seven degrees and fifteen minutes east, along the northern line of the said lot, ninety one chains and fifty links; thence south eighty eight degrees and forty five minutes east, to the northwest angle of lot number eighty in the second survey of Glassville; thence along the northerly line of the said lot, south seventy two degrees and thirty minutes east, fifty eight chains and seventy five links, to the western line of another reserved

road; thence directly to the northwest angle of lot number seventy nine; thence along the northern line of the said lot and its eastern prolongation, south seventy two degrees and thirty minutes east, to the northwestern line of the County of York; thence along the said County line in a south-westerly direction, to meet the southeastern prolongation of the northeastern line of the said Grant to William Woodforde; thence along the said prolongation and line to the place of beginning, shall be and the same is hereby erected into a separate and distinct Town or Parish, and shall be called the Town or Parish of 'Aberdeen.'

2. The said Town or Parish of Aberdeen shall have the same privileges, and be subject to the same laws and regulations as extend to or govern the other Parishes of the County.

3. The polling place for the said Parish of Aberdeen shall be at or near Hugh Miller's.

4. The Councillors for the Parish of Peel, in the said County of Carleton, shall and may appoint a fit and proper person, residing within the limits of the said Parish of Aberdeen, as Parish Clerk, at least forty days before the next annual election of Councillors for the County of Carleton; and the Collectors of Taxes for the Parishes of Brighton, Peel, and Kent, shall furnish the said Parish Clerk of the Parish of Aberdeen with correct lists of the rate-payers on properties residing within the said Parish hereby erected, who shall have paid their taxes in the several Parishes to which, before the passing of this Act, they severally belonged, in like manner and at such time as Collectors of Taxes are now required to furnish the Parish Clerks with lists of rate-payers according to law.

5. Nothing in this Act contained shall interfere with or prevent the recovery of any assessment which may have been made or ordered before the passing of this Act, or with any fines, penalties or moneys which may have accrued or become due, or with the discharge of the duties of any officer who may have been appointed; but such assessment may be collected, such fines and penalties may be levied, the payment of such moneys accrued due may be enforced, and the said officers may discharge their respective duties until others shall be appointed in their stead, in like manner as if this

Act had not passed; and nothing in this Act contained shall be construed to relieve any part of the Parish hereby erected from existing liabilities.

CAP. XLIV.

An Act to erect parts of the Parishes of Grand Falls, Perth, and Saint Leonard, in the County of Victoria, into a separate Town or Parish.

Section.

1. Limits and name of new Parish.
2. Parish to have same privileges and subject to same laws as other Parishes.

Section.

3. Polling place appointed.
4. Not to come into operation till 1st January 1864.

Passed 20th April, 1863.

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

1. That all those parts of the Parishes of Grand Falls, Perth, and Saint Leonard, which lie to the eastward of a line commencing at a point where the Royal Road intersects the line between the Counties of Carleton and Victoria, and running along the said Royal Road northerly to a point eight miles north of the Tobique River, thence a north-north-east course until it strikes the division line between the Counties of Victoria and Restigouche, shall be and the same is hereby erected into a separate and distinct Town or Parish, to be called the Town or Parish of 'Gordon.'

2. The said Town or Parish of Gordon shall have the same privileges, and be subject to the same laws and regulations as extend to or govern the other Parishes of the County.

3. That the electors of the said Parish of Gordon at every Election for Members to serve in the General Assembly, shall poll their votes at a place to be fixed by the Sheriff of the County of Victoria, at or near Ezekiel Hutchison's.

4. This Act shall not come into operation until the first day of January in the year one thousand eight hundred and sixty four.

CAP. XLV.

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

Section.

1. Assessors, &c. to be elected by French only; if not elected, Sessions to appoint.
2. Power of Assessors.

Section.

3. Sessions to order assessment.
4. French inhabitants not liable for other Poor rates.

Passed 20th April, 1863.

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 Moncton, 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 French inhabitants of 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.

CAP. XLVI.

An Act to amend the Act to incorporate the Alma Copper Mining Company.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Corporation created by the Act of twenty fifth Victoria, Chapter 67, intituled *An Act to incorporate the Alma Copper Mining Company*, shall, when necessary, have power to extend the capital stock of the said Company to the sum of one hundred thousand dollars; and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares, with the consent of the shareholders.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

CAP. LXXX.

An Act relating to the Office of Commander in Chief.

Section.

1. Lieut. Governor to be Commander in Chief of Militia.

Section.

2. Suspending clause.

Passed 23rd April, 1862.

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

1. The Lieutenant Governor of this Province shall, by virtue of his office, be Commander in Chief of the Militia during the absence from the Province of the Governor General.

2. This Act shall not come into operation until Her Majesty's Royal approbation shall be thereunto had and declared.

[This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the first day of November 1862, and published and declared in this Province the third day of December 1862.]

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ERRATUM.

Page 46, sec. 12, for *contractive* trusts, read *constructive* trusts.
