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

PASSED IN THE MONTH OF APRIL 1864.



FREDERICTON.

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

1864.



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ANNO VICESIMO SEPTIMO VICTORIÆ REGINÆ.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO SEPTIMO.

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 sixteenth day of February, one thousand eight hundred and sixty four; being the Third Session of the Nineteenth General Assembly convened in the said Province.



ACTS  
OF  
THE GENERAL ASSEMBLY.

27° VICTORIÆ, A. D. 1864.

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CAP. I.

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

Section.

1. Moneys granted.

Section.

2. Payable by Warrant.

*Passed 11th April, 1864.*

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 nineteen thousand seven hundred and ten 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 four hundred and thirty 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 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 two hundred dollars, for the 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 four hundred and fifty 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 the apprehension of Deserters from Her Majesty's Service.

A sum not exceeding three hundred dollars, to be expended in the Education of Deaf and Dumb Children.

A sum not exceeding five hundred dollars, to meet the expenses of a Geological Survey.

A sum not exceeding six hundred dollars, to pay the Salary of the Emigration Officer and Contingencies of his Office.

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

A sum not exceeding two thousand nine hundred and ninety five dollars and forty eight cents, to refund advances made during the year one thousand eight hundred and sixty three, in excess of unforeseen expenses, and in payment of old liabilities.

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 payment may be made at the same.

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## CAP. II.

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 Warrant.
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.

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*Passed 11th April, 1864.*

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 thirty four thousand nine hundred dollars, to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and maintenance 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 day's 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 moneys 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 moneys 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. III.

#### An Act in aid of the construction of Railways.

Section.	Section.
1. Lines towards construction of which Provincial aid to be given.	7. Debentures may be issued either in sterling or currency.
2. Governor in Council to determine class and character of Lines, &c.	8. Appointment of Engineer on behalf of Province.
3. Amount of aid to be given.	9. Crown Lands may be given for use of Road.
4. Conditions on which aid to be given.	10. Government to have first mortgage on Road; when mortgage shall cease.
5. Connection with Nova Scotia, when satisfactory arrangements made.	11. Company to carry Soldiers, Militia, &c. at any and all times when required. Fares for soldiers, &c. Luggage allowed. Freight of Military stores.
6. If Act 26 Vic. relative to Inter-Colonial Railway, become void, and Company build Railway, what amount authorized to be paid.	

*Passed 11th April, 1864.*

WHEREAS it is deemed advisable to aid the construction of Railways in this Province;

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

1. That Provincial aid, in the manner hereinafter provided, shall be given towards the construction and completion of the following Lines of Railway, that is to say :—

A Main Line from the City of Saint John to the State of Maine, running as near as may be by the Douglas Valley; and a Line from some point on the European and North American Railway towards the Boundary of Nova Scotia: also an extension of the European and North American Railway to Miramichi: also a Branch to connect the Main Line with the City of Fredericton: another Branch from the Town of Woodstock to connect with the present Saint Andrew's Line: another Branch from the Town of Saint Stephen to connect with the said Saint Andrew's Line: and another Branch to connect the European and North American Railway with Hillsborough, in the County of Albert, at such point therein as may be deemed most desirable.

2. The several Lines of Railway and Branches and Extensions to be constructed under the provisions of this Act, shall be made on such grades and with such gauges and curvatures, and of such class and character respectively, as the Governor in Council shall determine; and the routes and locations of the said lines and the said several branches and extensions, shall also in all cases be subject to the approval of the Governor in Council.

3. The aid to be granted to the said Lines of Railway and the said Branches and Extensions in the first Section of this Act specified, shall be at the rate of \$10,000 per mile, to be paid as hereinafter provided.

4. If any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct the first before mentioned Lines of Railways, and the said Branches and Extensions, or any of them, and shall give such assurance or guarantee of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby empowered and authorized to consent and agree to the building of the said Lines, and the said Branches and Extensions, or any of them, by such Company or Body Corporate, such agreement to be in the name of the Queen, and subject to such securities, clauses and conditions for protecting the public interest and for securing the due completion of such Line or Lines of Railways as the Governor

in Council may deem necessary; and so soon as it shall be satisfactorily proved to the Governor in Council that any such Company or Body Corporate shall have *bona fide* expended the sum of \$100,000 in actual work on the Road undertaken to be built by them, it shall be lawful for the Governor in Council to pay to such Company or Body Corporate the sum of \$25,000, being a portion of the said aid, and so in like manner from time to time *pro rata*, until the whole of the said Road undertaken by the said Company or Body Corporate shall be fully completed and in efficient operation, with all necessary station houses, and with substantial and sufficient locomotives and other rolling stock for the accommodation of passengers and transportation of merchandize, when the balance of the said aid of \$10,000 per mile, and no more, shall be paid to such Company or Body Corporate.

5. No agreement shall be entered into for the completion of a Line to connect with the Province of Nova Scotia, until satisfactory arrangements are made with the Government of that Province for the completion of the connection with the Nova Scotia Railways.

6. In case the Act of Assembly made and passed in the twenty sixth year of Her Majesty's Reigu, intituled *An Act to authorize a Loan, and for the construction and management of an Inter-Colonial Railway*, should become inoperative, then if any Company or Body Corporate now or hereafter to be organized, possessing sufficient capital, shall offer to construct a Line of Inter-Colonial Railway to connect this Province with Canada, and shall give such guarantee or assurance of their ability as the Governor in Council may deem necessary, the Governor in Council is hereby authorized and empowered to enter into an agreement with such Company or Body Corporate for the construction of such Line, upon the following terms, viz:—That upon the completion of such Line of Railway, in efficient operation for the accommodation of passengers and transportation of merchandize, the Governor in Council shall each and every year thereafter in which the said Line of Railway shall be efficiently 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 of six per cent. upon the actual cost of said Line

so agreed to be built, such sum not to exceed in any one year the sum of twenty thousand pounds currency.

7. The Governor in Council is hereby authorized to issue from time to time, for the purposes of this Act, Debentures, payable either in New Brunswick currency or sterling money, to be numbered consecutively, with coupons annexed, bearing interest at six per cent. per annum, payable semi-annually, in such form, verified and authenticated in such manner, in such amounts not less than one hundred pounds each, and on such conditions as the Governor in Council may prescribe: The principal of such Debentures to be paid in full after the expiration of thirty years, to the holders thereof; the Debentures in sterling money to be payable in London, and the Debentures in New Brunswick currency to be payable at the Treasury in New Brunswick.

8. The Governor in Council is hereby authorized from time to time, to appoint during pleasure a fit and proper person as Engineer on behalf of this Province, whose duty it shall be to watch over the interests of this Province in the construction of the several Lines of Railway hereinbefore specified, and the said Branches and Extensions.

9. When any of the Lines of Railway in this Act mentioned, or the said Branches or Extensions, shall pass through Crown Lands, the Governor in Council shall grant, for the purposes of such Roads, necessary Crown Lands for tracks, sidings, and stations.

10. That for the purpose of securing the due and efficient completion of all or any of the said Lines of Railway, or Branches and Extensions in the first Section of this Act mentioned, any moneys advanced or paid to any Company or Body Corporate under the provisions of this Act, shall attach and stand, and are hereby declared to be a primary mortgage or first charge in favour of the Queen, for the benefit of this Province, upon such Line or Lines of Railway, and the Branches and Extensions undertaken to be built by such Company or Body Corporate, and upon the stations, station houses, rolling stock, and property of every description, and shall attach immediately upon the advance or payment of any portion of the said aid, upon all property owned by such Company or Body Corporate; and in order to fix and ascertain the amounts from time to time advanced or

paid to such Company or Body Corporate, the President and Treasurer of the same shall deliver to the Provincial Treasurer a certificate under their hands, stating the amount so received ; which certificate shall be sufficient evidence of such primary mortgage or first charge under this Act ; provided always, that on the completion of the Road according to the terms of the agreement, such mortgage or first charge shall cease and determine.

11. Every such Company or Body Corporate as aforesaid, shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces, Ordnance Corps, Marines, Militia, or Police Forces, at such time or times, (whether the same shall be the usual hours of starting Trains or not,) as shall be required or appointed by any Officer duly authorized by the Governor for that purpose, and with the whole resources of such Company or Body Corporate, at fares not exceeding two cents per mile for each officer, soldier, marine, or private of such Forces respectively, and also for each wife, widow, or child above twelve years of age, of a soldier, entitled by Act of Parliament or other competent authority to be sent to their destination at the public expense ; children under three years of age so entitled to be taken free of charge ; and children of three years of age and upwards, but under twelve years, so entitled, being taken at half price of an adult ; provided that every officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge ; and every soldier, marine, private, wife, or widow, shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge ; all the excess of the above weights of personal luggage being paid for at the rate of not more than eighty cents per one hundred weight per hundred miles ; and all public baggage, stores, arms, ammunitions, and other necessary things, except gunpowder and other combustible matters, shall be conveyed at charges not exceeding four cents per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

## CAP. IV.

An Act further to amend the Law relating to offences against the person.

Section.	Section.
1. Certain offences against the person, how dealt with.	4. Unlawful miscarriage, felony; penalty.
2. Abandonment of child deemed misdemeanor; penalty.	5. Aiding unlawful miscarriage, misdemeanor; penalty.
3. Concealment of birth, misdemeanor; penalty.	6. Second marriage during life of husband or wife, how dealt with; proviso.
	7. Sections Revised Statutes repealed.

*Passed 11th April, 1864.*

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

1. When any person being feloniously stricken, poisoned or otherwise hurt at any place out of this Province, shall die of such stroke, poisoning or hurt in this Province, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, enquired of, tried, determined and punished in the County or place in this Province in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

2. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

3. If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; provided that if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of the birth,

4. Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent; and whosoever with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of felony, and be imprisoned in the Provincial Penitentiary for any term not exceeding fourteen years, with hard labour.

5. Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

6. Whosoever being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Province or elsewhere, shall be guilty of felony, and be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour; and any such offence may be dealt with, inquired of, tried, determined and punished in any County or place in this Province where the offender shall be apprehended or be in custody, in the same manner in all respects as if the offence had been actually committed in that County or place; provided that nothing in this Section contained shall extend to any second marriage contracted out of this Province by any person not being a British subject, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

7. The following enactments of the Revised Statutes are hereby severally repealed, that is to say:—Section 1 of Chapter 146; Sections 13 and 14 of Chapter 149; Section 8 of Chapter 158; and Section 15 of Chapter 159.

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#### CAP. V.

An Act to explain an Act intituled *An Act to amend the Act relating to the administration of Justice in Equity*.

*Passed 11th April, 1864.*

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

That the twenty third Section of the Act passed in the twenty sixth year of Her Majesty's Reign, intituled *An Act to amend the Act relating to the administration of Justice in Equity*, shall not apply or be construed to apply to any suit or proceeding commenced or pending at the time of the passing of the said Act.

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#### CAP. VI.

An Act relating to Larceny and other similar offences.

Section.

1. Bailee of any chattel when deemed guilty of larceny.
2. When several counts may be inserted in same indictment.
3. Offences punishable as for larceny.
4. Person indicted for robbery may be convicted of assault with intent to rob.
5. Persons sending threatening letters, &c.; penalty.
6. Violent entry into any Church, &c.; penalty.
7. Persons found with offensive weapons or burglar's tools under suspicious circumstances; penalty.

Section.

8. Public servants stealing articles belonging to or in possession of the Crown, entrusted to them as such; penalty.
9. Embezzlement by public servants; penalty.
10. Embezzlement, how prosecuted.
11. In actions for embezzlement, may be convicted for larceny, and *vice versa*.
12. Money, &c. procured under false pretences; penalty.
13. When constable, &c. may arrest without warrant.

*Passed 11th April, 1864.*

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

1. Whoever being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this

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Section shall not extend to any offence punishable on summary conviction.

2. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed therein for all or any of them.

3. Whosoever shall steal, or shall rip, cut, sever, or break, with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, or of both respectively, fixed in or to any building whatsoever, or any thing made of metal fixed on any land, being private property, shall be guilty of larceny, and being convicted thereof, shall be liable to be punished as in the case of larceny.

4. If upon the trial of any person upon an indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

5. Whosoever shall send, deliver, or utter, or directly or indirectly cause to be received, knowing the contents thereof, any letter or writing demanding of any person with menaces and without any reasonable or probable cause, any property, chattel, money, valuable security, or other valuable thing, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour: it shall be immaterial whether the menaces hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person.

6. Whosoever shall break and enter any Church, Chapel, Meeting House, or other place of Divine worship, and commit any felony therein, or being in any Church, Chapel, Meeting House, or other place of Divine worship, shall commit any felony therein, and break out of the same, shall be guilty of felony, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any term not exceeding seven years, with hard labour.

7. Whosoever shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling house or other building whatsoever, and to commit any felony therein, or shall be found by night having in his possession without lawful excuse, (the proof of which excuse shall be on such person,) any pick lock key, crow jack, bit, or other instrument of house breaking, or shall be found by night in any dwelling house or other building whatsoever, having his face blackened, or otherwise disguised, with intent to commit any felony therein, shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any term not exceeding two years, with hard labour.

8. Whosoever being employed in the public service of Her Majesty, or being a constable or other person employed in the Police of any County, City or place whatsoever, shall steal any chattel, money, or valuable security, belonging to or in the possession or power of Her Majesty, or intrusted to, or received, or taken into possession by him, by virtue of his employment, shall be guilty of felony, and being convicted thereof, shall be imprisoned in the Provincial Penitentiary for any time not exceeding seven years, with hard labour.

9. Whosoever being employed in the public service of Her Majesty, or being a constable or other person employed in the Police of any County, City or place whatsoever, and intrusted by virtue of such employment with the receipt, custody or control of any chattel, money, or valuable security, shall embezzle any chattel, money or valuable security which shall be intrusted to, or received or taken into possession by him by virtue of his employment, or any part thereof, shall be deemed to have feloniously stolen the same from Her Majesty, and being convicted thereof, shall be imprisoned

in the Provincial Penitentiary for any term not exceeding seven years, with hard labour; and every offender against this or the last preceding Section may be dealt with, indicted, tried and punished either in the County or place in which he shall be apprehended or be in custody, or in which he shall have committed the offence; and in every case of larceny or embezzlement in this and the last preceding Section mentioned, it shall be lawful in the warrant of commitment by the Justice of the Peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security, in Her Majesty.

10. For preventing difficulties in the prosecution of offenders in any case of embezzlement, it shall be lawful to charge in the indictment, and proceed against the offender, for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against Her Majesty, or against the same master or employer, within the space of six months from the first to the last of such acts.

11. If upon the trial of any person indicted for embezzlement it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that such person is not guilty of embezzlement, but is guilty of larceny, or of larceny as a clerk or servant, or as a person employed in the public service, or in the police, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny: and if upon the trial of any person indicted for larceny, it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that such person is not guilty of larceny, but is guilty of embezzlement; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid, shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

12. Whosoever shall by any false pretence, cause or procure any money to be paid, or any chattel or valuable security to be delivered to any other person for the use or benefit, or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be guilty of a misdemeanor, and be imprisoned either in the Provincial Penitentiary with hard labour, or in the common gaol of the County where the offender may be tried, for any term not exceeding two years.

13. Any constable or peace officer may take into custody without warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act, and shall take such person as soon as reasonably may be before a Justice of the Peace, to be dealt with according to law.

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### CAP. VII.

An Act in addition to Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits.'

Section.

1. New execution may issue after discharge of defendant from imprisonment.

Section.

2. Part of sec. 1, cap. 137, Title xxxvii, repealed.

*Passed 11th April, 1864.*

WHEREAS doubts have arisen whether the judgment be not wholly satisfied in law in all cases in the Justices' Courts where the defendant under execution or *capias* is detained in prison, one day for every two shillings of the debt, under the provisions of the fortieth Section of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits;' for remedy whereof,—

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

1. That notwithstanding the discharge of the defendant under the provisions of the above recited Section, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned, any thing in the above recited Act to the contrary thereof notwithstanding.

2. So much of the first Section of Chapter 137, Title xxxvii, 'Of the jurisdiction of Justices in Civil Suits,' as exempts from the jurisdiction of such Justices any action for a debt upon a specialty, is hereby repealed, so far as the same shall be for a sum certain, and Justices of the Peace shall have the like jurisdiction in every case of any debt on a specialty for a sum certain, as in other cases of debt where jurisdiction is given to them by the said recited Chapter.

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### CAP. VIII.

An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties.

Section.

1. Section 5, Chapter 156, Title xl, repealed; Constable may execute Warrant in any part of the Province. Proviso.

Section.

2. Constables, &c. in the execution of their duty may demand assistance of persons at hand; penalty for refusal.

*Passed 11th April, 1864.*

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

1. That the fifth Section of Chapter one hundred and fifty six, Title xl, of the Revised Statutes, 'Of proceedings before Indictment,' be and the same is hereby repealed; and in lieu thereof, every Warrant shall be issued under the hand of a Justice, and may be directed to any Constable of the County in which such Warrant shall be issued, and shall state briefly the offence, and name or describe the offender; and such Constable may arrest the offender so named or described therein, in any part of this Province; provided that nothing herein contained shall extend or be construed to extend to cancel or annul any Warrant issued before the passing of this Act, under the authority of the Section hereby repealed.

2. The several Police Officers and Constables in this Province, now or hereafter to be elected or appointed, and sworn in their respective Parishes, Districts, or Counties, shall have power and authority, and they are hereby severally authorized when in the due execution of any warrant or other authority, written or verbal, or lawfully appertaining to them by virtue of their office as Police Officers or Constables, and committed with the preservation of the peace, or the punishment or prevention of any felony or misdemeanor, or the taking into

custody of any person charged with, or in the actual commission of any felony, misdemeanor, or breach of the peace, whenever it shall become necessary by reason of any wilful resistance to, or unlawful obstruction of such Police Officers or Constables so acting in the due performance of their duty, to require any male person there present or near at hand, and being over sixteen and under sixty years of age, to aid and assist, by physical force if required, such Police Officers or Constables in the execution of their duty; and if any such person, when so required and called upon by such Police Officer or Constable, shall neglect or refuse to aid and assist such Police Officer or Constable, he shall be liable to a fine of not more than five pounds, to be sued for, levied, and collected with costs as directed in and by Chapter one hundred and thirty eight, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and paid over when collected to the Overseers of the Poor of the Parish in which the offence was committed for the use of the Poor thereof.

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#### CAP. IX.

An Act to amend an Act intituled *An Act to amend Chapter 40, Title iv, of the Revised Statutes, 'Of the Post Office.'*

Section.

Section.

1. Part of S. 3, c. 40, Title iv, repealed.      2. Rate of postage, how fixed.

*Passed 11th April, 1864.*

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

1. That so much of Section three of the above recited Act as relates to the pre-payment of postage on printed Books, Magazines, Reviews, Pamphlets, Tracts or Periodical publications sent through the Post Office in this Province, or sent from this Province to any other place, be and the same is hereby repealed.

2. The Governor in Council may fix such rate of postage and make such regulations, as he may deem necessary from time to time, for the transmission of Trade patterns through the Post Office in this Province, or from this Province to any other place.

CAP. X. *Reply 28th 4th*

An Act in addition to an Act relating to Steam Navigation in this Province.

## Section.

1. Engineers to pass examination.
2. Appointment of Examiners; their duty.
3. Examiners to forward Certificates for Warrants.
4. Penalty for employing Engineers without Warrant.

## Section.

5. Fee to Examiners.
6. When Warrant may be withdrawn; penalty for acting as Engineer after Warrant withdrawn.
7. Not to extend to Her Majesty's vessels, or Steamers not registered in the Province.

*Passed 11th April, 1864.*

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

1. From and after the first day of August next, no person shall act as an Engineer or Assistant Engineer on board of any Steamboat plying within any of the harbours, waters, bays and rivers of the Province, until he shall have passed an examination, and received a Warrant as hereinafter provided.

2. The Governor in Council is hereby authorized to appoint two or more Examiners residing in the City of Saint John, and such other Examiners as may from time to time be found necessary in other parts of the Province, any two of whom, together with one Inspector of Steamboats, shall have power, and they are hereby authorized and required to examine all such persons as may apply to them, touching their fitness and capacity to act as Engineers or Assistant Engineers on board of any Steamboat plying within the Province.

3. Such Examiners shall, if they consider the applicant qualified to act as such Engineer or Assistant Engineer, forward a certificate of such qualification to the office of the Provincial Secretary, who shall thereupon grant to such person a Warrant under his hand and seal authorizing him to act in that capacity.

4. If any master or owner of any such Steamboat shall after the said first day of August next, employ any person as an Engineer or Assistant Engineer, or allow any person to act as such on board of any such Steamboat until he shall have obtained the Warrant prescribed by this Act, he shall be subject and liable to a penalty of one hundred dollars for each and every offence; and any person so acting after that date as such Engineer on board any such Steamboat without obtaining such Warrant, shall be subject and liable to a

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penalty of ten dollars for each and every day he shall so act; such penalties to be recovered and applied in manner directed by the eighteenth section of an Act made and passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to Steam Navigation in this Province*, to which this Act is an addition.

5. Each of the two Examiners so acting with any Inspector, shall be entitled to demand and receive from every applicant for examination, and prior to such examination, the fee of four dollars.

6. The Governor and Council shall have power at any time to withdraw any Warrant given under this Act for misconduct or neglect on the part of the Engineer or Assistant Engineer; and such party shall be liable to the penalties provided by this Act, if he shall, after such withdrawal, act as an Engineer or Assistant Engineer, contrary to the provisions of this Act, and until he shall have obtained another Warrant hereunder.

7. Nothing in this Act contained shall extend to Steamers belonging to Her Majesty, nor to Steamers registered in any Foreign country, and plying between any Port in this Province and any Port outside this Province.

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#### CAP. XI.

An Act to amend the Act to provide for Reporting and Publishing the Decisions of the Supreme Court.

*Passed 11th April, 1864.*

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

That so much of the third Section of the Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for Reporting and Publishing the Decisions of the Supreme Court*, as provides that the Reporter shall receive annually from the Province Treasury the sum of fifty pounds, is hereby repealed; and in lieu thereof, such Reporter, on producing the certificate required by the said Act, shall be entitled to receive annually from the Province Treasury the sum of four hundred dollars.

## CAP. XII.

An Act to establish additional Circuit Courts in the City and County of Saint John.

*Passed 11th April, 1864.*

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

That in addition to the Circuit Courts now held in the City and County of Saint John, there be two additional Circuit Courts held in said City and County on the second Tuesday in August and the second Tuesday in January in each year.

## CAP. XIII.

An Act relating to the Savings Bank in the City of Saint John.

Section.

Section.

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| 1. Treasurer authorized to receive further deposits on same terms as under former Act; amount. | 2. Money received, how invested. | 3. Debentures purchased, how disposed of. |
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*Passed 11th April, 1864.*

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

1. The Provincial Treasurer is hereby authorized to receive from the Savings Bank established in Saint John, further deposits to the extent of two hundred thousand dollars beyond the amount already authorized by Law, and to give debentures for the same in like manner, and subject to the like restrictions and provisions as are contained in the Act of Assembly passed in the sixth year of the Reign of His Majesty King George the Fourth, intituled *An Act to encourage the establishment of Banks for Savings in this Province*; and the interest which the said Savings Bank in Saint John shall be entitled to receive on such debentures, shall not exceed the rate of five per centum per annum.

2. The moneys so received by the Provincial Treasurer, shall be by him invested in the purchase of outstanding Provincial Debentures.

3. The Provincial Debentures so purchased under the second Section of this Act, shall remain in the hands of the Provincial Treasurer, and only be re-issued and re-sold when required to meet calls for deposits, and then only by order of the Governor in Council.

## CAP. XIV.

An Act for the alteration of the local government of the several Parishes of Lancaster, Simonds, and Saint Martins, in the County of Saint John.

Section.

1. Parish Officers in Parishes of Lancaster, &c., elected in same manner as in Parish of Portland.

Section.

2. Parts of Caps. 52 and 53, Title viii, Revised Statutes, repealed.

*Passed 11th April, 1864.*

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

1. The several Parish Officers authorized by Law to be elected for the respective Parishes of Lancaster, Simonds, and Saint Martins, in the County of Saint John, shall for the future be elected in the same manner in all respects as is provided for the election of such officers in the Parish of Portland, in and by the Act of Assembly passed in the twenty sixth year of the Reign of Her present Majesty, intituled *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,'* and the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth Sections thereof, shall be and are hereby extended and applied to the said several Parishes of Lancaster, Simonds, and Saint Martins, as fully as if the same had been expressly enacted for such Parishes.

2. So much of Title viii, Chapters 52 and 53, of the Revised Statutes, as may be inconsistent with this Act, shall be and the same is hereby repealed.

## CAP. XV.

An Act to extend the jurisdiction of the Police Magistrate of the City of Saint John in actions of Debt wherein the Corporation of said City is interested.

*Passed 11th April, 1864.*

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

That the Police Magistrate of the City of Saint John, and in his absence the Sitting Magistrate at the Police Office, shall have jurisdiction in all actions of Debt in which the

Mayor, Aldermen and Commonalty of the City of Saint John may be a party or interested, where the amount claimed does not exceed eighty dollars, and shall and may proceed in all such cases in the manner provided in and by the third Section of an Act passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to continue certain Acts for the support of the Police of the City of Saint John, and for other purposes.*

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CAP XVI.

An Act to enable the Corporation of the City of Saint John to improve the Streets in that part of the City of Saint John on the western side of the Harbour.

## Section.

1. Mayor, &c. may borrow money for streets, &c.; amount limited to \$3000.
2. Smallest amount of any sum borrowed; Security for Loan, when to be repaid.
3. Debentures to be negotiable.

## Section.

4. Chamberlain to receive loans, and pay them out.
5. Money borrowed, chargeable on yearly assessment; Sinking Fund, how formed.
6. Sinking Fund, how invested.
7. Deficiency of Sinking Fund, how provided for.

*Passed 11th April, 1864.*

BE it 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 three thousand dollars to be applied toward the improvement of the Streets, Roadways and thoroughfares of Carleton, in that part of the City of Saint John on the western side of the Harbour.

2. The said sum of three thousand dollars shall be borrowed in loans of not less than four hundred dollars each, and debentures payable in ten 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 such Debentures 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 payable to bearer; 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 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 upon the orders of the Common Council, to the Contractors or workmen who shall be employed agreeably to the provisions of this Act.

5. The moneys borrowed under the provisions of this Act shall be a charge upon the ordinary yearly assessment for Streets on the western side of the Harbour as by Law established; and the said Mayor, Aldermen and Commonalty shall set apart and apply the sum of three hundred and sixty dollars annually in each year for ten 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 three hundred and sixty 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 ten years for the payment of said Debentures; and shall, immediately after the expiration of said ten years, be appropriated to the payment of said Debentures, and shall not be used or applied to any other purpose whatsoever.

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 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 in the last year of the said ten years herein mentioned, be raised, levied, and assessed in addition to the ordinary Street assessment for such year, upon that part of the said City of Saint John on the western side of the Harbour, and the inhabitants thereof.

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CAP. XVII.

An Act for the repayment of certain Moneys expended in the repairs of Sewers in the City of Saint John.

Section.

1. Mayor, &c. authorized to assess to amount of \$2500.

Section.

2. Assessment, how levied and collected.

3. Moneys assessed, how disposed of.

*Passed 11th April, 1864.*

WHEREAS certain necessary repairs to the common Sewers laid down in the City of Saint John on the eastern side of the Harbour, have from time to time been made, and the expense incurred therefor has been paid out of the general revenue fund of the said City, known as the "East side fund:" And whereas it is desirable to restore all such moneys so drawn out of such fund, that such fund may be preserved for the payment of the interest on the public debt and other amounts specially chargeable thereon;—

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized to order a yearly assessment of the sum of two thousand five hundred dollars in each year, for two years in succession, upon that part of the City of Saint John on the eastern side of the Harbour, and the inhabitants thereof, besides in each year the costs and charges of assessing and collecting the same, for the purpose of the repayment to the general revenue fund of said City, of certain moneys withdrawn therefrom for the repairs of common Sewers in said City.

2. The yearly assessment so ordered shall be assessed, levied and collected in the same manner as any assessment made under and by virtue of "The Saint John City Assessment Act of 1859," and the several Acts in amendment thereof.

3. The moneys so assessed and collected shall be paid to and received by the Chamberlain of the said City for the time being, and be by him paid into the said general revenue fund of the said City, known as the "East side fund."

### CAP. XVIII.

An Act relating to the Harbour of the City of Saint John.

Section.

- 1 & 2. Wharves, how far they may extend into Harbour westerly and easterly. Boundaries of Harbour.  
3. Wharves, how to be built.

Section.

4. Owners of land between Duke and St. James streets may build Wharves under certain conditions; proviso.  
5. Part of Act 3 Vic. repealed.

*Passed 11th April, 1864.*

WHEREAS certain Commissioners appointed by His Excellency the Lieutenant Governor in Council, in conformity with a Resolution of the House of Assembly, have, in pursuance of such appointment, made a Report recommending, among other things, the establishment of a new Harbour line in the Harbour of the City of Saint John; and the Mayor, Aldermen and Commonalty of said City have, by petition to the Legislature, prayed for the same;—

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

1. From and after the passing of this Act, no wharf, pier or erection of any kind or description whatsoever, shall be built, erected, or extended westwardly into the Harbour of the City of Saint John on the eastern side thereof, beyond the outer or western edge of a line coloured red and styled the Harbour line, shewn on a plan prepared under the direction of such Commissioners, and filed in the office of the Common Clerk of the said City, and which line is described as follows:—  
"Beginning at a point in said line shewn on said plan by the letter A near thereto, (coloured red) on a southern prolongation of the west line of Simonds' Street, in the Parish of Portland, at a distance of five hundred feet from the southern side of the Straight Shore Road, so called; thence easterly to a point B, distant thirty five feet due south from the most southerly point of the wharves of Messieurs Robert Rankin & Co.; thence north-easterly to a point C sixty feet due south from the western end of the Saint Helena Wharf, so called; thence easterly until it strikes a southern prolongation of the eastern line of the Long Wharf, so called,

at a point D, distant sixty five feet from the said wharf; thence northerly along the said southern prolongation to the said Long Wharf at E; thence beginning at a point G on a western prolongation of the south line of Union Street, distant four hundred and seventy feet from the western line of Smyth Street; thence in a south-easterly direction to a point H on the face of the Honorable John Robertson's Wharf, distant sixty five feet measured along the face of the said wharf from the north-westerly end of the same; thence in a direct line to the south-western corner of the South Market Wharf I; thence to a point K, distant thirty five feet due west from the south-western corner of Merritt's Wharf; thence to the south-western corner of the Custom House Wharf L; thence in a direct line to a point M on a western prolongation of the southern line of Bonsall's Wharf, so called, distant three hundred and ten feet from the western side of Prince William Street; thence southerly in a direct line to a point N on the extreme western point of Reed's Point Wharf, there beginning at a point O on the southerly face of Reed's Point Wharf, distant one hundred and eighty feet along said southerly face from the western line of the property now in the occupation of Valentine Graves as a Lumber Yard; thence to a point P, distant six hundred feet from the western side of Charlotte Street, on a prolongation of the northern side line of the Breakwater; thence towards the ring-bolt in Sunken Rock to a point Q where the said line intersects a southerly prolongation of the eastern line of Germain Street, at a distance of two hundred and ninety feet south from the southern extremity of the present Breakwater."

2. From and after the passing of this Act, no wharf, pier or other erection of any kind or description whatsoever, shall be built, erected or extended eastwardly into the Harbour of the City of Saint John on the western side thereof, beyond the outer or eastern edge of a line coloured red and styled the Harbour line, shewn on the aforesaid plan prepared under the direction of such Commissioners, and filed in the office of the Common Clerk of said City as aforesaid, and which line, on the western side of said Harbour, is described as follows:—Beginning at a point on said line shewn on said plan by the letter S near thereto, (coloured red) on a north-easterly prolongation of the south-easterly side line of Rod-

ney Slip, distant one thousand and six hundred and sixty feet from the north-eastern line of Union Street; thence in a southerly direction to a point T on an easterly prolongation of the southerly side line of Protection Street, distant one hundred and fifteen feet from the easterly face of the Breakwater there; thence to a point U one hundred feet due east from the most eastern abutment of the Beacon Light House.

3. All wharves to be erected within or on the eastern side of the said line on the eastern side of the Harbour, or within or on the western side of said line on the western side of said Harbour, shall be of squared timber and close built so as to prevent stone, rubbish or gravel from falling into the Harbour; and no ballast shall be allowed to be used in the building thereof but stone; and the tops of such wharves shall be covered with good sound pine or spruce timber or lumber at least six inches in thickness; and such wharves, to the extent of sixty feet from the fronts thereof respectively, shall be forever kept free and open for vessels to repair to and load and discharge thereat; and no houses, or stores, or buildings of any kind, shall at any time be erected on the said spaces so hereby reserved; and no lumber or goods of any description shall be permitted to remain on any such spaces longer than twenty four hours.

4. Whereas the property fronting on that part of the Harbour of the City of Saint John situate between Duke and Saint James Street would be greatly benefited, and the Harbour made more commodious for loading and discharging goods, if a Street in continuation of Saint John or Water Street were to be laid out thereon;—It shall not be lawful for the owners of such property to build or authorize to be built any wharf, pier or other erection on the beach or flats between the line of low water mark and the line for limiting the extension of wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen and Commonalty of the said City, a space of not less than fifty feet in width through his or their property, ground, or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street as aforesaid; but this proviso shall not entitle any such owner to build out to said Harbour line by granting such space as hereinbefore mentioned.

5. That an Act passed in the third year of the Reign of Her present Majesty intituled *An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John*, be and the same is hereby repealed, except so far as the same may in any way affect the legal or equitable rights of any party or parties, person or persons, under and by virtue of any indenture of lease, contract or agreement heretofore made with the Mayor, Aldermen and Commonalty of the City of Saint John, for which purpose the said Act, notwithstanding any thing herein contained, shall continue and be in full force and effect.

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CAP. XIX.

An Act to amend an Act to provide for the erection of a City Hall in the City of Saint John.

Section.

1. Expenses incurred or to be incurred, how paid.

Section.

2. Expenses incurred, by whom paid.  
3. Limit of Act.

*Passed 11th April, 1864.*

WHEREAS it is desirable to provide for the payment of certain expenses incurred in carrying out the provisions of the Law for the erection of a City Hall in the City of Saint John on the eastern side of the Harbour;—

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

1. All costs, charges and expenses that have been already incurred, and also all costs, charges and expenses which may from time to time arise and be incurred in carrying out the provisions of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a City Hall in the City of Saint John*, so far as relates to the setting off of the fishing lots, and sale of the Fisheries under and by virtue of said Act, and any of the ordinances of the Common Council of said City regulating the same, shall be paid out of and be a first charge on the moneys received by the Chamberlain of the City of Saint John for the purposes of the said Act.

2. All such costs, charges and expenses shall from time to time be paid by the Chamberlain of the City of Saint John out of such moneys, upon the orders of the Common Council of said City.

3. This Act shall remain and continue in force until the first day of May in the year of our Lord one thousand eight hundred and sixty six.

### CAP. XX.

An Act to provide for the drainage and protection of the different Marsh Lands in the Parish of Lancaster, in the County of Saint John.

Section.	Section.
1. Commissioners to be appointed.	8. Money to defray expenses, how procured.
2. Duty of Commissioners.	9. When Warrant of Distress may be issued.
3. Commissioners to appoint Clerk of Marshes; duty of Clerk.	10. Sheriff's deed evidence of sale and conveyance.
4. Commissioners to build and repair Aboideau, &c.; proviso.	11. Records of Meetings, how kept.
5. Commissioners to call meeting of owners.	12. Remuneration to Commissioners; proviso.
6. Persons employed on works, by whom, and how employed.	13. Vacancy, how filled.
7. When work may be done without consent of owners.	14. Irregularity affecting one Marsh not to affect others.

*Passed 11th April, 1864.*

WHEREAS it is necessary to make provision for the drainage and protection of the Marsh Lands on the several Marshes in the Parish of Lancaster, in the County of Saint John;—

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

1. The Lieutenant Governor in Council shall appoint three fit and competent persons to be Commissioners of Sewers for the said Marsh Lands in the Parish of Lancaster, in the County of Saint John; which Commissioners, on receiving their appointment, shall be sworn to the faithful discharge of their duties.

2. It shall be the duty of the said Commissioners and they are hereby authorized to meet together as occasion shall require, to devise means and methods for building, repairing or erecting aboideau, dykes, and wears, and such other erections and works as may be necessary for draining the said Marsh Lands, and preventing such Marsh Lands being inundated by the sea, or by freshets; and also, if deemed necessary, and with the consent of at least one half of the proprietors of the said Marsh Lands, for drowning the same.

3. That the Commissioners at the first of their meetings shall appoint a Clerk for one or more of the several Marshes in the said Parish, not being a Commissioner, whose duty it

shall be to keep a record of all meetings for each of the said Marshes, and of the doings of the said Commissioners, and to sign all entries, notices and other documents necessary or authorized by virtue of this Act; and the said Commissioners shall also at their first meeting appoint one of their number Chairman, whose duty it shall be to preside at all meetings of proprietors of each of the said Marshes, and Commissioners.

4. That such Commissioners shall proceed to build, erect, or repair such aboideau, dykes, weirs, and other works on each of the said Marshes, as they may deem to be necessary for the drainage and protection of any of the said Marsh Lands; provided that no new work shall be constructed, and no repairs, the estimated costs of which shall exceed the sum of one hundred dollars, except in cases of emergency, shall be commenced and proceeded with without the consent of the owners of at least one half of the land contained in any Marsh where the proposed work is to be done.

5. That the Commissioners are authorized, for the purpose of obtaining such consent to call a meeting of the owners of land on any of the said Marshes at any time, on giving six days notice of the time and place of such meeting, in one or more of the newspapers published in the City of Saint John, and by advertising in three public places in the Parish; such meeting to be held in all instances at some place in the said Parish of Lancaster, and as near as may be convenient to the Marsh where the proposed work is to be done.

6. That the Commissioners at their option, as they may deem most expedient for the interests of the owners of the said Marsh Lands on the respective Marshes, shall either let the said work by contract to some responsible person or persons, or shall cause it to be done by workmen employed by them for reasonable wages; and they may, if they deem it expedient, retain the services of some competent Civil Engineer to devise and plan schemes for the drainage and protection, and if they so think fit, may employ an overseer or inspector of the work, and pay him reasonable remuneration therefor.

7. That in case of emergency or sudden danger arising from any cause, or in ordinary cases of repair, where the estimated expenditure shall not exceed the sum of two hundred dollars, the Commissioners or any one of them may

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cause the work to be done immediately, without the consent of the owners of one half of the land on any such Marsh as before mentioned.

8. That for the purpose of defraying the said costs and expenses of such building, erecting and repairing the aboideau, dykes, and wears, and other works as before mentioned, and the expenses of the Commissioners, and all other expenses incident to the performance of the powers and duties vested in them by this Act, including the allowance of the Clerk, which shall be a reasonable remuneration, to be settled by the Commissioners, the Commissioners shall make an assessment on the several owners of the land on the Marsh for which the expenses are incurred, assessing them according to the number of acres of land held or owned by each, provided that no assessment shall be made on any land which the Commissioners shall consider not to be benefitted by such works or repairs; and on such assessment being made, the said Commissioners shall cause a Notice (A) to be published for the space of twenty days, (which said Notice shall be signed by the Chairman and Clerk,) in one of the newspapers published in the City of Saint John, and by advertising in three public places in the Parish; which notice shall contain a list of the said owners, the amount assessed on each, and the quantity of land on which such assessment is made.

9. In case any owner of land shall not within thirty days after the first publication of such notice as aforementioned, pay the amount for which he, she or they are so assessed, to the Chairman of the said Commissioners, the said Commissioners or any two of them shall thereupon issue a distraint Warrant, (B) signed by the said Commissioners or any two of them and the said Clerk, directed to the Sheriff of the City and County of Saint John, under which warrant the Sheriff shall levy on the goods and chattels of the party or parties or body corporate against whom the same shall be issued; and in case there shall not be sufficient goods and chattels in his bailiwick to satisfy the same, the Sheriff shall levy on any portion of the land of the said party or parties or body corporate on which such assessment was made, and shall lease or sell the same to satisfy such warrant; but no sale shall take place until the time and place of such sale shall be advertised by the Sheriff at least three months con-

tinuously in some newspaper published in the City of Saint John, the sale to be made between the hours of twelve and five in the afternoon, and the Sheriff shall execute to the purchaser or purchasers of such land a deed of such land, (C) which shall be sufficient to convey all the interest of the person or persons or body corporate against whom the said warrant was issued, and the Sheriff shall return the said warrant to the Chairman of such Commissioners, who shall cause the same to be filed in the office of the Clerk of the Peace in and for the City and County of Saint John; and if there shall be any surplus after paying the amount for which such warrant was issued, and the Sheriff's fees thereon, the Sheriff shall pay over the same to the person or persons against whom the warrant was issued.

10. That the deed of the Sheriff, duly acknowledged or proved and registered, or a certified copy thereof, shall be evidence that the said property so conveyed was regularly seized, advertised, and sold; and in case of the death or going out of office of the Sheriff who has seized, advertised or sold any lands, the sale or conveyance thereof, or both, may be completed by his successor without any new warrant or any alteration in the previous proceedings.

11. The Commissioners shall keep a separate record of each of the several Marshes, which said record shall contain a record of all the meetings of the owners of Lands on such Marsh called by them, and of all meetings of the said Commissioners with reference thereto, and of all work done by them, and of all contracts entered into, and all assessments made by them, with respect to any such Marsh; which said records shall (except where the same are in use at such meetings,) be kept on file in the office of the Clerk of the Peace for the County of Saint John; and the said Commissioners shall annually, on the second Monday in January in each year, file with the said Clerk of the Peace a separate detailed account for each of the said Marshes, of all moneys expended by them as such Commissioners during the year previous, which said records and accounts shall be open to the inspection of any owner of Land on the Marsh to which they refer, upon payment of the fee of twenty cents to the Clerk of the Peace for such inspection.

12. The Commissioners shall be entitled to receive out



## B.

To the Sheriff of the City and County of Saint John.

By virtue of the power and authority in us vested under and by virtue of the Act of Assembly twenty seventh Victoria, Chapter twenty, we hereby direct you to levy of the goods and chattels of C. D., in your bailiwick, the sum of \_\_\_\_\_; and in case you shall not find within your bailiwick sufficient of the goods and chattels of the said C. D. whereon to levy the same, you are hereby required to levy on the lands of the said C. D. on the \_\_\_\_\_ Marsh, in the Parish of Lancaster, in the County of Saint John, the sum of \_\_\_\_\_, and to proceed thereon according to law: and we further direct you to pay the said sum of \_\_\_\_\_, when so levied, to the Chairman of the Commissioners of Sewers for the \_\_\_\_\_ Marsh, and to return this execution to the Chairman of the said Commissioners on or before the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 \_\_\_\_\_.—Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 \_\_\_\_.

A. B. }  
C. D. } *Commis-*  
E. F. } *sioners.*  
G. H. }

G. H. *Clerk.*

## C.

To all to whom these Presents shall come.

I, \_\_\_\_\_, Sheriff of the City and County of Saint John, send greeting.

Whereas by a certain execution under the hands of the Commissioners of Sewers in the \_\_\_\_\_ Marsh, in the Parish of Lancaster, in the County of Saint John, issued under and by virtue of the provisions of the Act of Assembly twenty seventh Victoria, Chapter twenty, I was directed to levy on the goods and chattels of C. D. in my bailiwick, the sum of \_\_\_\_\_; and in case I should not find within my bailiwick sufficient of the goods and chattels of the said C. D. whereon to levy the same, I was required to levy on the lands of the said C. D. on the \_\_\_\_\_ Marsh, in the Parish of Lancaster, and County of Saint John, described as follows:—[*set forth description*]; and after advertising and selling the same according to law, E. F. becomes the purchaser thereof for the sum of \_\_\_\_\_: Now know ye, that I, the said Sheriff, in pursuance of the powers in me vested, and in consideration of

the said sum of \_\_\_\_\_, do grant, bargain and sell unto the said E. F. all the said lands and tenements, together with all buildings and appurtenances thereon being, to hold the same unto the said E. F., his heirs and assigns, for ever. In witness whereof, I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered }  
in the presence of }

County of Saint John, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186\_\_\_\_, before me personally appeared the above named Sheriff, and made oath that all the acts required by law for sale of the lands and tenements mentioned in the within deed, were duly performed by him the said Sheriff, and that the within conveyance is his act and deed, by him executed for the purposes in the same mentioned and set forth.

G. H., *Justice of the Peace*  
*for the City and County of Saint John.*

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### CAP. XXI.

An Act to authorize the County of York to assess for Agricultural purposes.

Section.

1. County Council to issue Debentures.  
Limit of amount.

Section.

2. Form of Debentures.
3. Assessment, how made and collected.

*Passed 11th April, 1864.*

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

1. That the County Council of the County of York be and are hereby empowered to issue Debentures to an amount not exceeding five hundred pounds, to be appropriated in assisting the York County Agricultural Society in raising funds for the erection of a permanent Exhibition Building in said County of York.

2. That the said Debentures shall be in such form and for such a period, not to exceed ten years, and for such an amount, not less than fifty pounds each, as the Warden of such Council shall prescribe.

3. The said County Council of the County of York are hereby authorized and required to make a rate and assess-

ment each and every year, of a sum of money sufficient to discharge the interest, and such part of the principle of the loan contracted by virtue of this Act, as they shall think expedient, until the same shall be paid off; all which several sums of money shall be levied, assessed and collected in the same manner in all respects as other County or Parish rates.

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CAP. XXII. :

An Act to provide for more effectually repairing the Streets, Bridges and Sidewalks in the lower Highway District in the Parish of Saint Stephen.

Section.

Section.

1. Amount to be paid in lieu of labour.      2. Moneys required, how collected.

*Passed 11th April, 1864.*

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

1. All persons liable to perform labour on the Streets and Highways in that part of the Parish of Saint Stephen, in the County of Charlotte, which is included in the following limits, to wit:—Commencing at the mouth of Dennis' or Porter's Millstream and extending to the Milltown Highway District, and between the River Saint Croix and a line drawn one mile back from the said River,—shall in future pay, in lieu of such labour, one shilling and three pence per diem for the first four days, and for every day's labour over and above the first four days any person may be liable to perform, each person shall hereafter for each and every such day pay the sum of forty cents per day.

2. All moneys required to be paid by virtue of this Act, shall be assessed, levied and collected in the same manner as Parish rates are assessed, levied and collected by virtue of any law now in force, or which may hereafter be in force for that purpose, and when collected shall be paid to the Commissioner of Highways in the said District, to be by him expended on the Streets, Bridges and Sidewalks within the above described limits, as by law directed.

## CAP. XXIII.

An Act to provide for the erection and maintenance of a Poor House and Alms House in the Parish of Saint George, in the County of Charlotte.

## Section.

1. Erection and maintenance, how provided.
2. Superintendence vested in Commissioners.
- 3, 4, & 5, Powers and duties of Commissioners.

## Section.

6. Profits of work of inmates, how applied.
7. Appointment of Commissioners, when to be made.

*Passed 11th April, 1864.*

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

1. Her Majesty's Justices of the Peace in and for the County of Charlotte, at their General Sessions or at any Special Sessions of the Peace to be for that purpose holden, be and they are hereby authorized and empowered to contract and agree with proper and competent parties for the building, completing and furnishing a House for a Poor House and Alms House in the Parish of Saint George, in the said County, and agree for such sum or sums of money as to them may seem necessary to effect that object; and to make a rate and assessment upon all persons liable to assessment in the said Parish, for a sum not exceeding six hundred pounds, for defraying the expense of the said building, completing, furnishing and providing a suitable site for the same, the title whereof shall be in the said Sessions in trust for the purposes contemplated by this Act; which said sum of six hundred pounds, or a lesser sum if deemed sufficient, shall be assessed, collected and paid agreeably to any Act or Acts now in force for assessing, collecting and levying of County rates.

2. That the superintendence, management and control of the said Poor House and Alms House, and all matters relating thereto, shall be vested in a Board of Commissioners numbering not less than three nor more than five, who shall be elected and appointed in lieu of, and as Overseers of the Poor in the said Parish, and shall be sworn to the faithful discharge of their duties; and for neglecting or refusing to qualify or perform the same, they shall be subject to the same fines and penalties as Parish Officers are by virtue of any Acts made or hereafter to be made for the appointment of Town and Parish Officers in the several Counties of this Province.

3. The Commissioners to be appointed in pursuance of this Act, may from time to time provide such materials and things as they shall judge necessary for the setting to work and employing such poor persons of what age or sex soever they be who may apply for relief, and shall be capable to work; and shall have power and authority at their discretion to compel such idle or poor people begging or seeking relief as do not betake themselves to some lawful employment, or also do or shall hereafter seek and receive alms of the said Parish, or who may stand in need of relief therefrom, to dwell, inhabit and to work in the said Poor House and Alms House, and to do all such work as they shall think them able and fit for; and shall have the same powers to bind out poor children apprentices, as by law are given to Overseers of the Poor in the several Towns and Parishes.

4. The said Commissioners shall have power to make such rules and regulations for the good government and management of the said Poor House and Alms House as they shall find necessary, the same to be approved by the Justices in Session, and to inflict such correction and punishment by solitary confinement or otherwise, from time to time, as to them shall seem reasonable, on any person or persons within the said Poor House and Alms House, who shall be set to work, and shall not conform to such rules, orders and regulations to be made as aforesaid, or shall misbehave in the same.

5. The Commissioners shall at the first General Sessions of the Peace to be holden for the said County, annually lay before the Justices in their said Sessions an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the said Poor House and Alms House and the inmates thereof, for the then past year, together with an estimate of what sum or sums of money will be needful for the same purposes for the current year; which sum or sums of money shall be assessed, levied and raised in such manner and form as is by law directed, and when raised shall be paid to the said Commissioners for the use and purpose aforesaid, and for none other.

6. The profits of any work or labour to be done and performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards

the support and maintenance of the said Poor House and Alms House, and those therein.

7. No appointment or election of Commissioners under this Act shall take place or be had until the said Poor House and Alms House shall have been first erected.

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CAP. XXIV.

An Act to continue and amend an Act intituled *An Act to incorporate the Petiscodiac Bridge Company.*

Section.

1. Act 24 Vic. time extended.

Section.

2. Capital stock, how divided ; proviso.

*Passed 11th April, 1864.*

WHEREAS it is deemed expedient to extend the time limited in and by an Act made and passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Petiscodiac Bridge Company*, for the completion of the Bridge therein mentioned ;—

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

1. That the said Act and all the power and authority thereby vested in the said Corporation, be and the same are hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty eight.

2. And whereas in and by the second Section of the said Act, it is among other things enacted, that the capital stock of the said Corporation shall be divided into four thousand five hundred shares of twenty dollars each, and it is deemed expedient to authorize and empower the said Corporation to divide the said capital stock into smaller shares ;—The said Corporation, if they shall see fit, shall and may divide the said capital stock into eighteen thousand shares of five dollars each, any thing in the said recited Section to the contrary thereof notwithstanding ; provided always, that nothing in this Section contained shall extend, or be construed to extend, to affect or alter any other part of the said recited Section.

## CAP. XXV.

An Act relating to Grimross Neck, in Queen's County.

*Passed 11th April, 1864.*

WHEREAS by the cutting of a Canal across Grimross Neck, in Queen's County, a large portion of the said Neck has been formed into an Island; and whereas doubts have arisen whether the provisions of the Act Chapter 104, Title xxv, can be applied to said Island;—

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

That all that portion of the said Neck of Land below and cut off by the said Canal, be hereafter called and known as "Mount Island," and shall be subject to all the provisions of Chapter 104, Title xxv, of the Revised Statutes, "Of Regulations among proprietors of Islands."

## CAP. XXVI.

An Act to authorize and empower the Trustees of Schools of the Parish of Newcastle, in the County of Northumberland, for the time being, to sell and convey a certain piece of Land in the said Parish, and dispose of the proceeds thereof, and for other purposes.

Section.

1. Trustees authorized to sell & convey.

Section.

2. Proceeds of sale, how disposed of.

*Passed 11th April, 1864.*

WHEREAS one William Kerr, by Deed poll bearing date the second day of April in the year of our Lord one thousand eight hundred and twenty three, for the consideration therein mentioned, sold and conveyed to the Trustees of Schools for the Parish of Newcastle, in the said County, and to their successors in office, in fee simple, all that certain piece or parcel of Land situate, lying and being in the Parish of Newcastle, in the County of Northumberland, and Province of New Brunswick, being a part of lot number twenty two, purchased by the said William Kerr from Lewis Biggs, and abutted and bounded as follows:—Beginning at the south side of the highway in the said Parish of Newcastle, at the lower or easterly side line of the said lot number twenty two; thence on the said side line running south twenty two degrees east thirty nine feet; thence westerly on a line running at right angles with the side lines of the said lot number twenty

two, fifty feet; thence on a line running north twenty two degrees west fifty two feet, or to the south side of the highway; thence along the south side of the said highway to the easterly side line of the said lot number twenty two, or bounds first mentioned: And whereas the inhabitants in the District erected a School-house thereon, which from long use has become dilapidated, and not at all suitable for the purposes intended: And whereas the inhabitants have procured in the immediate vicinity a piece of land much better situated for the purpose of a school, and have erected thereon a large and commodious school-house; which piece of land hath been regularly conveyed to the Justices of the Peace for the County of Northumberland, and recorded in the County Records agreeably to law, and are desirous that the lands and premises above described should be sold, and the proceeds arising therefrom applied towards the erection and completion of the new school-house, and the liquidation of the debt due thereon;—

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

1. That the Trustees of Schools for the Parish of Newcastle for the time being, be and they are hereby authorized and empowered to sell at public auction to the highest bidder, after giving at least thirty days public notice of the time and place of such sale, the lands and premises above particularly described, with the appurtenances, and to make and execute to the purchaser or purchasers thereof a good and sufficient conveyance in fee simple.

2. The proceeds arising from such sale, or so much thereof as may be necessary, shall be received by the said Trustees, and by them applied to the erection and completion of the new school-house, and in the liquidation of any debt that may have been contracted in and about the erection and completion of the same.

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### CAP. XXVII.

An Act to define the Boundaries between the Counties of Carleton and Victoria.

*Passed 11th April, 1864.*

WHEREAS by an Act passed in the seventh year of Her Majesty's Reign, intituled *An Act for the division of the County*

of Carleton into two Counties, and to provide for the government and representation of the new County, it is amongst other things enacted, that the boundary on the eastern side of the River Saint John, between the Counties of Carleton and Victoria, shall be “the western termination of the line dividing the lots numbers forty and forty one, granted to John Marro and Patrick Marro; thence by the said line easterly, and a prolongation of the same until it comes to the westerly line of the County of York:” And whereas by Title 1, Chapter 1, Section 7, of the Revised Statutes, “Of the division of the Province into Counties and Parishes,” it is enacted that the northern boundary of the County of Carleton on the eastern side of the River Saint John, shall be a line running true east from the mouth of the River de Chute: And whereas during the past year the said boundary on the eastern side of the River Saint John was run by Deputy Garden according to the provisions of the said first in part recited Act for a distance of twenty miles, and it is desirable to establish the same;—

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

That from and after the passing of this Act, the division line between the Counties of Carleton and Victoria on the eastern side of the River Saint John, shall be the line dividing the lots numbers forty and forty one, granted to John Marro and Patrick Marro; thence by the said line easterly, and a prolongation of the same, until it comes to the westerly line of the County of York.

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### CAP. XXVIII.

An Act to enable the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Woodstock, to convey certain Lands in the County of York.

Section.

1. Rector, &c. to convey to Bishop.
2. Arbitrators, when and by whom appointed.
3. Duty of Arbitrators.

Section.

4. When Arbitrators determine, Rector, &c. to convey.
5. Bishop to hold Land in trust.

*Passed 11th April, 1864.*

WHEREAS by Letters Patent under the Great Seal of the Province, bearing date the twenty sixth day of May in the year of our Lord one thousand eight hundred and thirty one,

a certain tract of Land then situated in the Parish of Woodstock, and County of York, distinguished as Lots A and B, containing seven hundred and thirty nine acres, and described in the said Letters Patent as the second tract, beginning at a marked fir tree standing on the southwestern bank or shore of the River Saint John, at the northern angle of lot number seventeen granted to John B. Williston; thence running south thirty six degrees and forty five minutes west one hundred and ninety two chains, along the northwestern boundary line of the said grant; thence north fifty three degrees and fifteen minutes west thirty eight chains; thence north thirty six degrees and forty five minutes east one hundred and ninety eight chains, along the southeastern boundary line of lot C granted to Ira Miller, to the said bank or shore; and thence following the several courses of the same down stream to the place of beginning,—was granted to the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Woodstock, to hold in trust for the use of the said Church: And whereas upon the division of the said County of York, the said tract has now become part of the Parish of Canterbury; and the said Rector, Church Wardens and Vestry have agreed to convey one half of the said tract to and for the use of the Church of England in the said Parish of Canterbury;—

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

1. That the said Rector, Church Wardens and Vestry of Christ Church, in the Parish of Woodstock, shall and may convey one half of the said tract of land to the Bishop of the Diocese of Fredericton, to be held by him and his successors in fee simple, in trust for the use and benefit of the Church of England in the said Parish of Canterbury.

2. In case the said Bishop and the said Rector, Church Wardens and Vestry shall be unable to agree upon the portion of the said tract of land to be conveyed, the same shall be determined by arbitrators, one to be appointed by the said Bishop, and the other by the said Rector, Church Wardens and Vestry, which arbitrators shall have power to appoint a third, if necessary.

3. The said arbitrators, or any two of them, shall define and describe in writing, under their hands, the portion of

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the said tract of land to be conveyed to the said Bishop under the provisions of this Act, and shall deliver the said description to the said Rector, Church Wardens and Vestry.

4. Whenever the portion of the land to be so conveyed shall be agreed upon or determined by arbitration, the said Rector, Church Wardens and Vestry shall make and execute a conveyance thereof to the Bishop of Fredericton, to be held in trust in the manner and for the purposes mentioned in the first Section of this Act.

5. The said Bishop and his successors shall hold the said land in trust for the use and benefit of the Church of England in the said Parish of Canterbury, until a Church Corporation shall be established in the said Parish, and thereupon the said land shall be conveyed to the said Corporation upon the like trust.

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#### CAP. XXIX.

An Act to amend the Act to incorporate certain Bodies connected with the Free Baptist Church in New Brunswick.

*Passed 11th April, 1864.*

WHEREAS by an Act made and passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to incorporate certain Bodies connected with the Free Baptist Church in New Brunswick*, the Free Christian Baptist Church of New Brunswick was vested with certain powers therein set forth: And whereas it is desirable to give to such Church, in addition to the powers given to them by said Act, power to convey real estate held by them by way of mortgage, and to encumber the same;—

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

That in addition to the powers given by the third Section of the said Act to the said Church and the Trustees therein mentioned, or either of them, they shall have full power to convey by way of mortgage, and encumber real estate held by them, in a similar manner as is set forth in the said third Section for the sale of real estate.

## CAP. XXX.

An Act to incorporate the Trustees of the Saint Andrews Society of Saint John, New Brunswick.

Section.

1. Title of Corporation, in whom vested.
2. Duty of the "Trustees."

Section.

3. Property of Society not liable for private debts.
4. Powers, &c. of Trustees; proviso.

*Passed 11th April, 1864.*

WHEREAS the Saint Andrews Society of Saint John, New Brunswick, was established in the year one thousand seven hundred and ninety eight, for benevolent purposes, and has been ever since in existence, and it is deemed expedient that their property should be protected by an Act of the Legislature;—

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

1. That the President, Vice President and Secretary of the said Society for the time being, and their successors, who shall be from time to time elected according to the rules of the said Society, shall be and are hereby made a body politic and corporate, by the name of "The Trustees of the Saint Andrews Society of Saint John, New Brunswick."

2. That it shall be the duty of the Trustees of the Saint Andrews Society of Saint John to hold all such property, real and personal, as may be placed in their hands by the Saint Andrews Society of Saint John, New Brunswick, and to apply the same, and the interest, rents and profits thereof, according to the direction of the said Society expressed at any meeting or meetings which shall be held according to the rules of the Society.

3. That no member of the Society shall have any share or interest in the said property, so that the same may be sold or encumbered by him, or seized or taken under execution or other process, or liable to his debts or engagements.

4. That the said "The Trustees of the Saint Andrews Society of Saint John, New Brunswick," shall have a common seal, and may sell and acquire property, make and enter into agreements, sue and be sued, and have all other powers incident to a Corporation, so far as may be necessary for carrying out the objects of this enactment; provided that the real estate which the said Corporation may hold at any one time shall not exceed ten thousand dollars in value.

## CAP. XXXI.

An Act to incorporate the Victoria Skating Club of Saint John.

## Section.

1. Company, by whom formed.
2. Capital stock, amount and how divided; power to increase.
3. Directors pro tem.
4. Shares, how allotted.
5. Shares transferable.

## Section.

6. Directors annually elected ; remuneration.
7. Annual meeting, when held.
8. Calls, when made.
9. Bye Laws, how and by whom made.
10. Liability of shareholders.
11. Joint stock and property, liability of

*Passed 11th April, 1864.*

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

1. That James A. Harding, William Wright, Thomas M. Reed, William F. Bunting, Alexander M'Tavish, Frederick T. C. Burpee, William H. Harrison, Lewis J. Almon, and John Walter Scammell, their associates, successors, and assigns, shall be and they are hereby constituted a body politic and corporate, by the name of the "Victoria Skating Club of Saint John," and by and under the said name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, and may acquire for themselves and their successors and assigns, under any legal title whatever, such real and personal estate in the City and County of Saint John, as they may require; and the Directors thereof for the time being may sell, lease, underlet, assign, convey and transfer any such real and personal estate, lands, tenements, and hereditaments, held or to be held by the said Club, and for such price or prices, and on such terms and conditions as they may see fit, and grant valid and sufficient discharges on such price or prices, or other moneys, and should they see fit, acquire other lands, tenements, hereditaments, and premises, instead thereof; and the said Directors may borrow money on the mortgage or other security of the said property of the said Corporation, or of any part thereof, for such time and on such terms, and at such rates of interest, as they shall see fit.

2. The capital of the Company shall be eight thousand dollars currency, divided into four hundred shares of twenty dollars each, with power to increase the same to sixteen thousand dollars, by the issue of additional shares of twenty dollars each, such increase to be authorized by a vote of the shareholders, at any meeting of the shareholders specially convened for the purpose, or at any meeting in the notice

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convening which it shall be stated that it is proposed to increase the capital.

3. The said James A. Harding, William Wright, Thomas M. Reed, William F. Bunting, Alexander M'Tavish, Frederick T. C. Burpee, William H. Harrison, Lewis J. Almon, and John Walter Scammell, shall be the Directors of the Company until a choice of Directors by election of the shareholders shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon.

4. The Directors, or a majority of them, may open a subscription book and receive the subscription of persons desirous of becoming shareholders in the Company, and may allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

5. The shares in the capital of the Company shall be transferable in such manner as shall from time to time be prescribed by the bye laws, but no share shall be transferable until all the calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non-payment of calls.

6. The Company may administer their affairs by any number of Directors to be elected annually from among the shareholders at their annual meeting, their number and qualification being declared in the rules of such Society, and by such other officers, and under such restrictions touching their powers and duties, as by law in that behalf they may from time to time ordain, and they may assign to any of such officers such remuneration as they may deem requisite, and such Directors shall always hold office till their successors are elected.

7. An annual meeting of the Company shall be held for the transaction of the general business of the Company and the election of Directors, at such time and place, and under such regulations with regard to notice, as the bye laws of the Company shall determine, and until it shall be so determined, the first annual meeting shall be held on the first Monday of June next, which meeting may be adjourned from time to time; and in case of a vacancy occurring among the Directors by death, resignation, or otherwise, at any time previous to the annual meeting, the same shall be filled up for the

remainder of the unoccupied term by the Directors, if by them deemed expedient, or by so many of them as may be prescribed by the bye laws of the Company.

8. The Directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

9. The Corporation may make all such bye laws not contrary to law, as they may deem expedient for the government thereof; the maintenance and due regulation of their Skating Rink, and of their grounds and buildings connected therewith; the raising of capital by the issue of transferable shares or otherwise; the conditions under which shares shall be issued, and may be transferred or forfeited; the admission to the rink of non-shareholders, and the regulations to which such non-shareholders shall be subject; and the administration of their affairs generally; and may amend and repeal such bye laws from time to time, observing always, however, such formalities of procedure as by such bye laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

10. No shareholder in the Company shall in any manner be liable to, or charged with the payment of any debt or demand due by the Company beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company.

11. The joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

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### CAP. XXXII.

#### An Act to incorporate the Saint John Gymnasium Company.

Section.

1. Company, by whom formed.
2. Capital stock; amount; how divided; power to increase.
3. First meeting, how called and where held. Bye laws, &c. to be passed.
4. President, &c., how appointed.

Section.

5. Time and place of annual meeting. Vote by ballot.
6. Shares assignable.
7. Property of Company alone liable for debts.

*Passed 11th April, 1864.*

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

1. That John V. Thurgar, John W. Cudlip, John M. Robinson, B. Lester Peters, Charles F. Kinnear, and Robert Barnes, 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 Gymnasium Company," 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 of the said Company shall be four thousand dollars current money of New Brunswick, and shall be divided into two hundred shares of twenty 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 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.

3. The first meeting of the said Company shall be held in the City of Saint John, and shall be called by John V. Thurgar, 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 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; 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, and also one other to be Vice-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 on the second Monday in January in each and every year, at which

the necessary officers shall be chosen by ballot, 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 shareholders are given, it shall be, for one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for every ten shares; and above ten shares one vote for every five shares; and in case of failure or neglect to elect the necessary officers at said annual meeting, those in office shall so remain until others are legally elected in their stead.

6. The shares on capital stock of the said Corporation shall be assignable or transferable according to such rules and regulations as may by the stockholders be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the 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 and engagements of the same.

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### CAP. XXXIII.

An Act to authorize the New Brunswick Sugar Refining Company to increase their Capital Stock.

Section.

1. Power to increase capital.
2. Notice of meeting.

Section.

3. Form of memorandum.

*Passed 11th April, 1864.*

WHEREAS a Company has been duly incorporated by the name and style of "The New Brunswick Sugar Refining Company," under the provisions of an Act passed in the twenty fifth year of Her present Majesty's Reign, intituled *An Act relating to Corporations*, for the purpose of manufacturing and refining Sugar, with such other things as are incident to the attainment of that object, with a capital of twenty thousand dollars, to be divided into five hundred shares of forty dollars each: And whereas the whole of the capital stock of the said Company has been paid in, and the same has been found insufficient for the purposes of the said Company, and it is found necessary to increase the capital stock thereof;—

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

1. That it shall and may be lawful for the stockholders of the said Company, at any meeting to be for that purpose called in the manner hereinafter directed, to increase the capital stock of the said Company from time to time, in such sum or sums of money as they may deem expedient, to a sum not exceeding one hundred thousand dollars, and they shall have power from time to time to increase the number of shares accordingly.

2. Notice of any meeting to be called under the first Section of this Act, shall be signed by the President of the said Company, and shall be published for twenty days before the said meeting in a newspaper printed and published in the City of Saint John.

3. Any person who shall agree to take any stock under the provisions of this Act, shall subscribe a memorandum according to the form (A) in the Schedule to this Act, and shall thereupon be deemed a stockholder in the said Company, and be subject to all the liabilities imposed on stockholders by the said recited Act of Assembly under which the said Company was incorporated.

#### SCHEDULE A.

We, whose names are hereunto subscribed, severally agree to take the number of shares in the New Brunswick Sugar Refining Company set opposite our respective names.

Name.	Residence.	No. of Shares.
A. B.....	_____ in the County of _____	_____
C. D.....	_____	_____
E. F.....	_____	_____

## CAP. XXXIV.

*In fine tell M*

An Act to incorporate the People's Bank of New Brunswick.

## Section.

1. Corporation, how formed.
2. Capital stock; amount; when to be paid.
3. Power of Corporation; proviso.
4. When meeting of stockholders may be called; purposes of such meeting.
5. Annual meeting, when and where held, and for what purpose.
6. Directors to appoint officers, &c.
7. Board of Directors, how constituted; proviso.
8. Compensation to Manager, &c.
9. Qualification of Directors.
10. Manager, &c. to give bonds.
11. Scale of votes.
12. Votes by proxy.
13. Distribution of shares; proviso.
14. Vacancy, how filled up.
15. Notice for payment of instalment, how and when made; proviso.
16. When \$30,000 is paid in, Manager to notify Provincial Secretary.
17. Shares transferable, when and how.
18. Business of Company, to what confined.
19. Holders of stock in what way chargeable.
20. Maximum amount of debts; liability of Directors.
21. Dividends to be half yearly.
22. Books, &c. subject to inspection of Directors.
23. Notes of Bank, how signed.

## Section.

24. Corporation liable for Notes altered.
25. Locality.
26. General statement, when made; proviso.
27. No loan on pledge of stock.
28. Committee appointed by Legislature to examine books, &c.
29. Meeting may be called, and by whom.
30. Duty of Directors on dissolution of Company; liability of stockholders.
31. Indebtedness of Directors not to exceed one third capital stock; Manager precluded.
32. Manager to make annual return in triplicate; Form.
33. Manager to furnish on each discount day list of delinquents. In case Director delinquent, not to sit at Board.
34. Disqualification of Director.
35. No action until after Bill or Note presented for payment.
36. Shares deemed personal estate.
37. Shares may be seized and sold; proviso.
38. Increase of capital, how made; limit of capital.
39. Additional shares to be sold at public auction.
40. Notice of sale.
41. Premium, (if any) how divided.
42. Additional shares, to what rules, &c. subject.
43. Limit of Act.

*Amended by 314*  
*A*  
*p 8**Passed 11th April, 1864.*

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

1. That the Honorable George L. Hatheway, the Honorable William E. Perley, Benjamin Beveridge, M. P. P., John Glasier, M. P. P., John Farris, M. P. P., Thomas Murray, Alexander Gibson, Thomas Temple, James Tibbits, Jun., A. F. Randolph, S. F. Grosvenor, Timothy M'Carty, Samuel R. Miller, Christopher Broderick, John Pickard, George Hatt, Benjamin Atherton, Elijah Clark, Andrew Anderson, Michael Colter, Julius L. Inches, William Wheeler, Henry Chestnut, and George C. Hunt, their associates, successors, and assigns, shall be and they are hereby declared to be a body politic and corporate, by the name of "The People's Bank of New Brunswick," with all the powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of dealing in gold and silver coins, bills of exchange, promissory notes, and other business of Banking.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of sixty thousand dollars, one half part thereof to be paid in current gold and silver coins of the Province within two years from the passing of this Act, and the further sum of thirty thousand dollars within three years from the passing of this Act; the whole amount of the said stock to be divided into shares of fifty dollars each, making in the whole twelve hundred shares.

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

4. Whenever six hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers published in the City of Fredericton thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing five Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall, at their first meeting after their election, choose out of their number a Manager, which Directors and Manager shall serve until the first annual meeting for choice of Directors, and shall have

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

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the last Wednesday in February in each and every year, at the City of Fredericton, in the County of York, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, five Directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned, and the Directors, when chosen, shall at their first meeting after their election choose out of their number a Manager.

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

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

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

8. The stockholders and members of the said Corporation may make such compensation to the Manager and Directors as to them shall appear reasonable and proper.

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

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

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

12. All stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing, given within sixty days of the annual or special meeting, from his constituent so to act, provided that no stockholder be entitled to hold more than one proxy.

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

of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, then and in such cases it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to one hundred and twenty shares; provided always, that no stockholder shall be permitted to hold more than two hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock; and further provided, that an instalment of five per centum on the stock subscribed for shall be paid at the time of subscription to a Committee to be appointed by the persons named in the first Section of this Act to solicit subscriptions for stock; and in case of any default in the payment of the balance on the share or shares so subscribed by the subscriber or transferee, at the days and times when calls may be required by the Company, the said five per centum so subscribed and paid shall be forfeited and divided among the stockholders as other profits.

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

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

16. As soon as the sum of thirty thousand dollars shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the Manager shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank ; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act when paying in the capital stock of the said Bank.

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

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or on the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption ; and if upon such sale of goods or stock there shall be a surplus, after deducting the

money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

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

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

21. The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days notice in one or more newspapers published in the City of Fredericton.

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

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

24. The said Corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

25. The said Bank shall be kept and established in the City of Fredericton, County of York, in this Province.

26. The Directors shall at the general meeting to be held on the last Wednesday in February in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of Bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors and attested by the Manager; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders not being Directors to inspect the Account of any individual or individuals with the said Corporation; and further provided, that the stockholders may at such annual or special meeting, and before proceeding to the election of new Directors, appoint a Committee of three of their number to investigate, with the Directors, the Accounts and state of the Bank, and report thereon at an adjourned meeting, at which adjourned meeting the Directors shall be elected.

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

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

29. Any number of stockholders not less than twelve, who together shall be proprietors of four hundred shares, shall

have power at any time by themselves or their proxies to call a general meeting of the stockholders for the purposes relating to the business of the said Corporation, giving at least thirty days previous notice in one or more newspapers published in the City of Fredericton, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors or any three of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

30. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in the said Corporation, as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from and after the notice of such dissolution.

31. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed thirty three and one-third per centum of the capital stock; but the Manager of the said Bank shall not borrow any money from or become indebted to the said Company by note, endorsement, or otherwise.

32. The Manager of the said Bank shall semi-annually, that is to say, on the last Wednesday in February and the last Wednesday in August in each and every year, make a return in triplicate of the state of the said Bank as it existed at four of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify

the amount due from the Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

FORM OF RETURN.

*State of the “ People’s Bank of New Brunswick,” on the      day  
of                      18      , 4 o’clock, P. M.*

Bills in circulation, \$  
 Net Profits on hand,  
 Balance due to other Banks,  
 Cash deposited, including all sums whatever due  
     from the Bank not bearing interest, its Bills in  
     circulation, profits, and balances due to other  
     Banks, excepted,  
 Cash deposited bearing interest,  
 Total amount due from the Bank,

RESOURCES OF BANK.

Gold, silver, and other coined metals in its banking  
     house,  
 Real estate,  
 Bills of other Banks incorporated in this Province,  
 Balances due from other Banks,  
 Amount of all debts due, including notes, bills of  
     exchange, and all stock and funded debts of  
     every description, except the balances due from  
     other Banks,  
 Total amount of the resources of the Bank,  
 Date and amount of the last dividend, and when  
     declared,  
 Amount of reserved profits at the time of declar-  
     ing the last dividend,  
 Amount of debts due and not paid, and considered  
     doubtful,

Which return shall be signed by the Manager of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return, according to the best of his knowledge and belief; and the Manager of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the

said Manager, that the books of the said Bank indicate the state of facts so returned by their Manager, and that they have full confidence in the truth of the return so made by him ; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

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

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

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

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

37. The shares in the capital stock of the said Bank shall

be liable to be seized and taken in execution and sold in like manner with other personal property ; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his Deputy, with the Manager of the said Bank ; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure ; and on production of a bill of sale from the Sheriff, the Manager of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold ; provided also, that the said Manager shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from time to time when such copy of the execution shall be so left with the Manager.

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

39. Such additional shares shall be sold at public auction, in separate lots of one to four shares each, as follows, that

is to say :—Twenty thousand dollars, making four hundred shares, at such time as the Directors shall appoint, and the residue of such increased additional capital at such times as the Directors may from time to time determine, but not less than twenty thousand dollars to be sold at any one time.

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

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

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

43. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and ninety.

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CAP. XXXV.

An Act to incorporate the Fredericton Skating Club.

Section.

1. Company, by whom formed.
2. Capital.
3. First Directors appointed.
4. Directors to open subscription lists and allot shares.
5. Shares transferable.

Section.

6. Affairs of Company, how administered.
7. Annual meeting, when to be held.
8. Calls, how made.
9. Corporation to make bye laws.
10. Liability of shareholders.
11. Liability of stock of Company.

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*Passed 11th April, 1864.*

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

1. That James Tibbits, Jun., Doctor Hiram Dow, John J. Fraser, A. F. Randolph, Thomas Temple, John Richards, John W. Brayley, John H. Reid, Francis A. H. Straton, George J. Bliss, and Joseph Myshrall, their associates, successors, and assigns, shall be and they are hereby constituted a body politic and corporate, by the name of the “Fredericton Skating Club;” and by and under the said name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, and may acquire for themselves, and their successors and assigns, under any legal title whatever, such real and personal estate in the City of Fredericton as they may require; and the Directors thereof for the time being may sell, lease, underlet, assign, convey and transfer any such real and personal estate, lands, tenements, and hereditaments, held or to be held by the said Club, and for such price or prices, and on such terms and conditions as they may see fit, and grant valid and sufficient discharges on such price or prices, or other moneys, and should they see fit, acquire other lands, tenements, hereditaments, and premises, instead thereof; and the said Directors may borrow money on the mortgage or other security of the said property of the said Corporation, or of any part thereof, for such time, and on such terms, and at such rates of interest, as they shall see fit.

2. The capital of the Company shall be four thousand dollars currency, divided into four hundred shares of ten dollars each.

3. The said James Tibbits, Jun., Doctor Hiram Dow, John J. Fraser, A. F. Randolph, Thomas Temple, John Richards, John W. Brayley, John H. Reid, Francis A. H. Straton, George J. Bliss, and Joseph Myshrall, shall be the Directors of the Company until a choice of Directors by election of the shareholders shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon.

4. The Directors or a majority of them may open a subscription book, and receive the subscription of persons desirous of becoming shareholders in the Company; and may

allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

5. The shares in the capital of the Company shall be transferable in such manner as shall from time to time be prescribed by the bye laws, but no share shall be transferable until all the calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non-payment of calls.

6. The Company may administer their affairs by any number of Directors to be elected annually from among the shareholders at their annual meeting, their number and qualification being declared in the rules of such Society, and by such other officers, and under such restrictions touching their powers and duties as by bye law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite; and such Directors shall always hold office till their successors are elected.

7. An annual meeting of the Company shall be held for the transaction of the general business of the Company and the election of Directors, at such time and place, and under such regulations with regard to notice as the bye laws of the Company shall determine, and until it shall be so determined, the first annual meeting shall be held on the first Monday in June next, and shall be called by James Tibbits, Jun., or in case of his absence, death, or refusal, then by any other two of said Company, which meeting may be adjourned from time to time; and in case of a vacancy occurring among the Directors by death, resignation, or otherwise, at any time previous to the annual meeting, the same shall be filled up for the remainder of the unoccupied term by the Directors, if by them deemed expedient, or by so many of them as may be prescribed by the bye laws of the Company.

8. The Directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

9. The Corporation may make all such bye laws, not contrary to law, as they may deem expedient for the government thereof, the maintenance and due regulation of their skating rink, and of their grounds and buildings connected therewith, the raising of capital by the issue of transferable

shares or otherwise, the conditions under which shares shall be issued, and may be transferred or forfeited, the admission to the rink of shareholders and non-shareholders, and the regulation to which such shareholder or non-shareholders shall be subject, and the administration of their affairs generally; and may amend and repeal such bye laws from time to time, observing always however such formalities of procedure as by such bye laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

10. No shareholder in the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company.

11. The joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

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### CAP. XXXVI.

#### An Act to incorporate the Bay Side Cemetery Company.

Section.	Section.
1. Company incorporated.	6. Lots in Cemetery free from seizure or execution.
2. Capital.	7. General meeting.
3. When first meeting to be held.	8. Shares transferable.
4. Cemetery to be exempt from all rates and taxes.	
5. Wilful destruction or injury to property, &c.; penalty.	

*Passed 11th April, 1864.*

WHEREAS the want of a suitable place for the burial of the dead is much required at Bay Side, in the Parish of Saint Andrews, in the County of Charlotte;—

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

1. That James Russell, O. B. Rideout, Luther Lawrence, John Curry, and James M'Farlane, their associates, successors, and assigns, be and they are hereby declared to be a body corporate and politic, by the name of "The Bay Side Cemetery Company;" and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Cemetery or burial ground at Bay Side aforesaid.

2. The capital stock of the said Corporation shall consist of the sum of four hundred dollars, and shall be divided into one hundred and sixty shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.

3. The first meeting of the said Corporation shall be called by James Russell, or in case of his death, neglect, or refusal, by any two of the said Company, by giving six days notice of the time and place of such meeting.

4. The land obtained and held by the said Corporation, for the purpose of a Cemetery or burial ground, shall be and the same is hereby declared to be exempt from all rates, assessments and taxes of whatever nature or kind soever, so long as the same shall remain dedicated to the purpose of a Cemetery.

5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully destroy, cut, break, remove or injure any tree, shrub or plant within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or firearm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled at the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, (not being a member of the said Corporation,) shall be liable to a fine of not less than four dollars nor more than twenty dollars, together with costs, to be recovered under the provisions of the 138th Chapter of the Revised Statutes, Title xxxvii, "Of Summary Convictions," or be committed to the common gaol for the space of not exceeding thirty days; and such offender or offenders shall also be liable to an action of trespass to be instituted against him in any competent Court in the name of the Corporation, for the recovery of such damages as shall have been occasioned by his or their unlawful act or acts, to be recovered with costs, and applied by the Corporation in repairing the

property destroyed or injured ; and the members of the Corporation shall be competent witnesses on such complaints and actions.

6. The lots and erections in the said Cemetery shall not be levied upon or taken in execution, but shall be free from seizure ; and property in the same or any part thereof shall not prevent any confined debtor from receiving support under any law for the relief and support of confined debtors.

7. A general meeting of the stockholders of the said Corporation shall be held at Bay Side on the second Monday in June, A. D. 1864, for the purpose of choosing Directors and other officers for the management of the Corporation, which Directors so chosen shall remain in office one year, or until others shall be chosen in their stead ; provided always, that not less than three Directors shall at any meeting form a quorum for the transaction of business.

8. The shares of the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual, unless the same shall be entered and registered in a book to be kept by the Directors or their officer for that purpose.

### CAP. XXXVII.

An Act to incorporate the Little Digdeguash River Driving Company.

Section.

1. Company incorporated.
2. Powers of Company.
3. Tolls.
4. Company to have lien on lumber for tolls.
5. Capital.
6. First meeting, when and where held ; purpose of meeting.
7. General meeting, when held.
8. Qualification of Directors.
9. Qualification of stockholders to vote ; may vote by proxy ; shares transferable.

Section.

10. Directors, when to be chosen ; proviso.
11. Liability of joint stock and stock holders.
12. Calls on shares how made ; defaulters.
13. Amount to be paid in before Company goes into operation ; time allowed.
14. Limit of Act.
15. Act not to apply to certain parts of stream.

*Passed 11th April, 1864.*

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

1. That Freeman H. Todd, George A. Boardman, George M. Porter, John M'Adam, Charles F. Todd, James W. Buchanan, Robert C. Christy, John Christy, Levi Maxwell, Uriah Christy, and Daniel H. Maxwell, their associates and

successors, shall be and they are hereby constituted a body corporate, by the name of "The Little Digdeguash River Driving Company," shall have all the powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing out the North Brook, so called, on the said Digdeguash, from the fifth Lake on the head of said stream to the northern side line of the lands granted to the New Brunswick and Canada Railway and Land Company, to facilitate the driving of logs and timber thereon.

2. The said Company shall have power and authority by themselves, or their superintendents and workmen, to enter in and upon and occupy for that purpose any lands bordering on said Brook, within the limits before defined, as shall be necessary for constructing sluices, building dams, and making other improvements on said Brook or Lake, which may be required to facilitate the driving of logs and timber thereon, doing no unnecessary damage thereto; and the said Company shall be liable for all damages sustained by the taking of any lands necessary to be taken and used for the purposes of this Act.

3. The said Company, or such person or persons as they shall from time to time appoint, are hereby authorized to demand and receive tolls of and from all persons or all corporate bodies owning logs, timber and other lumber passing along that portion of said Brook or Lake so improved, as follows, viz:—For every thousand feet of said logs, fifty cents; for every ton of timber, twenty five cents; and every thousand feet of other lumber, fifty cents.

4. The said Corporation shall have a lien on all timber and logs passing through such portion of the said Brook and Lakes as may be improved under the provisions of this Act, for the payment of all tolls assessed; and in case of refusal or neglect to pay, so much of said timber or logs of each owner thereof so refusing or neglecting, as may be necessary to meet such assessment, with the expenses, may be sold by the said Corporation to pay the same, after ten days notice thereof in manner aforesaid, and the surplus, if any, shall be returned to the party assessed.

5. The capital stock of said Company shall be four thousand dollars of the current money of the Province of New

Brunswick, and shall be divided into one hundred shares of forty 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 centum of the capital stock of said Company, amounting to one thousand dollars, shall be actually paid in and invested in the business of the said Corporation within three years after passing of this Act.

6. The first meeting of said Corporation shall be held at Saint Stephen, and shall be called by Freeman H. Todd, or in case of his death, neglect, or refusal, by any two of said Company, by giving notice in any newspaper printed in the County of Charlotte, or by written notice posted at the public landing in Saint Stephen, at least ten days previous to such meeting, for the purpose of making bye laws and choosing five Directors and such other officers as may be necessary for the management of the affairs of said Corporation; which Directors and officers so chosen shall serve until the annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of said Corporation, subject to the rules and regulations herein provided; provided always, that so soon as the said capital stock of four thousand dollars shall have been paid in and expended for the purpose of this Act, it shall and may be lawful for the same stockholders, at any general meeting to be called for the purpose, to increase the said capital stock from time to time, in such sum or sums as they may deem expedient, to a sum not exceeding twenty thousand dollars, which additional capital stock shall be divided into shares of forty dollars each.

7. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in April in each and every year, for the purposes of choosing five Directors and such other officers of the said Corporation as may be deemed necessary for their affairs; which Directors so chosen shall remain in office one year, or until others are chosen in their places, and shall at the first meeting, after due election, choose one of their number President of such Company; provided always, that not less than three Directors do form a quorum for the transaction of business; and in cases of the absence of the President, the Directors shall have power to appoint one of their members Chairman for the occasion.

8. No person shall be eligible for a Director unless he be a stockholder, and holds not less than four shares of capital stock of the said Corporation.

9. Each stockholder shall be entitled when (in conformity with the provisions of this Act) the votes of the stockholders are to be given, to one vote for each share of stock held by him; absent stockholders may vote by proxy, providing such proxy be a stockholder, and produce a sufficient authority in writing; the shares in said Corporation shall be assignable and transferable according to such rules and regulations as the stockholders may establish.

10. If it should happen that the Directors or other officers should not be chosen on the said first Monday in April, it shall and may be lawful to choose them on any other day, between the hours of ten in the forenoon and six in the afternoon, by giving ten days notice as hereinbefore provided; and in case of vacancy in the Board of Directors by death, absence, or any other disqualification, the said Directors may fill up such vacancy from among the stockholders.

11. The joint stock and property of the said Company shall alone in the first instance be holden for the debts and engagements of the said Company; and no person or persons having any demands against the said Company, or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholders on account thereof, except in case of deficiency, or when the joint stock of the Company shall fall short or not be equal to the payment of the debts and demands against the same, or upon *nulla bona* being returned on an execution issued against the goods and chattels of the said Company, then and in either such case, the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized to satisfy such debt or demand, to the extent of double the amount of each share held by said stockholders in said Company, but no more; and such double amount, or so much as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution, in the same suit in which such debt or demand may be recovered against the said Company.

12. The said Company shall have power to levy and collect upon the shares, from time to time, such assessment as the

Brunswick, and shall be divided into one hundred shares of forty 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 centum of the capital stock of said Company, amounting to one thousand dollars, shall be actually paid in and invested in the business of the said Corporation within three years after passing of this Act.

6. The first meeting of said Corporation shall be held at Saint Stephen, and shall be called by Freeman H. Todd, or in case of his death, neglect, or refusal, by any two of said Company, by giving notice in any newspaper printed in the County of Charlotte, or by written notice posted at the public landing in Saint Stephen, at least ten days previous to such meeting, for the purpose of making bye laws and choosing five Directors and such other officers as may be necessary for the management of the affairs of said Corporation; which Directors and officers so chosen shall serve until the annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of said Corporation, subject to the rules and regulations herein provided; provided always, that so soon as the said capital stock of four thousand dollars shall have been paid in and expended for the purpose of this Act, it shall and may be lawful for the same stockholders, at any general meeting to be called for the purpose, to increase the said capital stock from time to time, in such sum or sums as they may deem expedient, to a sum not exceeding twenty thousand dollars, which additional capital stock shall be divided into shares of forty dollars each.

7. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in April in each and every year, for the purposes of choosing five Directors and such other officers of the said Corporation as may be deemed necessary for their affairs; which Directors so chosen shall remain in office one year, or until others are chosen in their places, and shall at the first meeting, after due election, choose one of their number President of such Company; provided always, that not less than three Directors do form a quorum for the transaction of business; and in cases of the absence of the President, the Directors shall have power to appoint one of their members Chairman for the occasion.

8. No person shall be eligible for a Director unless he be a stockholder, and holds not less than four shares of capital stock of the said Corporation.

9. Each stockholder shall be entitled when (in conformity with the provisions of this Act) the votes of the stockholders are to be given, to one vote for each share of stock held by him; absent stockholders may vote by proxy, providing such proxy be a stockholder, and produce a sufficient authority in writing; the shares in said Corporation shall be assignable and transferable according to such rules and regulations as the stockholders may establish.

10. If it should happen that the Directors or other officers should not be chosen on the said first Monday in April, it shall and may be lawful to choose them on any other day, between the hours of ten in the forenoon and six in the afternoon, by giving ten days notice as hereinbefore provided; and in case of vacancy in the Board of Directors by death, absence, or any other disqualification, the said Directors may fill up such vacancy from among the stockholders.

11. The joint stock and property of the said Company shall alone in the first instance be holden for the debts and engagements of the said Company; and no person or persons having any demands against the said Company, or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholders on account thereof, except in case of deficiency, or when the joint stock of the Company shall fall short or not be equal to the payment of the debts and demands against the same, or upon *nulla bona* being returned on an execution issued against the goods and chattels of the said Company, then and in either such case, the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized to satisfy such debt or demand, to the extent of double the amount of each share held by said stockholders in said Company, but no more; and such double amount, or so much as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution, in the same suit in which such debt or demand may be recovered against the said Company.

12. The said Company shall have power to levy and collect upon the shares, from time to time, such assessment as the

Board of Directors may assess, not exceeding in all the full value of such shares, for the purpose of paying the debts of said Corporation, or for the building of dams, sluices, and such other things as may be deemed necessary and requisite for carrying on the business of said Corporation; and when any such assessment is made, it shall be the duty of the Secretary or Agent to give ten days notice thereof, as provided in the sixth Section of this Act, requiring payment of the same in thirty days; and in case of refusal by any shareholder to pay said assessment at the time prescribed, it shall be the duty of the Secretary or Agent to advertise all such delinquent shares by public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not paid, with interest thereon from the time of such assessment, shall be sold to the highest bidder, and after retaining the amount of the assessment, with the interest due on the same, and the expense of advertising and selling the same, the residue, if any, shall be paid over to the former owner.

13. Provided always, that unless twenty five per cent. of the said capital stock shall be paid in for the purpose of this Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, before any Justice of the Peace, shall be filed in the office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation terminate at the end of the said three years.

14. This Act shall continue and be in force until the first day of December which will be in the year of our Lord one thousand eight hundred and seventy three.

15. This Act shall not apply to any portions of said stream upon which timber or lumber has heretofore been driven.

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### CAP. XXXVIII.

An Act to incorporate the Sackville Rural Cemetery Company.

Section.

1. Company incorporated.
2. When first meeting called.
3. Land held by Company exempted from all rates, &c.
4. Power to sell land: proviso.

Section.

5. Wilful destruction or injury to property, &c.; penalty.
6. Lots in Cemetery free from seizure or execution.

*Passed 11th April, 1864.*

WHEREAS the want of a suitable place for the burial of the dead is much required in the Parish of Sackville; and to remedy the same, several persons have associated themselves together to purchase land for a Burial Ground, to be divided into lots and sold to such individuals as may be willing to purchase the same;—

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

1. That James Dixon, Harmon Humphrey, Robson Dixon, Andrew Ford, Edmund Kinnear, Joseph B. Bowser, the Reverend H. Pickard, D. D., Marcus Trueman, David Purinton, John Ford, Mariner Wood, Christopher Milner, T. W. Knapp, the Reverend John Allison, William Cole, Robert Fawcett, Amos Ogden, Richard Wilson, W. Morice, J. Morice, W. C. E. Hamilton, Edward Bowes, Edward Cogswell, Samuel F. Black, Joseph L. Black, their associates, successors, and assigns, be and they are hereby declared a body politic and corporate, by the name of “The Sackville Rural Cemetery Company;” and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Burial Ground or Cemetery in the Parish of Sackville.

2. The first meeting of the said Corporation shall be called by Christopher Milner, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving fourteen days notice in the Sackville Borderer, newspaper, of the time and place of such meeting.

3. The land held and purchased by the said Corporation for the purpose herein expressed, be and the same is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to a Cemetery.

4. That the said Corporation shall be and is hereby empowered from time to time to make sale of the said burial ground so to be procured, or any part or parts thereof, for such price or prices, and under such conditions, covenants, agreements, and regulations, as by them may be deemed necessary or proper; provided always, that no agreement,

rules or regulations shall be made, giving or conferring any exclusive or preferential right or privilege to any sect or denomination.

5. If any person or persons shall wilfully destroy, mutilate, or injure or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, or grave stone, or other structure aforesaid, or shall wilfully destroy, cut, remove, break or injure any tree, shrub or plant within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire arm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than four dollars, or more than twenty dollars, or be committed to the common gaol for the space of not more than thirty days, according to the nature and aggravation of the offence; and such offender shall be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of the Corporation, to pay all such damages as shall have been occasioned by his or their unlawful act or acts; which money, when recovered, shall be applied by the Corporation to the reparation of the property destroyed or injured as above; and members of the Corporation shall be competent witnesses in such suits.

6. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure; and the property in the same, or any part thereof, shall not prevent any confined debtor from receiving support under the law for the relief and support of confined debtors.

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### CAP. XXXIX.

#### An Act to incorporate the Chipman Boom Company.

##### Section.

1. Company incorporated.
2. Capital.
3. First meeting, when held.
4. First instalment, amount of, to whom paid.

##### Section.

5. Not to obstruct navigation of River.
6. Time Boom to be kept open.
7. Tolls to be taken.
8. Company to have lien on lumber for tolls: extent of Boom.

Section.	Section.
9. Compensation for securing floating joints; proviso.	14. Time within which Boom must be built.
10. Disputes respecting lumber to be settled by arbitration.	15. Company not to interfere with private property without consent.
11. Wilful injury to Boom, &c.; penalty.	16. Lumber not marked to be sold at public auction; proceeds, how disposed of.
12. Assessments on shares, how collected; proviso.	17. Limit of Act.
13. Liability of stockholders; proviso.	

*Passed 11th April, 1864.*

WHEREAS the erection of a Boom or Booms at or near the public landing, Briggs' Corner, Salmon River, in the County of Queen's, will be a great benefit to persons engaged in the lumber business, by enabling them to secure timber, logs and other lumber floating down the said Salmon River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

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

1. That George W. Hoben, John Farris, Isaac C. Burpee, G. G. King, James Lloyd, S. F. Estabrooks, Anson Lunt, James Bennison, James Connors, Daniel Briggs, Stephen Briggs, John W. Goldfinch, Francis Fulton, William Lloyd, John Wilson, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The Chipman Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms and any other works on the shore connected therewith, at or near Daniel Briggs' on the Salmon River aforesaid, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said Salmon River, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be four thousand dollars current money of New Brunswick, and shall be divided into two hundred shares of twenty dollars each.

3. The first meeting of the Corporation shall be called by John Farris, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in the Royal Gazette, or by notices posted in three public places in the County of Queen's, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act or the major part of them, or in case of the death of any of them, the major part of the survivors, shall appoint, such a deposit or instalment on the capital stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them, may determine and appoint, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when, and of the place and places where, and person or persons to whom the said instalment or deposit shall be paid; and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it as a part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter; and no subscriber shall, upon any pretence whatsoever, vote at the first meeting for the choice of Directors upon any share or shares, unless he has paid the said deposit or instalment.

5. The Boom shall be so constructed as to admit the passage of joints of deals or logs not exceeding fifty feet in width, and to preserve the navigation of the river.

6. The said Corporation shall, and they are hereby required to keep the said Boom open and in order, to receive timber, logs and other lumber floating down the Salmon River, from the opening of the Spring and after the river is clear of ice, until the twentieth of October in each and every year during the continuance of this Act.

7. The said Corporation shall be entitled to receive a sum not exceeding five cents for each and every ton of timber, and a sum not exceeding ten cents per thousand for each and every thousand superficial feet of logs and other lumber which may come within the limits of said Boom, when rafted by the owners of the said lumber; and the said Corporation shall also be entitled to receive a sum not exceeding twenty cents per ton for each and every ton of timber, and a sum not exceeding fifty cents per thousand for each and every thousand superficial feet of logs and other lumber which

they shall secure and raft in a substantial manner, with three good and sufficient boom poles, and put in good and sufficient joints, such as are usually made preparatory to their being put in large rafts for transportation to Saint John; spruce and pine to be rafted separately; such payments being in full for rafting and securing the said timber as aforesaid.

8. The said Corporation shall have a lien on all logs, timber or other lumber which may come within the limits of the said Boom, and also on all logs, timber or other lumber which may be rafted by said Corporation in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by force of the current; the limits of said Boom to extend as far up as Barney Campbell's Island, so called; and the Company shall have full power and authority to sell and dispose of so much of such timber, logs, masts, spars, or other lumber, on which they may have, by virtue of this Act, any lien, as may be necessary for realizing the amount due to the said Company, whether for boomage expenses or otherwise howsoever; provided that such sale shall be by public auction, and that ten days previous notice in writing of the time and place of such sale shall be first given to the owner of the said timber, logs, or other lumber; or the Corporation shall have power to sue for and recover the said boomage from the owner or owners of the said timber, logs, or other lumber, in any Court competent to try the same.

9. The said Corporation shall protect any floating joints or rafts of timber, logs or other lumber without men thereon, which may run into the said Boom or Booms by force of the current, or accident, or be caught therein, and shall be entitled to receive therefor at and after the rate of twenty cents for each and every joint of logs or other lumber; provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than one dollar.

10. All questions of difference or dispute of any kind relating to the quantity of timber, logs, or other lumber, or to the mode of rafting the same, shall be submitted to the award or arbitration and determination of three persons

indifferently chosen between the parties, one to be chosen by each party, and they two to choose the third arbitrator; the award and determination of them, or any two of them, shall be final and conclusive between the parties; which referees, or any two of them, shall also determine and award by whom and how the expenses of such reference shall be paid.

11. If any person or persons shall wilfully injure or destroy the said Boom, or any of the piers thereof, such person or persons so offending shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Queen's, forfeit and pay a sum not exceeding forty dollars, with costs of prosecution, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the offender or offenders; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their warrant to commit such offender or offenders to the common gaol of the County, there to remain without bail or mainprize for such period as may be specified in such warrant, not exceeding one day for every forty cents of such penalty.

12. The said Corporation shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Corporation; and whenever any such assessment shall be made by the stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof by notices posted in three public places in the Parish where the Boom is situate, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fourteen days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder; and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid

over to the former owner, and a new certificate or certificates of the shares so sold shall be made and delivered to the purchasers; provided always, that no assessment shall be made except by a vote of the stockholders and by a majority of all the shares.

13. The members and stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

14. Unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent, or the principal officer of the said Corporation, attested to by such agent or other principal officer before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

15. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof, be first had and obtained in writing; and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or agents of the said Corporation, in the course of prosecuting the business or objects of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

16. Any logs, timber or other lumber that may be found

in the said Boom, upon which there is no mark, shall be taken care of by the said Corporation until the whole of the logs and lumber that shall come into the said Boom for the season shall have been rafted for the owners thereof; and all logs, timber or other lumber that shall then be found without having any mark thereon, shall be advertised for sale at public auction, for at least ten days, in two or more public places in the Parish, stating the time and place of such sale; and the proceeds of such sale, after deducting the expenses of rafting, boomage, and expenses of sale, shall be held by the said Company, shall within twenty days thereafter be divided amongst, and be paid to the owners of all lumber rafted by the said Company during the said year, up to the time of such sale, according to the quantity of lumber rafted by such Company for the respective owners thereof.

17. This Act shall continue and be in force for ten years, and no longer.

### CAP. XL.

An Act relating to Affidavits, Declarations and Affirmations made out of this Province for use therein.

Section.

1. Appointment of persons to take Affidavits, &c. out of the Province, how made.
2. Title of Commissioners.
3. Affidavits, &c. taken before certain parties, to be valid.
4. Documents signed and sealed by Commissioners, to be evidence without proof of such signature.

Section.

5. Affidavit of any Deed, &c. for registration, how made.
6. Informality in form of document not to affect as evidence.
7. Tendering false or counterfeit documents; penalty.
8. This Act not to affect Sec. 7, 19 Vic. cap. xli.
9. Not to affect Affidavits &c. heretofore made.

*Passed 13th April, 1864.*

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

1. The Lieutenant Governor in Council, by one or more Commission or Commissions under his hand and seal, from time to time shall and may empower such and so many persons as he may think fit and necessary, to administer Oaths and take and receive Affidavits, Declarations and Affirmations in the United Kingdom of Great Britain and Ireland, or in any Colony or Dependency thereof, or in any Foreign State or Country, in or concerning any cause, matter or

thing depending in, or in any wise concerning any of the proceedings had or to be had in Her Majesty's Supreme Court of Judicature, at the law or equity side thereof, or in any of the Inferior Courts of Common Pleas, or in any Surrogate's Court, or in any other Court of Record in this Province, whether now existing or hereafter to be constituted; and every Oath, Affidavit, Declaration or Affirmation taken or made as aforesaid, shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes, as if such Oath, Affidavit, Declaration or Affirmation had been administered, taken, sworn, made or affirmed before a Commissioner for taking Affidavits therein, or other competent authority of the like nature.

2. The Commissioners so to be appointed shall be styled Commissioners for taking Affidavits in and for the Courts in the Province of New Brunswick.

3. Oaths, Affirmations, Affidavits or Declarations administered, sworn, affirmed or made out of the Province of New Brunswick, before any Commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any Notary Public, certified under his hand and official seal, or before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or in any Colony of Her Majesty, or in any Foreign State or Country, and certified under the Common Seal of such City, Borough or Town Corporate, or before a Judge of any Court of supreme jurisdiction in any Colony belonging to the Crown of Great Britain and Ireland, or any Dependency thereof, or before any Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent of Her Majesty, exercising his functions in any foreign place, for the purposes of, and in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings to be had in any of the said Courts of this Province, shall be as good, valid, and effectual, and shall be of like force and effect to all intents and purposes, as if such Oath, Affirmation, Affidavit or Declaration had been administered, sworn, affirmed or made in this Province, before a Commissioner for taking Affidavits therein, or other competent authority of like nature.

4. Any document purporting to have affixed, impressed

or subscribed thereon or thereto, the signature of any such Commissioner, or the signature and official seal of any such Notary Public, or the seal of the Corporation, and the signature of any such Mayor or Chief Magistrate as aforesaid, or the seal and signature of any such Judge, Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent, in testimony of any such Oath, Affidavit, Affirmation or Declaration having been administered, sworn, or affirmed, or made by or before him, shall be admitted in evidence without proof of any such signature, or seal and signature, being the signature or the seal and signature of the person whose signature seal and signature the same purport to be, or of the official character of such person.

5. Any Affidavit, Declaration or Affirmation proving the execution of any Deed, Power of Attorney, Will, or Probate, or memorial thereof, for the purpose of registration in this Province, may be made before the Commissioner appointed under this Act, or other person authorized hereby to administer or take Oaths, Affidavits, Declarations and Affirmations.

6. No informality in the entitling or heading, or other formal requisites of any Affidavit, Declaration or Affirmation made or taken before any Commissioner or other person under this Act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered think proper to receive it.

7. If any person shall tender in evidence any such document as aforesaid, with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall be subject to the punishment by law provided for felony.

8. Nothing herein contained shall affect or be construed in anywise to affect the provisions of the seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*.

9. Nothing in this Act contained shall affect or be construed to affect or make good any Affidavit, Affirmation, Oath, or Declaration, or any other act, matter or thing heretofore made or done, but the same shall have the same and no other effect than they have or could have, had this Act not been passed.

## CAP. XLI.

An Act relating to Foreign Judgments.

*Passed 13th April, 1864.*

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

That in any action now pending or hereafter to be instituted in any Court in this Province on a Foreign Judgment, where the defendant was not personally served with the original process or first proceeding in the suit, within the jurisdiction of the Court where the said judgment may be obtained, it shall be competent for the defendant to enter into the subject matter of such Foreign Judgment and to avail himself of any matter of law or fact which would have been available as a defence, had the action on which such judgment was had and obtained been originally brought and prosecuted in any of the Courts of this Province; provided always, that notice of such defence shall be given in like manner as is required by the course and practice of the said Courts, any law, usage or custom to the contrary notwithstanding.

## CAP. XLII.

An Act to incorporate the European and North American Railway Extension Company.

## Section.

1. Company incorporated.
2. Capital.
3. First meeting, by whom called.
4. Powers of Corporation.
5. President, &c. to exercise all powers granted to Corporations.
6. Directors to fix rate of fare.
7. Power to connect with other Rail Roads.
8. Corporation may borrow money; by what means.

## Section.

9. Company to erect fences; penalty for neglect.
10. Willful obstruction or injury; penalty.
11. Annual meeting, when and where held.
12. Company to commence Railway within two years.
13. Lands held for Naval or Military purpose exempt, without consent of Her Majesty.

*Passed 13th April, 1864.*

WHEREAS the extension of the European and North American Railway westwardly from the City of Saint John to the eastern frontier of the United States of America, has become of paramount importance to the commercial and general interests of this Province;—

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

1. That William K. Reynolds, his associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The European and North American Railway Extension Company;" and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity, to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof in exercising and performing the same; and the said Corporation are hereby authorized and empowered, so soon as the sum of fifty thousand dollars shall be actually paid in to the Treasurer of said Company, to locate and construct, and finally complete, alter, and keep in repair, a Railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, the erection of stations, and all other necessary appendages, from the City of Saint John or its vicinity to the Town of Saint Stephen, in the County of Charlotte, over and upon or as near as practicable to the route heretofore surveyed and marked out for the European and North American Railway Company, (by Mr. Goodwin, Civil Engineer,) whenever the said Company may deem it expedient so to do, and to make such branches thereof as they may deem proper; and the said Company shall be and hereby are invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act; and for this purpose the said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said Railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; provided however, that said land so taken for the routes of said Railway shall not exceed six rods in width, except when greater width is necessary for the purpose of excavation and embankment;

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and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon ; and in case said parties shall not otherwise agree, the said Corporation shall pay such damages as shall be ascertained and determined, in the same manner and under the same conditions and limitations as are provided by the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same ; and the land so taken by the said Corporation shall be held as land taken and appropriated for highways ; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of three million two hundred thousand dollars, to be divided into eighty thousand shares of forty dollars each ; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others are duly chosen in their stead, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation ; and the said Board shall have authority to choose and appoint a Clerk, who shall be sworn to the faithful discharge of his duty, and also a Treasurer who shall be sworn, and shall also give bonds to the Corporation with sureties to the satisfaction of the Directors, in a sum not less than eight thousand dollars, for the faithful discharge of his trust.

3. The said William K. Reynolds is hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more of the newspapers published in the City of Saint John, of the time and place and purposes of such meetings, at least fourteen days before the time mentioned in such notice.

4. The said Corporation shall have power to make, ordain, and establish, alter and amend all necessary bye laws and regulations, consistently with the laws in force within this

Province, for their own government, and the due and orderly conducting of their affairs, and the management of their property.

5. The President, Directors and Company for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation, for the purposes of locating and completing said Railroad and branches, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the Corporation, as may be necessary and proper to carry into effect the objects of this Act; to purchase and hold within or without the Province, land, materials, engines, cars, and other necessary things, in the name of the said Corporation, for the use of said Road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in the said Corporation, as they may deem necessary and expedient, in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his or her share or shares, for the space of thirty days after such notice is given, as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice of sale as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser or purchasers; and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his or her share or shares shall sell for less than the assessment due thereon, with the interest and costs of sale, and shall be entitled to the overplus if his or her share or shares shall sell for more than the assessment due, with the interest and costs of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company, beyond the amount of his, her or their shares in the capital stock of said Company not paid up; and no assessment shall be laid upon any shares in said Company for a greater amount than four dollars per share in the whole.

6. A toll is hereby granted and established for the sole use and benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate and rates as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Corporation is hereby authorized and empowered to connect any Railroad they may construct under this Charter with any other Railroad now existing or hereafter to be constructed within or without the Province; and the Legislature may authorize any other Company or Companies to connect any other Railroad or Railroads, with the Railroad of said Corporation, at any point or points on the route of said Railroad; and all rates of toll and freight for the conveyance and transport of passengers, goods and property of all descriptions, on and over any such connected Railroads, and which shall pass from one of such Railroads to another, shall be uniform, and the same on each and every of such connected Railroads.

8. The said Corporation are hereby authorized and empowered, whenever they may deem it expedient, to raise money upon mortgage of their said road and its branches, and for that purpose make and issue proper bonds or debentures and coupons, and to make, execute and deliver under their corporate seal good and sufficient mortgage deed or deeds of their road and all its branches, to such private person or persons, Corporation or Corporations, within or without the Province, as they may think fit so to contract with.

9. The said Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their Railroad, where the same passes through enclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction within and for the County or City and County wherein such fence or fences ought to have been erected and maintained, and to be fined in such sum as shall be adjudged necessary to erect or repair the same; and such fine shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fences under the direction

of an agent appointed by the Court imposing such fine ; provided however, that such fence may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not usually required.

10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said Railroad, or in any way spoil, injure or destroy said Railroad, or any part thereof, or of any of its branches, or any thing belonging thereto, or any of the materials or implements to be used in the construction or repair, or for the use of said Railroad or any of its branches, he, she, or they, or any person or persons aiding, assisting or abetting such trespass or offence, shall forfeit and pay to the said Corporation for every such offence, treble such damages as shall be proved before the Justice, Court or Jury before whom the trial shall be had, to be sued for before any Justice or in any Court proper to try the same, by the Treasurer of the Corporation, or any other officer whom they may so direct, to the use of the Corporation ; and such offender or offenders shall be liable to indictment by any Grand Jury of the County or City and County within which such trespass shall have been committed, for any offence or offences contrary to the above provisions ; and upon conviction thereof before any Court competent to try the same, shall pay a fine not exceeding four hundred dollars to the use of the Province, or may be imprisoned in the Provincial Penitentiary and kept at hard labour for a term not exceeding five years, at the discretion of the Court before whom such conviction may be had.

11. The annual meeting of the said Corporation shall be holden in the City of Saint John on the first Tuesday in July, or such other day as may be determined by the bye laws, in each and every year, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor or stockholder by himself or herself, or his or her proxy, being entitled to as many votes as he or she holds shares ; and the Directors are hereby authorized to call special meetings of stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct ; provided always, that the omission of the

stockholders to meet at any such annual meeting shall work no forfeiture, but the shareholders may afterwards be called together for the same purpose by the Directors of the said Company for the time being.

12. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passage of this Act; failing which, then this Act and every matter and thing therein contained shall cease and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passage of this Act, so as to be used for the conveyance and carriage of passengers, goods, and chattels thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

13. Nothing in this Act contained shall authorize the said Company, or their Contractors, to enter upon any lands held or reserved for Naval or Military purposes, without the consent of Her Majesty.

#### CAP. XLIII.

An Act to incorporate the European and North American Railway Company for extension from Saint John westward.

##### Section.

1. Company incorporated; proviso.
2. Capital.
3. First meeting, by whom called.
4. Powers of Company.
5. President, &c. invested with all powers of Company.
6. Rate of fares, by whom established.
7. Company to make and keep up fences.
8. Annual meeting, when to be held.
9. Shares deemed personal estate, and transferable.

##### Section.

10. General powers of Directors for management of Company.
11. Joint stock alone liable.
12. Power of Company to enter upon private land; compensation.
13. Company to commence Railway within two years.
14. Land reserved for Naval or Military purposes exempt, without consent of Her Majesty. Company not to bar connection by other Railways.

*Passed 13th April, 1864.*

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

1. That Lauchlan Donaldson, William Thomson, J. V. Troop, Robert Jardine, C. H. Fairweather, John Boyd, William H. Scovil, E. D. Jewett, F. T. C. Burpee, A. Jardine, William Wright, John Robertson, N. S. Demill, William Parks, Thomas Parks, William O. Smith, Thomas R. Jones, George E. Snider, Francis Ruddock, George Carvill, George

S. DeForest, Richard Thompson, T. W. Daniel, Duncan Robertson, John D. Purdy, R. W. Crookshank, George Thomas, Zebedee Ring, Jeremiah Harrison, Stephen S. Hall, Wallace W. Turnbull, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The European and North American Railway Company for extension from Saint John westward;" and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies by law and equity, to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the Corporation, so soon as the sum of fifty thousand dollars of the capital stock shall be actually paid in to the Treasurer of the Company, are hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair a Railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the City of Saint John, in the County of Saint John, in this Province, westward, to the Boundary of the United States, by such route as by survey or otherwise may hereafter be found most expedient, whenever the said Corporation may deem it expedient so to do, and to make such branches thereof as they shall deem proper; and the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said Railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other material, on or from the land so taken; provided however, that said land so taken for the route of said Railway, shall not exceed six rods in

width, except when greater width is necessary for excavation and embankment; and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said Corporation shall pay such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same; and the land so taken by said Corporation shall be held as lands taken and appropriated for highways; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of two millions of dollars, to be divided into forty thousand shares of fifty dollars each, with power to increase to two millions five hundred thousand dollars, with additional shares of fifty dollars each; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and the said Directors shall have authority to choose a Secretary, who shall be sworn to the faithful discharge of his duty, and a Treasurer who shall be sworn and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act, are hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the City of Saint John, of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

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4. The said Corporation shall have power to make, ordain and establish all necessary bye laws and regulations, consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of affairs, and the management of their property.

5. The President, Directors and Company for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation for the purpose of locating and completing said Railroad and branches, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the Corporation, as may be necessary and proper to carry into effect the objects of this Act; to purchase or hold within or without the Province, lands, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said Road, and for the transportation of persons, goods and property of all descriptions; and to make such connection with other Railroad Companies within or without the Province, either by leasing their road to other Corporation or Corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other Railroad Companies or Company upon such terms as may be agreed upon; to make, execute and deliver good and sufficient mortgage deed or deeds of their road and all its branches, to such private persons or Corporations within or without this Province as they may think the interest of the stockholders in their Company requires; and to make such equal assessments from time to time on all the shares in said Corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given, as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent

subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and cost of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company, beyond the amount of his or their shares in the capital stock of said Company, not paid up; and no assessment shall be laid upon any shares in said Company for a greater amount than fifty dollars per share on the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon such road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their Railroad, where the same passes through enclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction, and to be fined in such sum as shall be adjudged necessary to repair the same, and such fines shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence under the direction of an agent appointed by the Court imposing such fine; provided however, said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said Corporation shall be holden on the second Tuesday in January, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor by himself or by proxy, being entitled to as many votes as he holds shares; and the Directors are hereby

authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

9. The said shares of said Corporation shall be deemed personal estate, and transferable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, completing and maintaining the said Railway, and other incidental expenses; but no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The Directors of the Company may from time to time by deed, subject and charge, in such manner as they think fit, the said Railroad, and the future lands, goods and other property and effects, tolls, income and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be hereafter granted, conceded or allowed to Railroad Companies in this Province by any Act of Assembly; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company; and every deed so executed shall have as full effect and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

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

12. The said Company, by their agents, servants, and workmen, shall and may enter upon any lands of private persons, for the purposes of making a survey of the line or route of the contemplated Railroad, and to cut down or remove, where necessary to the making of such survey, any trees or other obstacles on such lands; compensation for

such cutting and removing to be made to such owners of private property, by the same proceedings and in the same manner as is prescribed under the first Section of this Act.

13. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passage of this Act; failing which, then this Act and every matter and thing therein contained shall cease and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passage of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

14. Nothing in this Act contained shall authorize the said Company, or their contractors, to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty; nor shall it be construed to confer upon the said Company any exclusive right or privilege in regard to the construction of any branch line, to which Provincial aid may hereafter be afforded, or shall authorize the said Company in any way to bar or prevent a connection between such branches and the extension contemplated by this Act.

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#### CAP. XLIV.

#### An Act to facilitate the winding up of the affairs of Incorporated Companies.

Section.	Section.
1. Definition of term "Company."	14. Court may order calls to be made on unpaid stock.
2. Definition of term "Court;" proviso.	15. When calls are made Curator may sue.
3. When and how Company may be wound up.	16. Curator may sue or be sued for debts due to or from Company.
4. Publication of chief place of business; evidence of such publication.	17. Curator to file semi-annually statement of assets with Clerk of Court.
5. Evidence of insolvency.	18. When amount sufficient, Court may order dividend.
6. Service of notice, &c., how made.	19. Curator to be an officer of the Court.
7. Application for winding up Company, how and to whom made.	20. Surplus, if any, how applied.
8. Notice of Petition, &c., when and on whom served; proviso.	21. Court may make call on contributors to amount of their liability.
9. Court may grant order for winding up Company, and appoint a Curator.	22. Set-off allowed contributors.
10. Curator to give security; powers of Curator.	23. Compensation to Curator.
11. Duties of Curator.	24. When Court shall order Company dissolved.
12. Actions against Company stayed.	25. Court may make rules relative to winding up of Company.
13. When former owner not relieved by transfer of shares.	26. Not to apply to suits now pending.

*Passed 13th April, 1864.*

WHEREAS it is expedient for the benefit of creditors, and also of the members of such Companies as are hereinafter mentioned, to give them a speedy and inexpensive means of winding up the affairs of such Companies when unable to meet their pecuniary engagements and liabilities ;—

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

1. That the word “ Company,” when used in this Act, shall be construed to mean any incorporated Company, whether formed or subsisting before or after the passing of this Act, other than and excepting Railway Companies, to which last mentioned Companies and to ordinary Co-partnerships, this Act shall not apply.

2. The word “ Court,” whenever it occurs in this Act, shall be construed to mean the Supreme Court of Judicature or any Judge thereof, before which Court, or any Judge thereof, all and every of the proceedings under this Act may be had and taken ; provided that any such proceeding of any Judge shall be subject to appeal to the whole Court in Term.

3. A Company may be wound up under this Act by the Court—

1st. Whenever the Company, at a general meeting, has passed a special resolution concurred in by a majority in number and value of the shareholders therein, requiring the Company to be wound up ;

2nd. Whenever the Company has forfeited its charter by non-user or otherwise, or suspended its business for the space of a whole year, or shall become dissolved by effluxion of time ;

3rd. Whenever the Company is insolvent ;

4th. Whenever three fourths of the capital of the Company have been lost or become unavailable.

4. Every Company already formed shall within three months after the passing of this Act, and every Company hereafter to be formed shall within two months after its incorporation, fix and declare a chief place of business in this Province, and shall give notice thereof in the Royal Gazette, and shall file a certificate signed by the President of such Company, and under the seal of the Company, set-

ting forth the place so fixed and declared, in the office of the Provincial Secretary; and the production of the Royal Gazette containing such notice, or a copy of the certificate so filed, certified by the Provincial Secretary, shall be sufficient evidence of such chief place of business being so fixed and declared.

5. The return unsatisfied in the whole or in part of any writ of execution against the Company, directed to the Sheriff of the County in which the chief place of business of said Company may be situated, shall be *prima facie* evidence of insolvency within the meaning of this Act.

6. Service of any notice, order, rule, or writ, in or incident to or preliminary to any proceeding under this Act against or in respect of any Company, may be made upon such Company by leaving a copy thereof at the chief place of business of such Company, with any grown person in charge thereof, or there or elsewhere with the President or Secretary thereof; and if the Company have no known place of business, or be without any known President or Secretary, then upon a statement to that effect being made under oath to the Court having the requisite jurisdiction, such Court shall order the publication for one month in the Royal Gazette of such notice, order, rule, or writ, or the substance thereof respectively, which publication shall be held to be due notice thereof.

7. Any application for the winding up of any Company shall be by Petition to the Court, and shall be verified by affidavit or other sufficient evidence; and in cases when the Company is insolvent, such petition may be filed either by a creditor whose debt has remained unsatisfied after such proceedings as aforesaid taken to compel payment thereof, or by any member of the Company liable to become a contributory towards the payment of its debt; but when any ground other than the non-payment of debt is alleged for the winding up of the Company, such contributory alone shall be entitled to make such application.

8. Notice of such petition, with a copy of the same, and affidavit of verification and of the day on which such petition is to be presented for hearing thereof before the Court, shall be served upon the Company at least ten days before such presentation thereof, and shall also be given by advertisement to be twice inserted in the Royal Gazette, and twice in

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some newspaper (if any) published in the County in which the chief place of business of the Company is situated ; provided always, that the Court may at the hearing of the petition direct the same to stand over, and order such further notice to be given as to the Court shall seem meet ; and provided also, that the Court may in its discretion proceed upon the production of the Royal Gazette with such notice as aforesaid, in case no better service, after due diligence can, in the opinion of the Court, be effected within a reasonable time.

9. Upon hearing of any Petition for the winding up of any Company, filed by such creditor or contributory as aforesaid, the Court may make an order for the winding up of the Company, which order shall be forthwith published in the Royal Gazette, and shall therein fix a day for the appointment of a Curator to said Company, and shall therein require the creditors and members of such Company to appear before the Court on such day, to give their advice as to such appointment ; and such Court shall on such day, after hearing any suggestion made by any creditor or contributory, but without being bound by any such suggestion, nominate and appoint a Curator of such Company, and in the event of such Curator neglecting to put in security as hereinafter provided, or refusing to accept such appointment, or afterwards becoming incompetent by reason of death, absence from the jurisdiction, removal by the Court, or other cause, to perform the duties thereof, an other and like appointment of a Curator may from time to time be made in like manner as the first appointment.

10. Such Curator shall give such description and amount of security for the due performance of his duties as the Court may determine, and may be called upon by the Court from time to time to substitute and give, and he shall thereupon give fresh or additional security ; and upon the completion of such security shall become and be vested, in his capacity of Curator, with all moneys and securities for money, documents, papers, books of account, estate, effects and assets of the Company generally ; and shall have power forthwith thereupon as such Curator to take possession thereof, and in his said capacity to institute and maintain any kind of action, attachment or proceeding for obtaining and maintaining

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possession of such estate and effects, and of every part and portion thereof, which could be instituted or maintained by such Curator, if he were the absolute and unconditional proprietor thereof; and a copy of the order appointing such Curator, authenticated by the seal of the Supreme Court, shall be *prima facie* evidence of such appointment and of such security having been given.

11. The Curator shall give twelve weeks notice of his appointment, and of the order for winding up, in the Royal Gazette, and shall in such notice call upon all persons owing the Company to pay up, and all creditors to file with him their claims against the Company, verified by oath, and in Form A in the Schedule of this Act, written within three months from the first publication of such notice; and the dividends from time to time to be ordered, shall be paid to those creditors whose accounts may have been filed at the time mentioned in such notice; other creditors may file their claims, but shall only be entitled to the dividends thereafter ordered, unless on the final distribution there shall be sufficient assets to pay all the liabilities and the expenses of winding up the affairs of the Company.

12. After the appointment of such Curator, all suits against the Company shall be stayed, unless the Court, on application to that effect by the plaintiff, and after notice to the Curator, shall authorize the plaintiff to proceed with such suit, and such order may be made subject to such provision as to future costs as the Court may think fit to make; and no member or officer of the Company, after such appointment as aforesaid, shall dispose of any of the property or assets of the Company, and no subsequent transfer of any share or interest in the Company shall be valid.

13. No transfer of any share or claim in any Company, made by any shareholder or contributory within three months next before the application upon which an order for winding up such Company shall be granted, shall relieve any shareholder or contributory from liability to the Company or its Curator, for all calls which may be made by order of the Court for unpaid stock, or for which, by virtue of the Charter or Act of incorporation, he would have been liable had he not transferred the same.

14. Upon application by the Curator, the Court may from

time to time order such calls to be made, by a per centage paid to the Curator on all unpaid stock in the Company, as shall appear to be necessary towards paying the liabilities of the Company, and the expenses of winding up its affairs, and notice of such calls shall be advertised in the Royal Gazette.

15. Whenever the Court shall make an order for any call upon stockholders or contributories against unpaid stock, the Curator may sue any stockholder or contributory in an action of debt in his own name for the amount of such call, before any Court having jurisdiction to the amount of such call, and proof of the amount of such shareholder's or contributory's stock; and the order of the Court, or a copy thereof under the hand of the Clerk of the Pleas, or of any Judge of the Court, shall be *prima facie* evidence of the debt, and he shall have judgment and execution for the amount and costs, in the same manner in all respects as for a debt due to himself personally, but for the benefit of the estate.

16. The Curator appointed shall as soon as possible, without unreasonable sacrifice thereof, convert the moveable assets into money, and collect the outstanding debts and unpaid stock subscriptions due to the Company, and for that purpose may sue or be sued in his own name as Curator, and may sell in the manner he may deem most advantageous, all personal or moveable property of the Company, and, subject to an order of the Court to be obtained in that behalf, may refer debts or claims to arbitration, or compound or compromise the same; and as to the immoveable property thereof, the same shall be sold by such Curator when so ordered by the Court, after such publication and notices, and after the expiration of such time as the Court in such order shall appoint, and when regularly made, such sale shall have the same effect as if made by the Company, and shall convey the same title as such Company could convey, and no other title may be conveyed by any deed signed and sealed by the said Curator, or by any vesting order made by the Court.

17. The Curator shall file semi-annually with the Clerk of the Court a statement of the assets in his hands, and of the claims filed with him, verified by affidavit; and if at any time between the periods of such filing, he shall have sufficient assets to pay ten per centum on the claims filed, he shall

make a special return thereof so verified, to the end that the Court may order a dividend to be paid to the creditors.

18. Whenever the amount of moneys realized from the assets of any Company shall appear to the Court to warrant a dividend thereof, the Court shall make an order for such dividend as the moneys so realized will warrant, which shall immediately thereafter be notified by the Curator in a local newspaper, if any, and if not, then in the Royal Gazette, and shall be paid to such creditors respectively on demand.

19. The Curator of any Company appointed in manner aforesaid shall be an officer of the Court appointing him, subject to the summary order and rule of that Court as to all matters, things and duties confided to and imposed upon him by this Act; and his accounts shall be subject to contest, the performance of his duties to be enforced, and his acts in his said capacity to be restrained and regulated in every respect on summary application by petition or motion to the Court which appointed him, and he shall be liable to attachment or removal by the Court for misconduct, or for want of sufficient security; provided always, that when the bringing or defending of any suit, or the doing of any act in the winding up of any Company, shall or may be attended with more costs than the Curator thereof shall think it expedient to lay out or risk, and any application be made to compel him to bring or defend such suit, or to do such act, the Court may order such Curator to bring or defend such suit, or to do such act, as the case may be, but on the condition only that the applicant shall give good and sufficient security to such Curator for the payment to him of any costs which may be incurred by him in obedience to such order.

20. If there be any surplus of the funds realized from the assets of any Company, after the payment of all the creditors thereof in full, the same shall first be devoted to the adjustment of the rights of the contributories among themselves, and afterwards shall be distributed *pro rata* among the contributories.

21. The Court may at any time, and from time to time, make calls on any of the contributories to the extent of their respective liabilities, for payment of all or any of the sum or sums for which they are liable, and in the proportion in which the contributories are so liable, and to the amount

thereof which the Court may deem necessary to satisfy the debts of the Company, and the costs, charges and expenses of winding it up; and it may, in making such calls, take into consideration the probability of some assets not yet collected being realized, and some liabilities not yet ascertained becoming debts.

22. No contributory to any Company in process of being wound up under this Act, shall be entitled to set off any claim he may have against such Company by way of set off to the unpaid balances of stock held by him in such Company, unless such set off shall have been allowed and credited to him on the books of the Company on account of such unpaid balance, previous to the application for the order to wind up such Company, and by express order of the Directors or Managers thereof.

23. There shall be paid to the Curator such salary or remuneration, by way of per centage or otherwise, as the Court may direct.

24. When the affairs of the Company have been completely wound up, the Court shall make an order declaring the Company to be dissolved from the date of such order, and thereupon the Company shall be dissolved accordingly.

25. The Court, as often as circumstances may require, may make such rules concerning the mode of proceeding to be pursued for winding up a Company, and may establish such table of fees, applicable to all proceedings under this Act, as from time to time may appear meet and necessary; and until such rules and such table of fees are made, it shall be competent to the Court to make any order it may deem just, and which shall not be inconsistent with this Act, for winding up any Company, and for the proceedings necessary therefor under this Act, and any power or direction contained in any such order, shall be deemed to have been fully authorized by this Act.

26. This Act shall not apply to or affect suits now pending, or to any Companies which have discontinued business, or which have been dissolved before the passing of this Act.

27. Nothing in this Act contained shall affect any existing privilege or priority of one creditor or class of creditors over another, or be construed to operate any change in the liabilities of parties.

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 SCHEDULE A.

NEW BRUNSWICK, SS.

In the Supreme Court.

In the matter of [*name the Company.*]

A. B. of            in the County of            claims of the [*name the Company*] the sum of            due him as follows:—  
 [*Particulars of claim, which may refer to an Account in detail annexed.*]

The above claimant (*or C. D., Agent, or Clerk, as the case may be*) maketh oath and saith that the foregoing claim is correct and true, and that the sum of            thereby demanded is justly due him by the said Company.

A. B.

*or*

C. D.

Sworn to, &amp;c.

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 CAP. XLV.

An Act in addition to and amendment of an Act relating to the Militia.

Section.

1. Additional powers to Commander in Chief.
2. Exemptions, to whom and to what amount; proviso.
3. Captains of Companies, duty of; appeal.

Section.

4. Members of Volunteer Corps and Class B to take oath of allegiance; Oath, by whom administered.
5. Enrollment, by whom & when made.
6. Assessors, &c.; penalty for neglect of duty.
7. Extends sec. 74 of 25 V. c. 20, to "Meetings for Muster;" penalty.

*Passed 13th April, 1864.*

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

1. That in addition to the power and authority given to the Commander in Chief in and by the nineteenth Section of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act relating to the Militia*, proper ranges, with targets and butts for rifle practice, shall and may be provided for the Volunteer Companies in this Province, in such manner and in such places as the Commander in Chief may direct, the expense whereof shall be provided for in the same manner as is directed in and by the said nineteenth Section.

2. The officers, non-commissioned officers and men of the Volunteer Corps, while they continue such, and the men of Class B who may be compelled to perform drill and exercise under the provisions of the sixteenth Section of the said Act, and who may be certified for as the said Section directs,

during the continuance of such services respectively, shall be exempt from the payment of City and County rates and taxes to the amount of six dollars; provided that in all cases, whether under the provisions of this Act or of the said twenty first Section of the said Act, it shall be a matter of discretion with the commanding officer whether he will grant or refuse such certificate; and provided also, that should any officer, non-commissioned officer or man be expelled or discharged from a Volunteer Company, he shall be liable to the payment of his taxes and to the performance of all other duties imposed by law, and from which he would have been otherwise exempt; and upon such expulsion or discharge, it shall be the duty of the Captain of the Company to which such expelled or discharged person belonged, to make a return in writing of the name of such person to the proper Collector of taxes within ten days after such expulsion or discharge, under a penalty of four dollars for every neglect; and it shall be thereupon the duty of such Collector forthwith to collect from such person, such sums of money as he should have collected in case such person had not belonged to a Volunteer Company, or to Class B performing drill and exercise as aforesaid.

3. Any thing in the twenty second Section of the said Act to the contrary thereof notwithstanding, the Captain of any Volunteer Company shall and may, and he is hereby required to expel from his Company at any time any non-commissioned officer or man of his Company who shall be guilty of improper conduct, or inattention to duty; provided that if the person expelled shall demand an appeal in writing within six days from the time of expulsion, he may make such appeal to the Lieutenant Colonel or commanding officer of the Battalion or Regiment to which he, before and at the time of his expulsion, belonged; and it shall be the duty of such Lieutenant Colonel, or commanding officer, without delay, to nominate and appoint a board of three officers not connected with the Company to which such expelled person belonged at the time of his expulsion, to investigate the matter, and report thereon to the Adjutant General of the Militia, and the decision of such Board shall be final if approved of by the Commander in Chief.

4. In addition to the provisions contained in the forty

ninth Section of the said Act, the officers, non-commissioned officers and men of the several Volunteer Corps, and the men of Class B who may be compelled to perform drill and exercise under the authority of the sixteenth Section of the said Act, shall take the oath of allegiance within one month after they shall become members of such Corps, or be compelled to perform such drill and exercise; and such oath of allegiance shall and may be administered by the Captain of the Company, such Captain having previously taken such oath before any one of Her Majesty's Justices of the Peace; and the oath shall be fairly written on a roll of parchment or paper, as signed by the several deponents, and transmitted as soon as may be to the Adjutant General.

5. The thirty seventh Section of the said Act is hereby repealed; and in lieu thereof,—The enrolment of the Sedentary Militia men, and men of Class B and Class C of the Active Militia, except on the eastern side of the Harbour of Saint John, shall be made in each Company division by the Captain or senior officer of the Company for the time being, who, immediately on receiving the notice of enrolment from the commanding officer of the Regiment or Battalion, shall cause a notice to be posted up in three or more of the most public places in his Company division, at least twenty days before the time appointed for such enrolment, requiring all persons liable to be enrolled to appear personally at the time and place in such notice mentioned, and enrol themselves; or in lieu of personal appearance, to send a written statement to such Captain or senior officer, setting forth their names, ages, and places of abode; and every man liable to be enrolled under the provisions of the said Act, and not appearing and enrolling, or not sending in the written statement aforesaid, within ten days after the time mentioned in the said notice, or within twenty days after he shall have become liable to be enrolled, by reason of the alteration of any Militia division, change of residence, or otherwise howsoever, shall be liable to a fine of not less than two dollars and not more than five dollars.

6. If any Assessor, Town Clerk, or other municipal officer, shall wilfully neglect or refuse on reasonable demand, to give to the commanding officer, or any officer or non-commissioned officer of the Company, the information required of him under

the authority of the fortieth Section of the said Act, he shall be liable to a fine of not less than two dollars and not more than five dollars for every offence.

7. The provisions of the seventy fourth Section of the said Act shall extend to meetings for "muster," as well as meetings for drill and exercise; and the penalty in such cases shall be not less than two dollars and not more than five dollars.

8. All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

*till May 1869*  
*repealed by 31* CAP. XLVI.

An Act further to enlarge the jurisdiction of the City Court of the City of Saint John, and in amendment of the Law relating to said Court.

## Section.

1. In what actions Court has jurisdiction.
2. Right to reduce claim.
3. Process, forms, &c.
4. Provisions of Sec. 9, 22 Vic. cap. 38, extended to this Act.
5. Provisions of Sections 4 and 5, 23 Vic. cap. 57, extended to this Act.
6. Provisions of 13 Vic. cap. 1, extended to this Act.
7. Provisions of Charter, &c. extended to this Act.
8. Plaintiff or Defendant may conduct suit in person or by Attorney.

## Section.

9. Court may tax Counsel fees.
10. In case of non-jurisdiction, judgment how rendered.
11. Judgment, how proved.
12. Executions over forty dollars, to whom directed.
13. Execution to Sheriff against the body; discharge of Bail.
14. Defendant, if imprisoned, how brought up to attend trial.
15. Limit of Act.
16. Sections of former Acts repealed.
17. Fees and costs.

*Passed 13th April, 1864.*

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

1. The City Court of the City of Saint John shall have jurisdiction over all actions of debt where the sum demanded does not exceed eighty dollars.

2. The same right to reduce a claim originally over eighty dollars by credit of payment, or by abandonment, so as to bring the claim within the jurisdiction extended by this Act, and also similar proceedings as to the set off of adverse claims, shall be had and allowed in suits under this Act as at present exist and are in force in the said Court in actions of debt for twenty dollars and under.

3. The process, forms and proceedings shall be the same as are now established, used and allowed in actions of debt in the said Court.

4. The provisions of the ninth Section of an Act passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to enlarge the jurisdiction of the City Court of the City of Saint John*, shall extend and apply to suits brought under this Act.

5. The several provisions and provisos of the fourth and fifth Sections of an Act passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act relating to the City Court of the City of Saint John*, shall extend and apply to suits brought under this Act.

6. The provisions of the Act of Assembly 13 Victoria, Chapter 1, relating to the relief of persons confined for debt in the body of the gaol in the City and County of Saint John, shall extend and apply to suits brought under this Act.

7. All the provisions of the Charter of the City of Saint John, and of the several Acts of Assembly relating to the City Court of the City of Saint John, and the practice and proceedings of said Court now in force and applicable to and not inconsistent with the provisions of this Act, and the jurisdiction hereby created, shall extend and apply to suits brought under this Act.

8. Any plaintiff or defendant in a suit before the said Court may appear and conduct his suit either in person, by his agent, or by Attorney of the Supreme Court, whose authority may be either written or oral; but on the trial such Attorney shall not be a competent witness for the party for whom he appears.

9. In defended cases, where the sum demanded exceeds twenty dollars, the Court may in their discretion tax a Counsel fee to the successful party on the trial of the cause, not in any case to exceed four dollars, to be included with costs recoverable on judgment; but the Court shall not tax a fee in any case unless, in the opinion of the Court, under the circumstances, the assistance of Counsel was reasonably required.

10. If on the trial of any action brought in the said Court, it shall appear that the Court has not jurisdiction in the case, judgment shall be rendered as in case of non-suit, and the defendant shall have execution for costs accordingly.

11. A judgment recovered in the said Court may be proved by a copy of the record of such judgment certified under the

hand of the Common Clerk, or his Deputy, to be a true copy, and to have been compared with the original entry of such judgment in a record book of the said Court.

12. All executions issued upon any judgment had in the said Court under this Act upon suits for the recovery of sums over forty dollars, shall be directed to the Sheriff of the City and County of Saint John, instead of to one of the Marshals of said Court as in other cases, and the form of execution shall be altered as may be required accordingly; and every such execution shall be dated on the day upon which the same is issued, and shall be returnable thirty days after the date thereof; and the said Sheriff shall register all executions received by him under this Act, in a record book to be kept by him for the purpose, and shall make return thereof to the Common Clerk's office; and the said Sheriff shall proceed on such executions according to the exigency thereof, in the same manner and with like powers and authorities as upon executions issued out of the Supreme Court of this Province.

13. Executions delivered to the Sheriff against the body of any defendant under this Act, shall have the like effect, as regards fixing bail, as if delivered to a Marshal for the purpose of being executed according to the practice of the said Court; and any defendant, after judgment obtained against him in the said Court, may render himself or be rendered by his bail in discharge of his bail, in like manner and with the like effect as may now be done in said Court before judgment; and if a suit shall have been commenced against the bail, the same shall at any time before judgment recovered therein be dismissed by the Court on payment into Court of the costs in such suit up to the time of render.

14. Any defendant in a suit before the said Court, who may be imprisoned in the common gaol in any civil suit, may be brought up to attend the trial of his suit in the said Court by an order under the hand of the Aldermen or Common Clerk presiding in said Court, and after the trial shall be recommitted to prison; and no Sheriff or Gaoler acting in obedience to such order shall be liable to an action for an escape.

15. This Act shall continue and remain in force until the first day of May one thousand eight hundred and sixty nine.

16. The tenth and twenty sixth Sections of an Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to alter and amend the practice and proceedings in the City Court of Saint John*; the fourth and fifth Sections of an Act passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to enlarge the jurisdiction of the City Court of the City of Saint John*; and the twenty fifth Section of an Act passed in the twenty third year of the Reign of Her said Majesty, intituled *An Act relating to the City Court of the City of Saint John*; are hereby repealed.

17. The fees and costs in actions in the said City Court, and for the Aldermen, Common Clerk, and Marshals, shall be taxed and allowed according to the following Table, that is to say:—

*To the Aldermen.*

Every Judgment in suits for the recovery of any sum not exceeding twenty dollars, ... ..	\$0 50
Every Judgment in suits for the recovery of any sum over twenty dollars and not exceeding forty dollars, ... ..	1 00
Every Judgment in suits for the recovery of any sum over forty dollars and not exceeding sixty dollars, ... ..	1 50
Every Judgment in suits for the recovery of any sum over sixty dollars, ... ..	2 00
Every Oath administered out of Court, ... ..	0 20
Every Order out of Court, ... ..	0 30
Every Order to postpone the trial of a cause, ... ..	0 40

*To the Common Clerk for the use of the Corporation.*

Summons, ... ..	0 13
Each copy, ... ..	0 07
Attachment, ... ..	0 13
Each copy, ... ..	0 07
Each Oath, ... ..	0 10
(Not more than two to be taxed for witnesses on a trial.)	
Subpœna and Ticket, ... ..	0 14
Each additional Ticket, ... ..	0 06
Venire, ... ..	0 14
Execution, ... ..	0 14
Each Certificate, ... ..	0 20
Copies of papers per folio of one hundred words, ... ..	0 10
Every Judgment in suits for the recovery of any sum over twenty dollars and not exceeding forty dollars, ... ..	1 00

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Every Judgment in suits for the recovery of any sum over forty dollars and not exceeding sixty dollars,	\$1 50
Every Judgment in suits for the recovery of any sum over sixty dollars, ... ..	2 00

*To the Marshals.*

In suits for the recovery of any sum not exceeding twenty dollars :—

Serving Summons, ... ..	\$0 20
Serving Attachment, ... ..	0 30
Serving Executions, ... ..	0 50

In suits for the recovery of any sum over twenty dollars  
and not exceeding forty dollars :—

Serving Summons, ... ..	\$0 40
Serving Attachment, ... ..	0 50
Serving Executions, ... ..	0 80

In suits for the recovery of any sum over forty dollars  
and not exceeding sixty dollars :—

Serving Summons, ... ..	\$0 60
Serving Attachment, ... ..	0 70

*To the Sheriff of the City and County of Saint John.*

For registration and return of every Execution directed to him under the provisions of this Act, the sum of thirty five cents, to be paid by the party obtaining Execution, and included in the amount for which Execution issued.

Serving Execution in suit for the recovery of any sum over forty dollars and not exceeding sixty dollars, one dollar.

Serving Execution in suit for the recovery of any sum over sixty dollars, one dollar and fifty cents.

*Witness.*

To every necessary Witness, for each day's attendance, \$0 25

Travelling, if over one mile, going and returning,  
each mile, ... .. 0 5

No Witness fees to be taxed for any party unless it shall appear on oath that he has actually paid the same to such witness.

Parties to suits, attending as Witnesses, to be allowed same fees as witness.

*Jurors.*

Each Juror who shall be sworn in a cause, 20 cents, to be paid into Court by parties applying for Jury, and be costs in the cause.

## CAP. XLVII.

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

*Passed 13th April, 1864.*

WHEREAS in and by the seventh Section 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*, it is amongst other things enacted, that the expenses of laying out the Road in the said Section mentioned, shall be regulated as provided by the fifteenth Section of the said Act: And whereas it is expedient to amend the said Section, so far as the same relates to such expenses;—

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

That the expenses of laying out the Road mentioned in the said seventh Section, shall be regulated by the provisions of the thirteenth Section of the said Act, and not by the fifteenth Section of the same, any thing in the said Act contained to the contrary thereof notwithstanding.

## CAP. XLVIII.

An Act to explain an Act relating to Lands required for Railway purposes.

*Passed 13th April, 1864.*

WHEREAS an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act relating to Lands required for Railway purposes*: And whereas doubts may exist whether the provisions of that Act extend to lands necessary for the continuation of the present line from the principal Station at Saint John to deep water in the Harbour of Saint John; for remedy whereof,—

Be it enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly,—

That the provisions of the said recited Act, intituled *An Act relating to Lands required for Railway purposes*, and each and every of them, be deemed and taken to apply to all lands which may be required for the purpose of extending any Line or Lines of Railway from the present principal terminus in Saint John to any part of the City of Saint John,

or to any deep water terminus in the Harbour of Saint John, and to all lands required for Stations, or Depots, or other purposes connected with any such Line of Railway, to all intents and purposes; and all the powers given by the said recited Act to the Governor, Commissioners, Appraisers or other officers or persons named or mentioned therein, shall and may extend to and be exercised by them respectively.

### CAP. XLIX.

An Act relating to certain Lands required for Railway purposes in the City of Saint John.

#### Section.

1. Mayor, &c., when notified by Commissioners, may extend line.
2. Land to be taken; quantity.
3. Mayor, &c. may enter on lands for survey.
4. When survey is made and recorded Commissioners may enter upon lands.
5. Provisions of Act 21 Vic. cap. 18, to apply to this Act.
6. Appraisers, by whom appointed.

#### Section.

7. Duty of Appraisers.
8. Appraisement, when binding.
9. Appraisement to be filed in office of Common Clerk; when filed, Mayor, &c. to order assessment.
10. Amount, when collected, to whom paid.
11. Land to be paid for before being taken.
12. Compensation to Appraisers.

*Passed 13th April, 1864.*

WHEREAS it is highly desirable that a Deep Water Terminus should be established in the City of Saint John, on the eastern side of the Harbour: And whereas the Corporation of the said City, in case of the establishing such terminus at the Breakwater in Sidney Ward, and granting a right of way for extending the European and North American Railway through as much of the City property as lies between the present line of such Railway near the Aboideau in the County of Saint John, around Courtenay Bay, to said Breakwater, should have authority to enter on and purchase any property not belonging to said Corporation, and that may be required for the fully opening and establishing of such Railway to the Breakwater;—

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized and empowered, whenever and so soon as the Commissioners for the management and construction of Railways appointed or to be appointed under the authority of an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to authorize the construction of Railways in this Province*, shall notify the

Common Council of said City in writing, of their intention to extend the line of Railway by the eastern bounds of said City to the Breakwater in Sidney Ward, and at all times thereafter, to enter upon and take possession of any lands required for the track of such Railway, and order and direct a survey and plan (of the lines and lands required) to be made, and shall lay off the lands by metes and bounds, and record a description thereof in the office of the Registrar of Deeds for the City and County of Saint John; and the same shall operate as and be a dedication to the Queen for the purposes of such Railway of such lands, whether the same be lands of said Mayor, Aldermen and Commonalty, or any person or persons whomsoever.

2. The lands so taken shall not be more than six rods in breadth for track, beginning at the present line of the European and North American Railway, at such part thereof in the Parish of Portland, in the County of Saint John, as the said Commissioners for the construction of Railways may determine, and extending therefrom to the City of Saint John, and around and within the eastern bounds of said City, near Courtenay Bay, in such direction as may be found by the said Mayor, Aldermen and Commonalty most practicable, to the Breakwater in Sidney Ward, in said City.

3. The said Mayor, Aldermen and Commonalty, by themselves, their servants, and agents, may and are hereby authorized and empowered to enter upon any lands for the purpose of surveying and locating such line of Railway.

4. Upon the survey of such line, and recording of the metes and bounds thereof, as provided for by the first Section of this Act, the said Commissioners for the management and construction of Railways shall and may enter upon the lands so set apart and dedicated to the public for the purposes of such Railway, and shall have upon and over the whole line so established, all the powers and authorities given to said Commissioners by any Act now in force or that may hereafter be enacted and be in force relating to Railways, and land required for Railway purposes.

5. The several provisions of an Act passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act for the regulation of Railways*, shall extend and apply to this Act, and the line of Railway hereby established, as fully

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and effectually to all intents and purposes as if the several Sections of the said Act, from the first to the sixteenth, both inclusive, had been specially set forth herein.

6. The Governor in Council may appoint not less than three persons to be appraisers for ascertaining and settling the value of any land so taken, and any claim for damages occasioned by the construction of such Railway under the Act; who shall be sworn to the faithful and impartial discharge of their duties, before the Clerk of the Peace for the City and County of Saint John, who is hereby authorized to administer such oath, and forthwith transmit a certificate thereof to the Provincial Secretary.

7. The Appraisers shall examine the said line of Railway and lands entered upon by virtue of this Act, and assess the value of any such lands so taken, not being lands of the said Mayor, Aldermen and Commonalty; and also assess any damages which any lessees or assignees of lands of the said Mayor, Aldermen and Commonalty may sustain by the taking of any land so leased by them; and in assessing the value of any such land, or the damages as aforesaid, the Appraisers shall take into consideration the benefit likely to accrue to the respective proprietors and lessees as aforesaid, from the Railway running through or near their land, and the value or damages shall be reduced or extinguished accordingly.

8. The appraisement shall be agreed to and signed by a majority of the Appraisers who may make the appraisement, such majority in no case to be less than two, and the same shall be binding upon all parties.

9. The Appraisers shall file their appraisement in the office of the Common Clerk of said City, and transmit a copy thereof to the office of the Provincial Secretary; and immediately after the filing of the same in the Common Clerk's Office, it shall be the duty of the said Mayor, Aldermen and Commonalty of the said City of Saint John, and they are hereby authorized and required, by Warrant under the common seal of said City, to order an assessment on the City of Saint John on the eastern side of the Harbour and the inhabitants thereof, for such sum as may be required for the payment of the appraisement, costs of plan and survey, and remuneration to the appraisers, besides the costs and

charges of assessing and collecting, to be assessed, levied and collected in the same manner as any assessment made under the provisions of the "Saint John City Assessment Act of 1859," and the several Acts in amendment thereof.

10. The amounts collected under such assessment shall be paid to and received by the Chamberlain of the City of Saint John, who shall keep separate accounts of the same, and shall be paid out by him to the several parties entitled thereto by virtue of this Act.

11. That nothing in this Act shall authorize the taking and dedicating of any lands as herein provided, until the same have been paid for or otherwise settled for with the owners thereof.

12. The Governor in Council shall determine the amount of remuneration to be paid to the appraisers for their services.

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#### CAP. L.

An Act to explain and amend an Act intituled *An Act to authorize the extension of King's Street, in that part of the City of Saint John called Carleton.*

Section.

1. Commissioners. how appointed; duty of Commissioners.
2. Commissioners to make Report, and file with Common Clerk.

Section.

3. When Report filed, Mayor, &c. to order assessment.

*Passed 13th April, 1864.*

WHEREAS doubts have arisen upon the construction of the seventh Section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to authorize the extension of King's Street, in that part of the City of Saint John called Carleton*, as to the payment of interest on the several payments contemplated in the said Act: And whereas no remedy is given to the respective persons named in the Commissioners' Report, for the recovery of interest upon the respective sums of money due such persons named in said Report;—

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

1. That the Lieutenant Governor in Council shall appoint three Commissioners, whose duty it shall be without any unnecessary delay, to examine the Report of said Commissioners first herein named, and ascertain the amount of

money awarded to the said parties named in said Report, when the same or any part thereof was paid to the said parties entitled thereto; and that the said Commissioners so to be appointed under this Act, shall award and allow to the said persons mentioned in said Report so entitled to receive certain sums of money, lawful interest upon all sums not paid them, such interest to be calculated from one year from the time of filing such Report of said first herein mentioned Commissioners; the said Commissioners to be appointed by this Act shall, in awarding and allowing such interest, take into consideration any benefit that the same persons so to be entitled to said interest may have received from the user of their property, required under the Act first herein mentioned, since the time of filing said Report.

2. That said Commissioners to be appointed by this Act, shall make out a Report of the amount of interest they award to each of said parties entitled to the same, and shall file said Report with the Common Clerk of the City of Saint John, at the office of the said Common Clerk.

3. That upon the filing of such Report, the Mayor, Aldermen and Commonalty of the City of Saint John, shall order an assessment for the full amount, of said interest to be assessed, levied and collected from the rate payers of that part of the City of Saint John called Carleton; which said interest, when so collected, shall be paid to the said parties entitled to the same, on application therefor.

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#### CAP. LI.

An Act to enable the Justices of the Peace for the County of Northumberland to sell certain Lands and invest the proceeds in other Lands.

Section.

Section.

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| 1. Justices authorized to sell lands; proviso. | 3. Production of deeds duly registered to be evidence of legal sale. |
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2. Net proceeds, how invested.

*Passed 13th April, 1864.*

WHEREAS there are several pieces or parcels of Land situate in the Parish of Chatham, in the County of Northumberland, the title whereof is in the Justices of the Peace for the said County in trust, as hereinafter mentioned, to-wit:—All that certain piece or parcel of Land conveyed to the said Justices by the late William Abrams, deceased, by Indenture bearing date the third day of June, in the year of our Lord one

thousand eight hundred and thirty five, in trust only, and to and for the sole use and purpose of a public Hospital, which piece of Land is described in the said deed as follows, to-wit: Commencing at the northwest corner of Howard Street; thence easterly along the northern side of the said Street, one hundred and thirty five feet, or until it strikes King Street; thence northerly along the westward side of King Street, four hundred feet; thence westerly parallel with Howard Street, one hundred and thirty five feet, or until it strikes the upper or westerly line of the land conveyed to me in trust as aforesaid; thence southerly along the said line to the place of beginning: Also all that other piece or parcel of land lying between King's, Queen's, Duke, and Francis Streets, conveyed to the said Justices by Henry Cunard, by Indenture bearing date the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty one, in trust for the use and benefit of the public, and to be appropriated to public purposes only as a public Square: And whereas the first mentioned piece of land at the time when it was so conveyed to the said Justices was in a sufficiently isolated situation for the purpose of a public Hospital; but whereas it has not been used for many years past for such purposes, and is now nearly surrounded by dwelling houses, which are in close proximity thereto, rendering it unsuitable for the purposes intended: And whereas the buildings thereon are in a ruinous and dilapidated condition, and if ever to be used again for the purposes of an Hospital, would require a large outlay for the necessary alterations and repairs, for which there is no fund to provide: And whereas the piece of land conveyed by the said Henry Cunard to the said Justices is inconveniently situated, and from its condition and situation cannot be advantageously used as a public Square: And whereas it is believed that the said lands could be sold to advantage, and that the proceeds would be sufficient to purchase other lands more conveniently situated for public and sanatory purposes, and more beneficial to the public as it was intended by the said trusts;—

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

1. That the Justices of the Peace for the County of Northumberland are hereby authorized and empowered to sell

and dispose absolutely of the pieces or parcels of land above described, in such lots or divisions as they shall think most advisable, by public auction, first giving sixty days public notice of the time and place of any such sale, by advertising the same in a newspaper published in the said County, and by handbills posted up within the Parish, and on such terms as to payment of the purchase money as the said Justices shall direct; and on payment of the purchase money for such lands, to make and execute to the purchasers of the said lands respectively, titles in fee simple, such deeds to be executed under the seal of the General Sessions of the said County; the purchasers shall not be bound to see to the application of the purchase money; provided that nothing herein contained shall in any wise interfere with or affect the legal or equitable rights of any lessees of the above described lands.

2. The net proceeds of such sales shall be by the said Justices invested in the purchase of other lands in the said Parish more conveniently situated, to be used for public purposes.

3. All deeds and conveyances of the said several pieces of land, duly executed under the provisions of this Act, and proved as provided in the case of deeds executed by Corporations, and registered according to the laws of this Province, shall be sufficient to pass to the purchaser or purchasers of the lands, in such deeds or conveyances described, all the estate and title which the said Justices had and held in the said lands; and such deeds and conveyances so executed, proved, and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold as required by the provisions of this Act.

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#### CAP. LII.

An Act to establish the Shire Town of the County of King's County, and to provide for the procuring a site for and the erection of Public Buildings in the Parish of Sussex within the same.

Section.

1. Shire Town, locality.
2. Public Buildings, how provided; site.

Section.

3. Buildings and land at Kingston, how disposed of.
4. Kingston to continue Shire Town, h.w long.

*Passed 13th April, 1864.*

WHEREAS the present location of the County Buildings in King's County is found to be extremely inconvenient to a

large majority of the inhabitants of the said County; for remedy thereof,—

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

1. That from and after the passing of this Act, the Shire Town of the County of King's County shall be within the Parish of Sussex in the said County, any law, usage or custom to the contrary thereof notwithstanding.

2. The Justices of the Peace of the said County, at any General or Special Sessions, shall and may designate and provide a proper site within the said Parish of Sussex, whereon to erect the necessary Public Buildings; provided nevertheless, that the same shall be at or near the Sussex Station of the European and North American Railway; and they may contract with good and sufficient workmen for the erection of such public buildings, of such dimensions, shape and form as they may deem meet; and shall order an assessment or assessments on the County to meet and defray as well the purchase money of the site, as the erection, completion and furnishing of the said public buildings, in such sums and at such periods as they see fit; such assessments to be made, assessed, collected and levied in the manner directed by Chapter 53, Title viii, of the Revised Statutes, "Of Rates and Taxes."

3. Immediately after the erection of the said new public buildings, and upon their being deemed by the said Sessions or a Committee thereof in all respects fit for the public service, the Sessions may sell and dispose of the County Lands now held in the Parish of Kingston for the purposes of public buildings, as well as the buildings and erections thereon, or they may remove the same buildings or any of them for public purposes, or they may, if they deem the same to be expedient, convey and transfer the same in bulk or in portions to the persons who shall contract for the erection of the new buildings, as part payment of the contract price, or dispose of the same as may seem most conducive to the public interest.

4. Until such time as the new buildings shall be certified by the said General or Special Sessions to His Excellency the Lieutenant Governor in Council, to be in all respects fit and suitable for the public service, the present Shire Town

at Kingston, and the public buildings thereon, shall be and remain the Shire Town and the public buildings of the said County of King's County, whereupon Proclamation of the same shall be made in the Royal Gazette, upon which a transfer of prisoners, and such public documents and records as are usually deposited in the Shire Town, shall be made to the new public buildings in the said Parish of Sussex.

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CAP. LIII.

An Act to establish an additional Polling place in the Parish of Shippegan, in the County of Gloucester.

Section.

1. Additional Polling place, where situate.

Section.

2. Districts Nos. 1 and 2; locality.

*Passed 13th April, 1864.*

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

1. That in addition to the Polling place “at or near the Church at Shippegan,” in the Parish of Shippegan, in the County of Gloucester, as now appointed by the provisions of the twenty fifth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the election of Members to serve in the General Assembly*, the following shall be an additional Polling place in the said Parish of Shippegan, for all electors residing or entitled to vote in that part of the said Parish which forms Shippegan and Miscou Islands, that is to say,—at or near the Church at Gross Point on Shippegan Island.

2. The said Islands of Shippegan and Miscou shall be distinguished as District number two, and the remaining part of the said Parish as District number one.

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CAP. LIV.

An Act to authorize the Roman Catholic Bishop of Chatham to sell and dispose of a Lot of Land in Richibucto, in the County of Kent.

Section.

1. What land Bishop may sell.  
2. Conditions on which land may be sold.

Section.

3. Proceeds of sale, how disposed of.

*Passed 13th April, 1864.*

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

1. That it shall and may be lawful for the Roman Catholic Bishop of Chatham, to sell and dispose of a certain piece or parcel of land situate, lying and being at Richibucto, in the County of Kent, and known and described as follows, that is to say :—Commencing at a stake on Sheddan Street, being one hundred and ten feet from the corner of Queen and the said Sheddan Streets, and at the upper boundary on Sheddan Street of a lot sold by Hugh M'Kay to James M'Dermott; thence south-westerly along the said James M'Dermott's line fifty one feet to a lot of land sold by the said Hugh M'Kay to one William E. Jury; thence westerly along the said William E. Jury's line to Pagan Street, so called; thence northerly along Pagan Street until it strikes Sheddan Street; thence south-easterly along Sheddan Street to the place of commencement, and containing sixty perches, more or less; being the said lot of land conveyed to the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick by one Michael Nowlin, by deed bearing date the twenty seventh day of December one thousand eight hundred and fifty five, and duly recorded in the Kent County Records.

2. The said lot or parcel of land, with its appurtenances, may be sold and disposed of by way of mortgage, or in fee simple, either absolutely or conditionally, in one lot or separate parcels, in such manner and subject to such conditions, covenants, and agreements, as by the said Corporation may be deemed necessary and proper, and thereupon to make good, legal and sufficient conveyances of the same by and under the seal of the said Corporation; and the respective purchasers and mortgagees thereof shall not be bound to see to the application of the purchase moneys.

3. The proceeds of the sale hereby authorized shall be applied to the use of the said Corporation.

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### CAP. LV.

An Act for establishing and maintaining a Police Force in the Parish of Saint Stephen, in the County of Charlotte.

Section.

1. Police Force, how appointed; number of.
2. Compensation to and powers of, by whom fixed.
3. Disorderly persons, &c. may be taken into custody without warrant.

Section.

4. Power of Justices.
5. Assessment, by whom made and collected.
6. Fines, to whom paid.
7. Fines, how applied.
8. Fees, to whom paid.

*Passed 13th April, 1864.*

WHEREAS offences against the peace, as well as injuries to property, have become frequent in the Parish of Saint Stephen, it is expedient to establish an effective system of Police in the following district, to-wit:—Beginning at the dwelling house of Joel Hill, near Milltown, and extending to Porter's mill bridge, so called, and back from the River Saint Croix one mile;—

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

1. The Justices of the Peace for the said County may at any General Sessions, or at any Special Sessions to be for that purpose called, appoint a sufficient number of fit and able men, not exceeding twelve, to be and act as a Police Force within the before mentioned district, who shall be severally sworn in by any Magistrate of the said County, to act as Constables for preserving the peace, and preventing all felonies, and apprehending offenders against the peace; the men so sworn in shall, within the district, have all such powers, privileges, and advantages, and so be liable to all duties and responsibilities as any Constable appointed by law now has, or may hereafter have, or is or may be liable to, within his constablewick, by virtue of the common law or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may receive from time to time from any Justice of the Peace within said district, for conducting themselves in the execution of their office.

2. The Justices of the Peace at any General Sessions, or at any Special Sessions for that purpose called, shall have powers, by regulations to be by them made, to fix the salaries and allowances of the persons to be employed under this Act, and to define the powers and duties of the said Policemen or Constables.

3. That it shall be lawful for any Constable belonging to the said Police Force, during the time of his being on duty, to take into his custody without warrant any loose, idle or disorderly person which he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about to commit any felony or misdemeanor, or breach of the peace; and all persons whom he shall find, during the months of March, April, May, June,

July, August, September, and October, between the hours of seven o'clock P. M. and six o'clock A. M., or during the months of November, December, January, and February, between the hours of seven o'clock P. M. and six o'clock A. M., lying or lurking in any highway, yard, or other place, and not giving a satisfactory account of himself or themselves; and also to take into custody, without warrant as aforesaid, any person who shall, within the limits of the aforesaid district, be charged by any other person with committing any aggravated assault, in every case in which the said Constable shall have good reason to believe that such assault has been committed, although not in view of the said Constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured till he can be brought before a Justice of the Peace within the said district, to be dealt with according to law.

4. The Justices of the Peace residing within the said district shall, in addition to the powers they now possess, be invested with and shall exercise and execute all other duties and powers as shall be in this Act specified, or in any regulations now or may hereafter be made by the General Sessions, as provided for in this Act.

5. The Justices of the Peace for the said County, at their General Sessions in April in each and every year hereafter, are hereby authorized to make a rate and assessment for a sum not exceeding one hundred dollars for any one year, to defray the expenses of supporting and maintaining said Police establishment, such assessment to be levied and collected on the inhabitants and property residing and being within the limits of said district; such sum shall be assessed, levied and paid agreeably to any Act now or which may be in force for assessing, levying and collecting County rates, and when recovered or collected, shall be paid over to the County Treasurer of said County, to be held and applied under the direction of the Justices of the Peace for the said County for the purposes of this Act.

6. The sums of money recovered or received for fines, penalties and forfeitures incurred and paid under and by virtue of any of the provisions of this Act, committed within the limits of the said district of the Parish of Saint Stephen,

shall be paid on the first Monday of each month to the County Treasurer.

7. The County Treasurer shall receive all sums of money received by assessment, and all fines, penalties and forfeitures incurred and paid from every Collector, Magistrate, Constable, or other person paying the same, for the purposes of this Act, and he shall keep and hold the same as a separate fund for the purposes of this Act, to be paid over by him from time to time under the order of the General Sessions of the Peace for the said County.

8. All fees recovered by any of the Police for performing the duties of Constables, shall be paid over as received to the Magistrate by whose directions he has performed the duty, to be paid to the County Treasurer in the same manner as fines and forfeitures are directed to be paid over.

#### CAP. LVI.

An Act to incorporate the Saint Stephen's Branch Railroad Company.

Section.

1. Company incorporated.
2. Capital.
3. First meeting, by whom called.
4. Powers of Corporation.
5. Powers of Corporation invested in President, &c.
6. Rates of fares, by whom established.
7. Company to erect & maintain fences.

Section.

8. Annual meeting, when to be held.
9. Shares deemed personal estate, and transferable.
10. General powers of Directors.
11. Company to commence Railway within two years.
12. Lands reserved for Naval or Military purposes exempt, unless consent of Her Majesty obtained.

*Passed 13th April, 1864.*

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

1. That William Todd, Freeman H. Todd, Zachariah Chipman, Robert Watson, John Bolton, John M'Adam, James G. Stevens, George S. Grimmer, Samuel T. King, Nehemiah Marks, A. H. Thompson, Thomas H. Maxwell, John Grimmer, Hugh Cullinan, George F. Hill, George A. Boardman, John E. Moore, P. M. Abbot, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Saint Stephen's Branch Railroad Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies by law and equity, to secure and

protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the Corporation, so soon as the sum of ten thousand dollars of the capital stock shall be actually paid, are hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair a Railroad, with one or more sets of rails or tracts, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from Saint Stephen, in the Parish of Saint Stephen, in the County of Charlotte, in this Province, over the most practicable route from some terminus or point at Saint Stephen, in the Parish of Saint Stephen aforesaid, to the Saint Andrews line of the Railroad of the New Brunswick and Canada Railway and Land Company, whenever the said Corporation may deem it expedient so to do, and to make such branches thereof as they shall deem proper; and the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said Railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; provided however, that said land so taken for the route of said Railway, shall not exceed six rods in width, except when greater width is necessary for the purpose of excavation and embankment; and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said Corporation shall pay such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second Section of the Act made and passed in the

thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same ; and the land so taken by said Corporation shall be held as lands taken and appropriated for Highways ; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each, with power to increase to four hundred thousand dollars, with additional shares of one hundred dollars each ; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transaction of business ; and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation ; and the said Directors shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer who shall be sworn and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act are hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the said County of Charlotte, of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

4. The said Corporation shall have power to make, ordain and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of affairs, and the management of their property.

5. The President, Directors and Company for the time being are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation, for the purpose of locating and completing said Railroad and branches, and for the transportation of

persons, goods and property of all descriptions, and all such power and authority for the management of the Corporation, as may be necessary and proper to carry into effect the objects of this Act; to purchase or hold within or without the Province, lands, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions, and to make such connection with other Railroad Companies within or without the Province, either by leasing their road to other Corporation or Corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other Railroad Companies or Company upon such terms as may be agreed upon; to make, execute and deliver good and sufficient mortgage deed or deeds of their road and all its branches, to such private persons or Corporations within or without this Province, as they may think the interest of the stockholders in their Company requires, and to make such equal assessments from time to time on all the shares in said Corporation as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the said Corporation for the balance if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with interest and cost of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company, beyond the amount of his, her or their shares in the capital stock of said Company not paid up; and no assessment shall be laid upon any shares in said

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Company for a greater amount than one hundred dollars per share on the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their Railroad, when the same passes through enclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction within and for the said County of Charlotte, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fines shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence, under the direction of an agent appointed by the Court imposing such fine; provided however, said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said Corporation shall be holden on the first Tuesday in July, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor by himself or by proxy, being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

9. The said shares of said Corporation shall be deemed personal estate, and transferable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, completing and maintaining the said Railway, and other incidental expenses; but no shareholder shall be entitled to transfer any share after any call shall have been made in

respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The Directors of the Company may from time to time by deed, subject and charge, in such manner as they think fit, the said Railroad, and the future lands, goods and other property and effects, tolls, income and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be hereafter granted, conceded or allowed to Railroad Companies in this Province by any Act of Assembly; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company; and every deed so executed shall have as full effect and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

11. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passing of this Act; failing which, then this Act and every matter and thing therein contained shall cease and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passing of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

12. Nothing in this Act contained shall authorize the said Company, or their Contractors, to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

*1 July 27 1864* CAP. LVII.

An Act to incorporate the Woodstock Railway Company.

Section.	Section.
1. Company incorporated.	22. No more shares to be sold than will cover arrears, interest, &c. Surplus, how applied.
2. Capital.	23. If arrears be paid before sale, share to revert to owner.
3. Powers of Company after certain amount paid in.	24. Powers of Company; proviso.
4. Branch may be built.	25. Receipts, &c. from corporate bodies, guardians, &c. valid.
5. Company may pay interest on shares; proviso.	26. Company may connect with other Railways.
6. Certificate of share deemed evidence of title.	27. Company may build bridges.
7. Shares not transferable until all calls are paid up.	28. Company empowered to go upon land and take materials.
8. Receipt of one party to joint ownership deemed sufficient discharge for dividend.	29. Company to erect and maintain fences along Railway; penalty for neglect.
9. Calls, when and by whom paid.	30. When Railroad crosses highway, Company to erect gates.
10. Calls, by whom ordered; time between each call.	31. Management of Company, in whom vested; qualification.
11. Neglect to pay call, interest may be charged.	32. Votes, how apportioned; limit.
12. If whole amount of shares be paid by stockholders, interest may be allowed.	33. When first meeting shall be held.
13. Neglect to pay call, Company may sue.	34. Power of Directors.
14. In action by Company against shareholder not necessary to set forth special matter.	35. Annual meeting, when and where held, for what purpose; proviso.
15. On trial what necessary for Company to prove.	36. When extraordinary meeting may be called; by whom.
16. Register of shares evidence against defendant.	37. Notice of meetings to be given.
17 & 18. When share may be declared forfeited; notice to be given.	38. Rates of fares, by whom established.
19. Declaration of forfeiture, when to take effect.	39. Dividends, how and when paid.
20. When and how share may be sold.	40. Money paid to minor, &c., receipt of guardian, &c. sufficient.
21. What constitutes title after share sold.	41. Joint stock alone liable; proviso.
	42. Time within which action must be commenced against Company.
	43. Lands reserved for Naval or Military purposes exempt, unless consent of Her Majesty is obtained.
	44. Company to commence Railway within two years.

*Passed 13th April, 1864.*

WHEREAS the construction of a Railroad from the Town of Woodstock, in the County of Carleton and Province of New Brunswick, through said County to the Boundary Line between the said Province and the United States of America, will tend in a great degree to the improvement of the Country;—

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

1. That Lewis Peter Fisher, Mayor of the Town of Woodstock, F. R. Jenkins Dibblee, Sheriff of the County of Carleton, Anthony Kearney, Warden of the Municipality of the County of Carleton, Honorable Charles Perley, M. L. C., James R. Tupper, Charles Connell, David Munro, M. P. P., William Lindsay, M. P. P., William T. Baird, Norris Best,

Robert A. Hay, Robert Kerr, James Grover, John C. Winslow, Thomas W. Longstaff, Reverend Henry J. M'Lardy, James Edgar, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained and constituted to be a Corporation, body politic and corporate, by the name of "The Woodstock Railway Company;" and shall by that name have perpetual succession, and a common seal, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever; and shall also have power and authority to purchase, hold and enjoy lands, tenements, and hereditaments, for them and their successors and assigns, for making the said Railway, and for settlers along the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time and at all times have full power and authority to constitute, make, ordain and establish such bye laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company, provided that such bye laws, regulations and ordinances as may be deemed necessary be not contradictory or repugnant to the laws of this Province.

2. The capital stock of the Company hereby established shall be six hundred thousand dollars, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into thirty thousand shares of twenty dollars each, which shares shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors and assigns, in proportion to their respective shares and interest, which said shares shall be of the value of twenty dollars each, ten per cent. of which shall be paid at such time and place as the Directors of the said Company shall appoint, and the remaining ninety per cent. in such part and proportions, and at such time and times as the said Directors shall determine, which amount shall not at any one period be more than five per cent. on the amount of capital or stock belonging to any individual, and thirty days at the least shall be the interval

between successive calls, and twenty days previous notice of payment being required for any one call shall be given in one of the weekly papers published in the County of Carleton, or in the Royal Gazette of this Province; and on demand of the holder of any share the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in Schedule A to this Act annexed, or to the like effect; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property; and every such share shall entitle the holder thereof to a proportionable part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing and maintaining the said Railway, and other the purposes therewith connected, mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporation and establishing the said Company, and to no other use or purpose whatsoever.

3. So soon as twenty thousand dollars of the capital stock of the said Company shall have been subscribed, and the deposit of ten per cent. shall have been actually paid into the hands of some person or persons to be appointed by the Directors of the said Company, or into some Bank in this Province to be named by the Directors of the said Company, and not before, it shall be lawful for the said Company, and they are hereby authorized, by themselves, their deputies, agents, officers, and workmen, to make, construct, and fully complete, alter, and keep in repair, a Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turnouts, tunnels, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, dikes, buildings, depots, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, waggons, floats, and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandize thereon, and for other purposes of this Act;

and may hold and possess the lands over which the said Railway is to pass, and such adjoining lands as may be required; which Railway is to run from any point within the Town of Woodstock, in the County of Carleton and Province of New Brunswick, over the most practicable route through the said County, to connect with or terminate at the present Saint Andrews and Quebec Railway, or a prolongation thereof; the said Railway to be made and constructed on such route as the Directors of the said Company shall in their judgment deem most favourable.

4. The said Company shall and may, if they deem it expedient, construct a branch Railway from the main line to the Iron Works now in operation, and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same, in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

5. It shall be lawful for the Directors of the said Company, until the said Railway shall be completed and open to the public, to pay interest at any rate not exceeding six pounds per centum per annum, on all sums called up in respect to the shares, from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose; provided always, that no interest shall accrue to the proprietors of any share upon which any call shall be in arrear in respect of such shares or any other shares to be holden by the same proprietor, or during the period while such call shall remain unpaid.

6. The certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

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

8. The said Company shall not be bound to see to the execution of any trust, either express, implied, or constructive,

to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stand in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

9. The several persons who have or who shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the personal representative of such shareholder.

10. It shall be lawful for the Directors of the said Company from time to time, to make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by themselves, as they shall deem necessary; provided that twenty days notice at the least be given of each call as aforesaid, and no call exceed the prescribed amount aforesaid, and successive calls be not made at less than the prescribed interval aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the said Company, or the Directors thereof.

11. If before or on the day appointed for payment any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same, at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

12. It shall be lawful for the said Company (if they

think fit) to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

13. If at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

14. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*stating the number of shares,*] and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, [*stating the number and amount of each of such calls,*] whereby an action hath accrued to the said Company by virtue of this Act.

15. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interest between two successive calls had not elapsed as aforesaid.

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

17. If any shareholder fail to pay any call payable by him, together with the interest (if any) that shall have accrued thereon, the Directors of the said Company, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

18. Before declaring any share forfeited, the Directors of the said Company shall cause notice of such intention to be left or transmitted by post to the usual or last place of abode of the person appearing by the Register of shareholders to be the proprietor of such share; and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the shareholder's address book, or otherwise, or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong shall not be known to the said Directors, the said Directors shall give public notice of such intention in one or more of the weekly newspapers published in the said County of Carleton; and the several notices aforesaid shall be given thirty days at least before the said Directors shall make such declaration of forfeiture.

19. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, or at any subsequent general meeting, to direct the share or shares so forfeited to be sold or otherwise disposed of.

20. After such confirmation as aforesaid, it shall be lawful for the said Directors to sell the forfeited share by public auction, and if there be more than one forfeited share, then either separately or together, as to them shall seem fit, and

any shareholder may purchase any forfeited share so sold as aforesaid.

21. An affidavit by some credible person not interested in the matter, sworn before any Justice, or before any Commissioner for taking affidavits in the Supreme Court, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

22. The said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of call, and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, with the proof thereof, and certificate of proprietorship to the purchaser, the surplus shall, on demand, be paid to the defaulter; provided always, that such defaulter shall in all cases be liable to the said Company for any deficiency arising by means of such default, and recoverable in any Court in this Province having competent jurisdiction for this purpose.

23. If payment of such arrears of calls, and interest and expenses, be made before any share or shares so forfeited and vested in the said Company shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such call had been duly paid.

24. The said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents, and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying on the said route and general direction as aforesaid, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove, and use, for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber, or other material, on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such survey, examination or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made, and constructed, or on which materials and other things shall be laid for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and when the said Railway shall pass through any wood lands or forests, the said Company shall have the right to fell or remove any trees standing thereon, to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway; provided always, that in all cases the said Company shall pay for such lands or estate so taken and used, (in case the owner thereof demand it,) such price as the said Company and the owner or respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said land may be situate, for a Warrant, which Warrant shall be in the form set forth in the Schedule B to this Act annexed, and shall be directed

to the High Sheriff, his Deputy, or any Constable within the said County, commanding such High Sheriff, Deputy or Constable to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway, and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damage shall be ascertained and assessed by such jury; provided nevertheless, that the said jury in assessing the said damages, are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases when the jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damage may be assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeably to a scale in Schedule C of this Act; and in default of such payment, it shall and may be lawful for the said Justices, or either of them, (in case of the absence or death of the other) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Justices, or one of them, (in case aforesaid) to levy the same with costs by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of the Province.

25. When the said Company shall take any land or estate of any body corporate, aggregate or sole guardians, committees, executors or administrators, or other trustees what-

soever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme covert, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts or agreements and sales of the said Corporation, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages (if any) by reason of taking such land or estate aforesaid; and in case of disagreement, such damage to be ascertained and settled as provided by the twenty fourth Section of this Act.

26. The Company is hereby authorized and empowered to connect any Railway they may build and construct under this Act, with any other Railway existing, or to be constructed within the Province of New Brunswick; and the said Corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the Railroad of said Corporation, or such other Railroad as may be hereafter connected therewith, at the same rate of toll and freight as may be prescribed by said Corporation.

27. If said Railroad shall in the course thereof cross or partly cross any navigable river or stream, the said Corporation are hereby authorized and empowered to erect for their sole and exclusive travel on the said Railroad, a bridge across or partly across each of said rivers or streams; provided such bridge or bridges or other erections shall be so constructed as not unnecessarily to obstruct or impede the navigation or use of such river or waters.

28. The said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand, and earth, or material necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment or other work belonging to said Railway, the said agent and workmen shall at all times hereafter have full egress

and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty fourth Section of this Act.

29. The said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway sufficient fences, wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway; and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer or General Sessions for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged, and such fine shall be expended for the erection or repair of such fences, and for compensation of individual damages, as the case may be; and it shall and may be lawful for the Justices of said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case; which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

30. Whenever the said Railway or any of its branches cross, or shall hereafter cross any highways, turnpike road, Railroad, statute labour or private road for carriages of any description within this Province, the said Company shall make and maintain good and sufficient gates across each end of such highway, turnpike or other road, which gates shall be constantly closed except during the time when horses, cattle, carts or carriages passing along such turnpike or other road shall have to cross such Railway; and such gates shall be of such dimensions and so constructed, as when closed across the ends of such turnpike or other road, to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway; provided

always, that it shall be lawful (in case it shall be more conducive for the public safety,) for the said Company, at their own expense, to carry such turnpike or other road over or under such Railway by means of a bridge or archway, in lieu of crossing the same on the level.

31. The immediate government and management of the affairs of the said Company shall be vested in seven Directors, who shall be proprietors of at least ten shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; the President shall vote at the Board as a Director, and in case of their being an equal number of votes for and against any question before them the President shall have the casting vote.

32. The number of votes to which each shareholder shall be entitled, when in conformity to the provisions of this Act the votes of shareholders are to be given, shall be as follows: For one share and not more than three shares, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; and for every six shares above thirty and not exceeding sixty, one vote, making fifteen for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares, which said number of twenty votes shall be the greatest any shareholder shall be entitled to have; and all shareholders may vote by proxy, if they shall see fit, provided such proxy be a shareholder and do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule D to this Act annexed, or to the like effect; and whatever question of election of public officers or other matters or things shall be proposed, discussed or considered in any public meeting of the said Company, under the authority of this Act, shall be determined and decided by the majority

of votes and proxies then and there present; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

33. Whenever forty thousand dollars of the said capital stock shall have been subscribed, the first general meeting of the shareholders shall take place at Woodstock, in the said County of Carleton, to be called by notice from any three of the persons mentioned in the first Section of this Act, in one of the weekly newspapers printed in the County of Carleton, or if no weekly newspaper be published in said County, then in the Royal Gazette; said notice to be published weekly for four weeks previous to such meeting, in order to organize the said Company, and to choose the Directors thereof, who shall continue in office until re-elected, or others are chosen or appointed in their stead, at any meeting to be held by the said shareholders under the authority of this Act; the shareholders present or appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill any such vacancy shall continue in office as a Director, so long only as the person in whose place he shall have been so elected would have been entitled to continue if he had remained in office.

34. The said Directors shall have the power and authority to nominate and appoint all and every the officers and engineers, and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject always to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new bye laws, rules and regulations for the good government of the said Company and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the officers, engi-

neers, workmen, labourers, employees of the said Company, as to the said shareholders shall seem fit; which said bye laws, rules or regulations, being put into writing under the common seal of the said Company, shall be published in one of the newspapers published in the County of Carleton, or if none be there published, then in the Royal Gazette, and shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same.

35. The said shareholders shall meet annually at the Town of Woodstock on the first day of July in each year, or on such other day as may be fixed by bye law, rule, regulation or order of the said Company, at such hour and place as the Directors for the time being shall designate; at which meeting the shareholders present personally and by proxy may either continue in office the Directors before appointed, or any of them, or elect new Directors to supply the place of those not continued in office; provided that the omission to meet, or the omission to elect or appoint Directors at the meeting shall work no forfeiture, but the shareholders may be afterwards called together for the purposes of said election by the Directors of the Company for the time being, and any number of them being so met together may make such election.

36. It shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors, or left at their last or usual place of abode; and forthwith upon the receipt of such requisition, the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting, by giving thirty days notice thereof in one of the newspapers published in the County of Carleton, or if none be so published, then in the Royal Gazette.

37. Thirty days public notice at the least of all meetings, whether general or extraordinary, shall be given by adver-

tisement in one of the newspapers aforesaid, or if none be so published as aforesaid, then in the Royal Gazette; which notice shall specify the place, the day, and the hour of meeting, and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

38. A toll is hereby granted for the sole benefit of the said Company, on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, at such rates per mile as may be established from time to time by the Directors of said Company; and the conveyance and transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway, shall be in conformity to such bye laws, rules, regulations, orders and provisions as the said Directors shall from time to time prescribe, enact or direct; and such Railway may be used by any person or persons who may comply with such bye laws, rules, regulations, orders and provisions; and the Directors of the said Company are hereby authorized from time to time to alter or vary the tolls to be taken upon said Railway, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same proportion of the line of Railway under the same circumstances; and no reduction or advance in any such toll shall be made, either directly or indirectly, in favor of or against any particular company or persons travelling upon or using the said Railway.

39. The Directors of the said Company shall make yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them as for the salaries and allowances of the several officers and servants connected with the said Company, as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company; but no dividend shall be paid in respect of any share until all calls then due in respect of that and every

other share held by the person or persons to whom such dividend may be payable, shall have been paid ; and before apportioning the profits to be divided among the stockholders, the Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway, or any part of the said undertaking, and may divide the balance only among the shareholders.

40. If any money be payable from the said Company to any shareholder or other person being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

41. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the said Company ; and no person or persons who shall or may have dealings with the said Company shall, on any pretence whatsoever, have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company ; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company, beyond the extent of his share in the capital of the said Company not then paid out.

42. No suit or action at law or in equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or cause of action accrued ; and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by authority of this Act.

43. Nothing in this Act contained shall authorize the said Company, or their Contractors, to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

44. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passage of this Act, failing which, then this Act and every matter and thing therein contained shall cease and be utterly null and void ; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passage of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

#### SCHEDULE A.

##### *Form of Certificate of Share.*

The Woodstock Railway Company.                      Number — .

This is to certify, that A. B. of                      is the proprietor of the share (or shares) number                      of the Woodstock Railway Company, subject to the regulations of the said Company.— Given under the common seal of the said Company, the day of                      , in the year of our Lord one thousand eight hundred and

#### B.

##### *Form of Warrant to summon Jury.*

To the Sheriff, Deputy Sheriff, or any Constable of the County of

You are hereby commanded to summon a Jury of five disinterested freeholders of your County, of no way akin to the party aggrieved, to appear at                      , in the said County, on the                      day of                      at                      of the clock in the                      noon, then and there to assess the damages, (if any) which A. B. alleges he has sustained by reason of the works and operations of the Woodstock Railway Company through and upon his land.—Given under our hands and seals the day of                      , in the year of our Lord one thousand eight hundred and

C. D., J. P. [Seal.]

E. F., J. P. [Seal.]

## C.

*Scale of Fees in proceedings before Justices in assessing damages under the foregoing Act.*

## To the Justices.

Warrant to summon Jury, ... ..	\$0 50
Every Subpœna, ... ..	0 10
Every copy of Subpœna, ... ..	0 05
Every adjournment made at the instance of either party,	0 20
Trial and Judgment, ... ..	0 50
Swearing each Witness and Constable, ... ..	0 05
Swearing the Jury, ... ..	0 20
Execution or Distress Warrant, ... ..	0 30

## To the Sheriff or Constable.

Summoning Jury, ... ..	1 00
Attendance on Inquiry, ... ..	0 20
For all other services, the same as fixed by Law in Civil cases before a Justice of the Peace.	

## To Witnesses.

Attendance and travel, same as in Civil cases before Justices of the Peace.

## To Jurors.

Each Juror sworn on Inquiry, ... ..	\$0 50
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## D.

*Form of Proxy.*

I, A. B., of                   do hereby nominate, constitute and appoint C. D. of                   to be my proxy, in my name and in my absence to vote, or give any assent to, or dissent from, any business, matter or thing relative to the Woodstock Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.—In witness whereof, I, the said A. B. have hereunto set my hand and seal, (or if a Corporation, say the common seal of the Corporation,) the                   day of                   A. D. one thousand eight hundred and

A. B. [Seal.]

## CAP. LVIII.

An Act to incorporate the Albert Railway Company.

## Section.

1. Company incorporated.
2. Capital.
3. First meeting, how called.

## Section.

4. Power of Corporation.
5. President, &c. invested with all the powers of Corporation.

Section.	Section.
6. Rates of fares, by whom established.	12. Company may enter upon lands for purposes of road.
7. Company to erect & maintain fences.	13. Lands reserved for Naval or Military purposes exempt, unless consent of Her Majesty obtained.
8. Annual meeting, when and where held.	14. Company to commence road within two years.
9. Shares to be personal estate; shares when transferable.	
10. General powers of Directors.	
11. Joint stock and property alone liable.	

*Passed 13th April, 1864.*

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

1. That William Henry Steeves, Edward B. Chandler, A. R. McClelan, James Steadman, John Lewis, E. R. Burpee, Peter Duffy, John Byers, Cornelius T. Tompkins, J. Gardner White, John Wallace, William Todd, David Wark, George Calhoun, Amos Edwin Botsford, and Wallace W. Turnbull, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of the “Albert Railway Company;” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies by law and equity, to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the Corporation, so soon as the sum of ten thousand dollars of the capital stock shall be actually paid to the Treasurer of the Company, are hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair a Railroad, with one or more sets of rails or tracts, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the present line of the European and North American Railway to the Parish of Hillsborough, in the County of Albert, to a point or place therein as may be deemed most desirable and advantageous to the general interests of the said Company, by such route as by survey or otherwise may hereafter be found most expedient, whenever the Corporation may deem it advisable so to do, and to make such branches thereof as they shall deem proper; and the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of

this Act; and for this purpose the said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said Railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use, for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; provided however, that said land so taken for the route of said Railway shall not exceed six rods in width, except when greater width is necessary for excavation and embankment; and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said Corporation shall pay such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same; and the land so taken by said Corporation shall be held as lands taken and appropriated for highways; and all applications for damages shall be made within three years from the time of taking such land and other property, and not after.

2. The capital stock of the said Corporation shall consist of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each, with power to increase to five hundred thousand dollars, with additional shares of fifty dollars each; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others are chosen in their stead, a majority of whom shall form a quorum for the transacting of business; and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and the said Directors shall

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have authority to choose a Secretary, who shall be sworn to the faithful discharge of his duties, and a Treasurer who shall be sworn and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, for the faithful discharge of his trust.

3. Any three persons named in the first Section of this Act, are hereby authorized to call the first meeting of the said Corporation, giving notice in one or more newspapers published in the said County of Albert, or if no such paper is there published, then in the Royal Gazette, of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

4. The said Corporation shall have power to make, ordain and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of affairs, and the management of their property.

5. The President, Directors and Company for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the Corporation, for the purpose of locating and completing such Railroad and branches, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the Corporation, as may be necessary and proper to carry into effect the objects of this Act; to purchase or hold within or without the Province, lands, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of the said road, and for the transportation of persons, goods and property of all descriptions; and to make such connection with other Railroad Companies within or without the Province, either by leasing their road to other Corporation or Corporations on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their road with that of other Railroad Companies or Company upon such terms as may be agreed upon; to make, execute and deliver good and sufficient mortgage deed or deeds of their road and all its branches, to such private persons or Corporations within or without this Province as they may think the interest of the stockholders in their Company requires; and to make such equal assessments from time to

time on all the shares in said Corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares, for the space of thirty days after such notice is given as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than his assessment due, with interest and cost of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company, beyond the amount of his, her or their shares in the capital stock of said Company not paid up; and no assessment shall be laid upon any shares in said Company for a greater amount than fifty dollars per share on the whole.

6. A toll is hereby granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transferred by them upon said road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation.

7. The said Railroad Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their Railroad, where the same passes through enclosed or improved land, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction, and be fined in such sum as shall be adjudged necessary to repair the same; and such fines shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of such fence under the direction

of an agent appointed by the Court imposing such fine ; provided however, that said fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

8. The annual meeting of the said Corporation shall be holden on the first Thursday in June, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor by himself or by proxy being entitled to as many votes as he holds shares ; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

9. The said shares of the Corporation shall be deemed personal estate, and transferable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, completing and maintaining the said Railway, and other incidental expenses ; but no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

10. The Directors of the Company may, from time to time, subject and charge in such manner as they think fit, the said Railroad, and the future lands, goods and other property and effects, tolls, income and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit ; and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be hereafter granted, conceded or allowed to Railroad Companies in this Province by any Act of Assembly ; and every deed executed by the Directors of the Company, shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company ; and every deed so executed shall have as full effect, and be as binding and conclusive on

the Company and the Directors of the Company, as if the terms and provisions of such deed were, by this Act of Assembly, expressly enacted and made binding and conclusive accordingly.

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

12. The said Company, by their agents, servants, and workmen, shall and may enter upon any lands of private persons for the purposes of making a survey of the line or route of the contemplated Railroad, and to cut down or remove when necessary to the making of such survey, any trees or other obstacles on such lands; compensation for such cutting and removing to be made to such owners of private lands, by the same proceedings and in the same manner as is provided in the first Section of this Act.

13. Nothing in this Act contained shall authorize the said Company or their contractors to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

14. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passing of this Act; failing wherein, then this Act, and every matter and thing therein contained, shall cease and determine, and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passing of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act, and every matter and thing therein contained, shall cease, and be utterly null and void.

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#### CAP. LIX.

#### An Act to incorporate the Vernon Mining and Smelting Company.

##### Section.

1. Company incorporated; proviso.
2. When first meeting held.
3. Capital.
4. Liability of stockholders for calls.

##### Section.

5. Stock alone liable.
6. Place of business of Company.
7. Amount of stock to be paid in, and when.

*Passed 13th April, 1864.*

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

1. That Owen Jones, Charles Desmond, Joseph S. Fay, and George H. Jones, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of "The Vernon Mining and Smelting Company;" and by that name shall and may have full power and lawful authority to have, hold, own and enjoy in any way, real estate in this Province, in fee simple or otherwise, and may alienate, encumber, lease, sell or otherwise deal with the same in any way; and shall by that name have all the general rights, powers, and privileges, and shall be under the same liabilities, provisos, and restrictions, as are contained and set forth in Chapter 119, Title xxxi, of the Revised Statutes, 'Of Corporations'; and also in and by an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act relating to Corporations*, and of any Act or Acts made or to be made in addition to or amendment of the same or either of them, for the purpose of mining, smelting and refining of copper and copper ores, and other ores, minerals, metals, and metallic minerals, and vending the same, and such other business as may be incident thereto; provided nevertheless, that the aggregate value of real estate to be held by the said Corporation in this Province at any one time shall in no case exceed the value of fifty thousand dollars in amount.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the hereinbefore mentioned persons.

3. The capital stock of the said Corporation shall be three hundred thousand dollars, divided into thirty thousand shares of ten dollars each; provided however, that the said Corporation, whenever they may deem it advisable so to do, shall have power to extend the said capital stock of the said Corporation to five hundred thousand dollars, and shall increase the number of shares accordingly, and that such increase may be made from time to time in such sums, portions of the said increase, as the said Corporation may think expedient.

4. Each and every shareholder in the said Corporation shall be held liable to the said Corporation for each and every call or assessment made from time to time, not however to exceed in amount the stock subscribed for by him,

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for the purpose of enabling the said Corporation to pay the debts and engagements of the said Corporation for the purposes of or to carry on the operations for which the said Corporation is hereby established; which call or assessment may be sued for and recovered in any Court in this Province of competent jurisdiction.

5. That the joint stock and property of the said Corporation shall alone be liable for the debts, engagements and liabilities of the same.

6. That the said Corporation shall keep an office at the City of Saint John in this Province, and an agent there for the transaction of business connected with the said Corporation, and that such office shall be and be deemed their principal place of business; and service upon such agent of all processes, notices, or other documents, shall in all cases be deemed and taken to be lawful service on such Corporation.

7. That unless fifteen per cent. of the said capital stock shall be subscribed and paid in within one year from and after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation shall be and be deemed to be terminated.

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## ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

## CAP. XLVII.

An Act relating to certain exemptions from Duty at the Port of Saint Stephen.

1. Drawback of Export Duty allowed.
2. Vessels entering or clearing Port exempt from Light Duties, &c.
3. Regulations of Cap. 23, Title iii, Revised Statutes, so far as applicable, to apply to this Port.
4. Suspension clause.

*Passed 20th April, 1863.*

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

1. The proper officer of the Treasury Department at the Port of Saint Stephen, in the County of Charlotte, shall grant a drawback of all the export duty hereafter paid or secured to be paid by any law of the Province relating to the export duty on timber, hacmatac, deals, boards, and other lumber of every description shipped from the said Port of Saint Stephen.

2. All vessels entering the said Port of Saint Stephen, clearing and departing therefrom, shall be exempt from all Duties for the support of Light Houses, Buoys and Beacons, Hospital money, Pilotage, or other exactions.

3. The regulations and requirements contained in the second and subsequent Sections of Chapter 23, Title iii, of the Revised Statutes, so far as the same are applicable, shall apply to this Act, or such other regulations as may from time to time be made by the Governor in Council to facilitate the more beneficial operation of this Act.

4. This Act shall not come into operation or be in force 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 twelfth day of September 1863, and published and declared in this Province the twenty eighth day of October 1863.]*



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27° VICTORIÆ, A. D. 1864.

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