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

PASSED IN THE MONTHS OF MAY & JUNE 1865.



FREDERICTON.

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

1865.



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ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO OCTAVO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty seventh day of April *Anno Domini* one thousand eight hundred and sixty five, in the twenty eighth 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, being the First Session of the Twentieth General Assembly convened in the said Province.



# ACTS

## OF

### THE GENERAL ASSEMBLY.

28° VICTORIÆ, A. D. 1865.

#### CAP. I.

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*Passed 31st May, 1865.*

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

1. The Provincial Militia shall be divided into two Classes, Active and Sedentary.

ACTIVE MILITIA.

2. The Active Militia shall consist of all the male inhabitants of the Province of the age of eighteen years and under forty five, not exempt or disqualified by law, and being British subjects by birth or naturalization.

3. The Active Militia shall be divided into three Classes, to be called respectively Class A, Class B, and Class C. Class A shall consist of Volunteer Troops of Cavalry, Field Batteries and Foot Companies of Artillery, and Companies of Infantry armed as Riflemen, to be formed at places to be designated by the Commander in Chief. Class B shall consist of unmarried men and widowers without children; and Class C shall consist of married men and widowers with children.

4. Each Volunteer Troop of Cavalry, and Company of Foot Artillery, shall consist of a Captain, a Lieutenant, a Cornet or second Lieutenant, three Sergeants, three Corporals, three Bombardiers, and not less than forty three Privates. Each Field Battery of Artillery shall consist of a Captain, two first Lieutenants, a second Lieutenant, a Sergeant Major, three Sergeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty nine Gunners and Drivers,—including Wheelers, Collar Maker and Shoeing Smith, and fifty six horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service. Each Company of Infantry shall consist of a Captain, a Lieutenant, one Ensign, three Sergeants, three Corporals, a Bugler, and not less than forty three Privates.

5. The Commander in Chief shall have power to constitute any number of Volunteer Companies of the Active Militia at any locality, or within any District, (not being less than six nor more than ten Companies,) into a Regiment or Battalion; and to assign or appoint thereto a Lieutenant Colonel, two Majors, one Adjutant, one Paymaster, one Quarter Master, one Surgeon, and one Assistant Surgeon; such Regiment or Battalion shall be subject to the Queen's



Regulations for the Army, so far as the same are not inconsistent with the Militia Law of this Province.

6. One or more Volunteer Companies, as Sea Fencibles, may be formed in any County, City, or District, as the Commander in Chief may determine; each Company to consist of a Captain, a Lieutenant, a second Lieutenant, and fifty men; an Officer may be appointed to command the whole, who shall rank as a Lieutenant Colonel of Militia; Captains in the Sea Fencibles shall rank as Majors in the Militia, and first Lieutenants as Captains.

7. The Sea Fencibles shall be armed in such manner as the Commander in Chief may direct, and shall be trained and drilled as well to the use of small arms, as in the management of Gunboats and Vessels, and the working of guns on board of vessels.

8. Volunteer Companies of Engineers may be formed in each Military District; every such Company shall consist of a Captain, a Lieutenant, a second Lieutenant, and such number of men, not exceeding seventy five, as the Commander in Chief may direct; but such Companies shall not be subject to drill or service in time of peace.

9. Every Volunteer Company existing on the twenty second day of April in the present year, shall be held, for the purposes of this Act, to be still existing, and shall be continued as such, subject to all the provisions of this Act, unless its services are dispensed with by the Commander in Chief.

10. The uniforms of the several Troops of Cavalry, Field Batteries, and Volunteer Companies of Infantry, continued or organized under this Act, shall (except when exempted by special order), be of such colour, pattern, and design, as may be ordered by the Commander in Chief; provided that but one, and that a similar colour, pattern, and design, shall be approved for each of them respectively; and such Corps shall conform in all particulars to the orders of the Commander in Chief in reference thereto.

11. Commissioned Officers shall furnish their own arms and accoutrements.

12. The Commander in Chief shall from time to time direct the description of arms and accoutrements to be used by the non-commissioned officers and men of the several

Volunteer Companies. Such arms and accoutrements shall be Provincial property, and shall not be taken out of the Province; and the officer or officers receiving them shall give a Bond to the Queen in such sum and with such sureties as the Commander in Chief may direct, for the safe keeping and good order thereof, and for the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander in Chief may direct such re-delivery.

13. The Commanding officer of every Volunteer Corps shall receive a sum not exceeding two dollars per head for every effective Member of such Corps, to provide for the proper care of such arms and accoutrements, and to meet the expenses of such Corps; but no person not an enrolled Member of the Corps, and who has not attended drill for the space of six months, and not less than fifteen times during that period, shall be considered an effective Member of such Corps.

14. No Corps of the Active Militia, and no non-commissioned officer or private thereof, shall at any time publicly appear armed or accoutred, except when *bona fide* at drill or target practice, or at reviews or inspections, or by order of the Commanding officer: provided that nothing herein contained shall be construed to prevent any Corps of Class A from assembling or being ordered out for drill or exercise by the Officer commanding it, according to any articles of engagement or regulations of such Corps approved by the Commander in Chief; and any such articles, so far as they are not inconsistent with this Act, shall be enforced, and the penalties thereby imposed may be recovered in the manner hereinafter mentioned, by the person designated for that purpose in such articles.

15. Sufficient ammunition for practice at drill and ball practice shall be supplied to the Volunteer Corps, at the expense of the Province; and proper ranges, with targets and butts for Rifle practice, may be provided at the like expense, in such manner and in such places as the Commander in Chief may direct.

16. The Commander in Chief shall from time to time appoint competent persons to instruct and drill the Active Militia, under such regulations as he may direct; which

persons shall receive such remuneration as the Governor in Council may order.

17. The officers, non-commissioned officers and men of the Volunteer Corps, while they continue such and perform their duty, shall be exempt from the payment of City, County, and Parish Rates and Taxes for the then current year, to the amount of six dollars; and a certificate under the hand of the Commanding officer of any such Corps, shall be sufficient evidence of the service in his Corps of any officer, non-commissioned officer, or man.

18. If any officer, non-commissioned officer, or man, shall be expelled or discharged from a Volunteer Corps, 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 officer in command of the Corps, to which such expelled or discharged person belongs, 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 each neglect; and it shall thereupon be the duty of such Collector forthwith to collect from such person such sum of money as he would have been liable to pay if he had not belonged to a Volunteer Corps, performing drill and exercise as aforesaid.

19. No officer, non-commissioned officer or man of any Company in Class A, shall in any case, unless legally discharged, leave the same without giving two months notice in writing to the Commanding officer thereof, of his intention so to do; nor shall he at any time leave the same contrary to the engagement contained in any articles of engagement signed by him, under a penalty of twenty dollars in the case of an officer, and five dollars in the case of a non-commissioned officer or private. The term of engagement shall not be less than two years; but the Commanding officer of any Volunteer Corps may at any time expel from his Company any non-commissioned officer or man who shall be guilty of improper conduct or inattention to duty; provided that the person expelled may within six days thereafter appeal in writing to the Lieutenant Colonel or Commanding officer of the Battalion or Regiment to which he

belonged at the time of his expulsion; and it shall be the duty of such Lieutenant Colonel, or Commanding officer, without delay, to appoint a Board of three officers, not connected with the Company to which such expelled person belonged, to investigate the matter and report thereon to the Adjutant General; and the decision of such Board shall be final, if approved by the Commander in Chief.

20. The articles of engagement of all Volunteer Corps shall be subject to the approval of the Commander in Chief; and such Volunteer Corps shall be drilled and exercised at such times in each year, not exceeding ten days, and at such places as the Commander in Chief may order; and such Corps shall be subject to inspection, from time to time, by such person or persons as shall be appointed by the Commander in Chief for that purpose.

21. The men of Class B and Class C of the Active Militia shall be carefully enrolled, and shall, when not exempted, assemble for muster upon one day in each year, at such time and place as the Commanding officer of each Battalion may direct with respect to each Company therein, interfering as little as possible with seed time and harvest; but no person shall be required to travel more than twelve miles from his usual place of residence, to attend such muster.

22. The Commander in Chief may, by a General Order, dispense with the annual muster of the Active Militia, or any part thereof, either in any one year or until further order, and may in like manner again direct such muster to be held; and all persons belonging to the Militia shall be bound to obey such orders.

#### DRILL AND EXERCISE.

23. Companies of the Active Militia, to the number of at least fifteen, shall be annually exercised at such convenient time and place as may be appointed by the Commander in Chief.

24. The Commander in Chief shall, by General Order, designate the Battalions from which the Companies so to be exercised shall be drawn, and shall appoint the time for assembling and dismissal of such Companies; but no Company shall be compelled to serve for a longer period than twenty eight days, and no Battalion shall be obliged to furnish more than one such Company in each year.

25. The Commander in Chief may form such Companies into Battalions, and such Battalions into Brigades, and appoint officers thereto.

26. Any Militiaman of the Active Militia desirous of serving in any Company called out for exercise under the twenty fourth Section of this Act, shall notify the same to the Captain of his Company District, or to the Adjutant of the Battalion to which he belongs, and such Captain or Adjutant shall forthwith report his name to the Commanding officer of the Battalion. If in any Battalion designated as liable to furnish such Company, a sufficient number of men to form such Company should not volunteer to serve, the Company shall be completed by a draft upon the men of Class A and B belonging to the Battalion; such draft to be conducted by ballot, in such manner as may be prescribed by the Commander in Chief; care being taken that the men so to be drawn shall be taken equally from the different Company divisions of the Battalion.

27. Any man drawn under the provisions of the preceding Section may provide a substitute for service in the Company; provided such substitute is a Militiaman of the Active Militia, residing in the same County as the man for whom he serves, and that he is approved as effective and fit for service by the Commanding officer of the Battalion furnishing the Company. Any Militiaman serving in any such Company either voluntarily or by draft, shall be exempt from similar services during the period of seven years.

28. Every Company furnished for exercise by any Battalion under the foregoing provisions, shall be of the following strength, namely,—one Captain, two Subalterns, one Bugler, and sixty rank and file.

1. The officers of such Company shall be selected by the Commanding officer of the Battalion from among the officers thereof, subject to the approval of the Adjutant General.
2. The pay of any officer shall not exceed that of a Captain in Her Majesty's Infantry Regiments, to be determined by the Governor in Council.
3. The non-commissioned officers and privates of such force shall receive, besides rations, such rates of pay as may from time to time be fixed by the Governor in

Council, provided that the same shall not be less than fifty cents per day for each man during the period of service, to be paid in such manner as the Governor in Council may direct.

4. Stoppages from such pay may be made by sentence of any General or Battalion Court Martial, in the case of any officer, non-commissioned officer or private wilfully neglecting to perform his duty, or in cases where stoppages of pay are directed by the Articles of War; and no officer or non-commissioned officer while under arrest, and no private while a prisoner, shall be entitled to pay.

5. The Commanding officer of any Battalion assembled for drill and exercise under the twenty fourth Section of this Act, shall have power to confine to Barracks or Camp for a term not exceeding three days any Militiaman under his command for wilful neglect of duty, and to stop his pay during such confinement.

29. The Commander in Chief may make arrangements for the transport of such Companies to the place of assembly, and for their return thence; and may pay such reasonable expenses of transport as the Governor in Council may direct.

30. Every officer, non-commissioned officer and man belonging to the Companies called out for exercise under the twenty fourth Section of this Act, shall, while proceeding to and from the place of assembly, and during his continuance there, and until his dismissal after the completion of his term of service, be subject to the Articles of War, and to the provisions of the Act for punishing Mutiny and Desertion, so far as the same are not inconsistent with this Act; provided that no Militiaman shall be subject to any corporal punishment except imprisonment, for any violation of such Mutiny Act or Articles; and provided also, that the Commander in Chief may, by General Order, direct that any of the provisions of the said Act or Articles of War shall not apply to the Militia.

31. Every officer, non-commissioned officer and man assembled under the twenty fourth Section of this Act, shall, within three days after arriving at the place of assembly, take the oath of allegiance in the following form:—

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors.—So help me God.”

Such oath may be taken before the officer commanding the Brigade, or the Captain of the Company.

#### SEDENTARY MILITIA.

32. The Sedentary Militia shall consist of all the male inhabitants of the Province of the age of forty five years, and under the age of sixty years, not exempt or disqualified by law, and being British subjects by birth or naturalization.

33. No actual service or drill shall be required of the Sedentary Militia in time of peace, but they shall be enrolled in the manner hereinafter directed.

#### DISTRICTS AND DIVISIONS.

34. The Commander in Chief may, from time to time, by any General Order, divide the Province into such number of Militia Districts and Regimental and Battalion Divisions as he thinks proper, and designate the same by names or numbers; and may also, from time to time, alter such Division, and increase or diminish the number of such Districts or Divisions.

35. The Militia resident in each Battalion Division shall form a Battalion of the Regiment of the Regimental Division in which it lies, and all the Battalions in any Regimental Division shall form the Regiment thereof. To each Battalion a Lieutenant Colonel, and such number of Majors and other officers shall be appointed, as may be necessary.

36. In every Militia District there shall be an Inspecting officer, whose duty it shall be to inspect and report upon the efficiency of the several Regiments, Battalions and Companies within his District.

37. Each Lieutenant Colonel may, by any order made with the approval of the Inspecting Officer of the Militia District, from time to time divide his Battalion Division into Company Divisions; and the Militia resident within each Company Division shall form a Company of the Battalion.

38. All Militia Divisions existing on the twenty second day of April in the present year, shall be held to be still existing, and shall remain in force till altered under the authority of this Act.

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ENROLMENT.

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39. The enrolment of the Sedentary Militia, and the 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 after receiving the notice of enrolment from the Commanding officer of the Regiment or Battalion, shall cause notices 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 enroll 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 this 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 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.

40. The officer commanding a Sedentary Company, or a Company of Class B or C of the Active Militia, shall, on or before the first day of *November* in each year, make out a correct roll thereof, and transmit a certified copy thereof to the officer commanding the Battalion, who, within twenty days after the receipt of the same, shall transmit a correct return of the Battalion to the Adjutant General.

41. Each Company Roll shall be corrected, from time to time, as changes occur which affect it; and every householder and resident in the Company Division, and every Assessor, Town Clerk, or other Municipal officer, shall be at all times bound to give to the Commanding officer, or any officer or non-commissioned officer of the Company, such information as may be required to make such corrections, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information; and every Militiaman shall be bound to inform



the officer commanding the Company, in writing, of any change of residence or other circumstances affecting such Militiaman, by which the Roll of the Company is affected, whether such Militiaman comes into or leaves the Company Division for which the Roll is made ; and 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 this Act, he shall be liable to a fine of not less than two dollars nor more than five dollars for every offence.

42. The Commander in Chief shall appoint a Regimental Enrolling officer for the Eastern side of the Harbour of the City of Saint John ; the said officer, with the approbation of the officer commanding the Militia on said Eastern side, shall appoint a time for taking the enrolment of all persons (not Volunteers) liable to do Militia duty ; he shall put up printed notices thereof in the most public places of the City ten days before the time appointed, requiring all such persons liable and not enrolled to attend and enroll themselves, or send a written notice of their names, ages, and places of abode.

43. The said Enrolling officer shall keep a General Muster Roll of all persons so liable to do duty in the said City Militia, in order to which the several Captains or officers commanding Companies in said Militia (not being Volunteers) shall furnish him with lists of the persons belonging to such Companies.

44. The persons so from time to time enrolled and unattached, shall be appointed to such Companies in the said Eastern side as the enrolling officer, with the approval of the Commanding officer, may direct ; and such unattached persons, or any of them, may be formed into Companies, as additional Companies of the City Battalions, or to either of them.

45. If any dispute arises as to which Company any man belongs, the officer commanding the Battalion shall determine, and his decision shall be final.

46. Any person on the said Eastern side not enrolled, and liable as aforesaid to do Militia duty, neglecting to enroll or to send a written notice of his name, age and residence to

the enrolling officer, after public notice being given for that purpose as aforesaid, shall pay a fine of four dollars, which shall be recovered with costs before the Police Magistrate of said City, on complaint of the said enrolling officer.

47. All sums of money recovered under the last preceding Section, shall be paid over to the Commanding officer of the Battalions on the said Eastern side for the purposes thereof; and such Commanding officer shall allow the Enrolling officer a reasonable sum for his services, and the necessary expenses actually incurred by him.

#### ACTUAL SERVICE.

48. The Commander in Chief may call out the Militia, or any part thereof, whenever it is in his opinion advisable to do so by reason of war, invasion, or insurrection, or imminent danger of any of them; and when so called out, the Militia may be marched to any part of the Province, or to any place out of the Province but contiguous thereto, from which an attack is apprehended.

49. The officer commanding any Battalion Division may, upon any sudden emergency of invasion, insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of the Commander in Chief is known; and the Militia so called out shall march to such place within or beyond the Division as the said commanding officer may direct.

50. When the Militia of any local division are called out in case of war, insurrection, or invasion, or imminent danger thereof, all Companies of Volunteers in such division shall be included in the order, and shall obey the officer issuing it.

51. Each Sedentary Militiaman and men of Class B and C of the Active Militia, called out for actual service, shall attend at such time and place as may be directed by the officer commanding him, with any arms and accoutrements he has received from the Province.

52. The commanding officer of any Regiment, Battalion, Detachment, or party, when the Militia or any part thereof are called into actual service, may impress boats, men, horses, or teams, as the service may require; and where boats are provided, such commanding officer may direct the Militia under his command to proceed to repel the enemy, or to the assistance of any neighbouring district or place, or to be stationed in any place for the defence thereof.

53. The commanding officer of the Militia, when it shall be necessary by any attack made or threatened suddenly in any sea-port town, or any place where merchant vessels may be lying, may compel the persons belonging thereto to do duty on shore, or in any boat or vessel, or with any part of the Militia.

54. When the Commander in Chief calls out the Militia, and the emergency is not such as to require that the whole of the Militiamen in any Division, or of any Class of Militiamen therein, be taken for actual service, he may from time to time direct the number of men to be furnished from the Militia of the whole Province, or of any Militia Division thereof, over and above the Volunteer Companies therein, which shall always be the first taken for actual service.

55. The number of men to be so furnished shall, in the first instance, be taken from Class B of the Active Militiamen in the several Company Divisions in that part of the Province to which the order applies, and in proportion as nearly as may be to the number of such men in each. Volunteers shall be first taken from each Company, but if the number of Volunteers be not sufficient, then such further number as may be required shall be drawn by lot under the superintendence of the commanding officer of the Company, whose certificate that any man has so been drafted, or volunteered, or consented to serve as substitute for a drafted man, shall be evidence of the fact.

56. No Militiaman drafted for actual service shall be exempt from serving, unless he forthwith pays a penalty of forty dollars, which shall be given to any approved man of the same Class who is not drafted himself for service, and will serve in the place of the Militiaman paying such penalty; or such Militiaman may provide an approved substitute of the same Class and not drafted, to serve in his place; and any Volunteer or substitute, by his consent to serve as such, shall become liable in all respects as if drafted.

57. No man drafted and unfit from bodily infirmity to perform his duty, shall be taken for service.

58. If a greater number of men are required than the whole number of men in Class B of the Active Militia, then the requisite number shall be taken from Class C of the Active Militiamen in like manner: if a greater number be

still required than the whole number of Class C, then the requisite number shall be taken from the Sedentary Militia in like manner.

59. The said Militiamen so respectively taken or drafted for actual service shall, by such officers as may be detailed for that purpose by the senior officer of the Battalion from which they are taken, be marched to such place within the Province as the Commander in Chief may appoint, and shall there be embodied into Companies and Battalions, and commanded by such officers as he may direct.

60. The Militiamen so taken or drafted for actual service from Class B and C of the active Militia, shall serve during one year, unless sooner disbanded, and may then be replaced by others taken as aforesaid, and shall not be liable to be again taken until all others of the same class be taken. But the men in Volunteer Militia Corps shall serve for the time for which they have engaged to serve, subject however to be determined on two months' notice as hereinbefore mentioned; provided that no Volunteer shall leave the service either with or without notice, at any time when the Militia are called out, unless he is regularly discharged or has served out the time for which he engaged.

61. Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander in Chief thinks fit so to order.

62. The Militia so called out, and every officer and man belonging to it shall, from the time he has been ordered, taken, or drafted for actual service, be subject to the Articles of War, and to the Act for punishing Mutiny and Desertion, and all other Laws then applicable to Her Majesty's Troops in this Province and not inconsistent with this Act; except that no Militiaman shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also, that the Commander in Chief may direct that any provision of the said Laws shall not apply to the Militia.

63. Any body of Militia so called out shall be commanded by the officer highest in rank then present, or the senior of two or more officers of equal rank; but officers of Her Majesty's Army shall always be reckoned senior to all Militia officers of the same rank, whatever be the dates of their respective Commissions.

64. The arms and accoutrements for the Militia (except those in actual use by Volunteers,) shall, when such Militia is not called out for actual service, be kept in armories at such places as the Commander in Chief may from time to time direct; and such arms shall be delivered out to the Militia when called into actual service, in such way as the Commander in Chief shall appoint.

65. In case of actual or threatened invasion, the Commander in Chief may direct the building of such a number of boats for transporting the Militia as he may deem necessary, the expense of building not to exceed four hundred pounds.

66. When the Militia, or any part thereof, are called out into actual service, they shall be entitled to the same pay, according to their respective ranks, as Her Majesty's Regular Troops respectively, to be reckoned from the day of march from rendezvous for actual service until dismissed by the Commander in Chief, each man to receive one day's pay for every fifteen miles travel to his usual place of residence.

67. Each non-commissioned officer, drummer, fifer, bugler and private shall, in addition to the pay prescribed by the last preceding Section, receive from the Provincial Treasury six dollars per month for every month they shall respectively have remained on actual service, not exceeding twenty dollars for each time they shall have been called into actual service, to be paid out of the Treasury.

68. If any Militiaman be wounded or disabled when on actual service, he shall be provided for at the expense of the Province during his disability.

#### GENERAL PROVISIONS.

69. The Commander in Chief shall appoint the officers of the Militia, with such rank as he shall from time to time think necessary; and such officers shall have such rank and authority in the Militia as are held by officers of the corresponding rank in Her Majesty's Service; and their duties shall be the same for the Militia as are prescribed for officers of the army by the Queen's Regulations. Before any person shall be so appointed, he may be required to undergo such examination as to his education and fitness as the Commander in Chief may direct.

70. No person shall be an officer in the Militia unless he is a British subject by birth or naturalization; and every

such officer shall, before receiving his Commission, take and subscribe the oath of allegiance; which oath may be taken before the officer commanding the Battalion, and shall be by him transmitted to the Adjutant General.

71. Every officer, non-commissioned officer and private of every Volunteer Corps, shall take and subscribe the oath of allegiance within one month after he shall become a member of such Corps; such oath of allegiance shall and may be administered by the commanding officer of such Corps, (he having previously taken such oath before a Justice of the Peace.)

72. All Commissions in the Militia, and appointments of non-commissioned officers existing on the twenty second day of April, in the present year, shall remain in force, subject in the case of Commissions to be cancelled by the Commander in Chief, and in case of such appointments, by the officer commanding the Battalion; but no person shall be bound to serve in the Militia in a lower grade than he has once held, unless he has resigned his Commission, or has been reduced by sentence or order of some lawful Court or authority; nor shall any person who has been a non-commissioned officer in Her Majesty's Army be bound to serve in the Militia in a lower grade than he held in the Army, unless he has been reduced as aforesaid.

73. All non-commissioned officers in the Militia shall be appointed by the officer commanding the Battalion to which they belong, except in Volunteer Corps, where they shall be appointed by the commanding officer thereof; and such officers shall have power to reduce non-commissioned officers to the ranks.

74. The Commander in Chief shall have power from time to time to make Rules and Regulations for artillery and rifle practice in the Active Militia, and for awarding prizes; for enforcing due discipline in every branch of the Militia, and for defining the details of Regiments, Battalions, Troops, Batteries, and Companies.

75. All Militia Orders issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the Royal Gazette, and a copy of the said Gazette, purporting to contain them, shall be *prima facie* evidence of such Orders.

76. All Regimental or Battalion Orders shall be held to

be sufficiently notified to all persons, by their insertion in some Newspaper published in the Division, or if there be none, then in some neighbouring Division, and by posting a copy thereof on the door of any Church, or of some Court House, Mill, or other public place in each Company Division in such Regimental or Battalion Division.

77. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order.

78. The production of a Commission, or appointment, warrant, or order, in writing, purporting to be granted or made according to the provisions of this Act, or of the Act relating to the Militia made and passed in the twenty fifth year of Her Majesty's Reign, shall be *prima facie* evidence of such Commission, or appointment, warrant, or order, without proving the signature or seal thereto, or the authority of the person granting or making the same.

79. Every sum of money which any person or Corporation is, under this Act, liable to pay or re-pay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered in any manner in which such debts may be recovered.

80. The Quarter Master of any Battalion, before commencing his duties, shall give a Bond to the Queen in the sum of eight hundred dollars, with two sufficient sureties to be approved by the Commander in Chief, conditioned for the faithful discharge of his duties, and duly accounting for and applying all moneys and stores received by him as such.

81. The Quarter Master of every Battalion shall, on or before the twentieth day of October in each year, render an account to the Adjutant General of all moneys received and paid out by him during the preceding twelve months, and shall pay over any balance in his hands to the Adjutant General, or as he may direct.

#### EXEMPTS.

82. The following persons between the ages of eighteen and sixty years shall be exempt from enrolment and from actual service in the Militia, viz :—

The Judges of the Supreme Court :

The Judge of the Court of Vice-Admiralty :

The Clergy and ordained or licensed Ministers of all religious denominations :

The Professors of any College or University recognized by Law :

The Keepers and Guards of the Provincial Penitentiary and Lunatic Asylum.

83. The following persons, although enrolled, shall be exempt from attending muster or drill, except in case of war, invasion, or insurrection, viz :—

The Sedentary Militia :

Members of the Executive Council :

Members of the Legislature :

The Provincial Secretary and Assistant Secretaries :

All persons appointed to any Civil Office in the Province under the Great Seal, except Notary Publics :

Persons duly authorized to practice Physic or Surgery :

Half pay and retired Officers of Her Majesty's Army and Navy :

Postmasters and Mail Carriers :

One Ferryman to each established Ferry :

One Miller to each run of Stones in every Grist Mill :

The Superintendent and Clerks, Station Masters, Baggage Masters, Telegraph Operators, Conductors, Track Masters, Car Inspectors, Locomotive and Car Foremen, Brakemen, Switchmen, Engine Drivers, and Firemen, connected with Railways in use in this Province :

Members of Fire Companies, and of Hook and Ladder Companies, in any City or Town, shall be exempt from duty beyond the limits of the same respectively :

All persons disabled by bodily infirmity, certified by any duly authorized Physician or Surgeon.

But such exemption shall not prevent any person from holding a Commission or serving in the Militia if he desires it, and is not disabled by bodily infirmity ; and whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant.

#### PENALTIES AND FORFEITURES.

84. Any officer or non-commissioned officer of Militia of this Province, appointed or to be appointed to the Active



Force, or to the Sedentary Militia, who obtains under false pretences, or who retains or keeps in his own possession, with intent to apply to his own use or benefit any of the pay or moneys belonging to any non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and be fined or imprisoned as the Court shall direct, and shall also be dismissed from the Militia.

85. Any person making an affidavit or declaration required in and by this Act, and swearing or declaring falsely therein, shall be guilty of perjury.

86. Any officer refusing or neglecting to make or transmit any roll or return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such roll or return, or copy, shall thereby incur a penalty not exceeding forty dollars for each offence.

87. Any officer or man not exempt from attending drill, exercise, and muster, who neglects or refuses to attend the same at the place and hour appointed therefor, or refuses or neglects to obey any lawful order at or concerning such drill, exercise, or muster, or is guilty of insubordinate or disorderly conduct, shall thereby, (if an officer) incur a penalty of not more than twenty dollars nor less than eight dollars for each offence; and if a non-commissioned officer or private, shall incur a penalty of not less than two dollars nor more than five dollars for each offence.

88. If any officer, non-commissioned officer, or Militiaman, shall, during the hours of drill, exercise, or muster, or of his being under arms, or wearing the arms or accoutrements of the Corps, and going to any place of exercise or assembly of the Corps, under the command of an officer, conduct himself in a disorderly manner, or shall disobey the lawful commands of the officer or officers commanding, he may be ordered by such officer into the custody of any person belonging to such Corps, during the time such Corps shall there remain under arms.

89. If any officer, non-commissioned officer or man shall fail to keep any arms or accoutrements delivered or intrusted to him, in proper order, or shall appear at any drill, parade, or muster with his arms or accoutrements out of order, unserviceable, or deficient in any respect, he shall incur a penalty of not exceeding four dollars for each such offence.

90. If any person shall unlawfully dispose of or remove any arms or accoutrements, or other articles belonging to the Crown, or to the Provincial Government, or refuse to deliver up the same when lawfully required, or shall have the same in his possession, except for lawful cause, (the proof of which shall lie upon him,) he shall be liable to a penalty of twenty dollars for each offence; but this shall not prevent such offender from being indicted and punished for any greater offence if the facts amount to such, instead of being subject to the penalty aforesaid.

91. Any person purchasing any arms, accoutrements, or ammunition belonging to or issued by the Provincial Government, shall for each offence pay a fine of twenty dollars.

92. Any person charged with any Act subjecting him to the penalties imposed by the ninetieth and ninety first Sections of this Act, may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit, shewing that there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements or articles with him.

93. If any person shall entice or encourage any Militiaman to desert when on service, or assembled for drill and exercise under the twenty fourth Section of this Act, or shall aid, assist, or harbor any such deserter, knowing him to be such, every such person shall for each offence be liable to a penalty of forty dollars; and on failure of payment shall be committed to gaol for three months, unless the said fine is sooner paid.

94. If any person shall wilfully interrupt or hinder any Militiaman at drill or on duty, or at target practice, or shall trespass upon any lands or range marked out or set apart for that purpose, and refuse to leave on being required so to do, every such person shall be liable to a penalty not exceeding three dollars for each offence, and may also be taken into custody by verbal order of the commanding officer, and detained until such drill, duty or practice is performed for that day.

95. If any person shall wilfully deface or injure any target or butt used or intended to be used for artillery or rifle practice by the Militia, he shall be liable to a penalty not exceeding twenty dollars for each offence.

96. If any Physician or Surgeon shall wilfully give a false certificate under this Act, or if any person shall falsely represent himself to be a Physician or Surgeon in giving any such Certificate, or any writing purporting to be such, he shall be liable to a penalty of twenty dollars.

97. If any person shall wilfully violate any of the provisions of this Act, or any regulation or order lawfully made under it, he shall, when no other penalty or punishment is imposed therefor, be liable to a penalty not exceeding twenty dollars for each offence; provided that instead of proceeding for the penalty, such person may be indicted and punished for any greater offence if the facts amount thereto; and provided also, that nothing herein contained shall exempt any officer, non-commissioned officer or man from being proceeded against and punished in the manner directed by the thirtieth Section of this Act when the Militia is assembled for drill and exercise, or in the manner directed by the sixty second-Section hereof when the Militia is called out for actual service.

98. All penalties incurred under this Act, or any regulations, orders, or articles of engagements lawfully made or entered into under it, or under the Act made and passed in the twenty fifth year of Her Majesty's Reign, intituled *An Act relating to the Militia*, when no other mode is prescribed for the recovery thereof, shall be recovered with costs on the evidence of one credible witness, before one Justice of the Peace if the amount does not exceed twenty dollars, and before two Justices of the Peace if the amount exceeds that sum, and in the manner directed by the Revised Statutes, Title xxxvii, Chapter 138, 'Of Summary Convictions;' and any officer, non-commissioned officer or private of any Volunteer Militia Corps, shall be a competent witness in any such case, although the penalty may be applicable to the purposes of such Corps.

99. Penalties when recovered shall, if the offender belongs to the Active or Volunteer Militia, be paid over to the officer commanding the Corps, for the purposes thereof, and shall be applied by him to such purposes, and accounted for to the Adjutant General; and if the offender belongs to the Sedentary Militia, then the same shall be paid over to the Adjutant General for the use of the Militia: provided that

nothing herein contained shall apply to fines and penalties collected under the forty sixth Section of this Act.

100. No prosecution against any officer of Militia for any penalty under this Act shall be brought, except on the complaint of the Adjutant General, or of some officer authorized by him in writing to make such complaint; and no such prosecution against any non-commissioned officer or private of the Sedentary Militia, or of Class B and C of the Active Militia, shall be brought, except on the complaint of the commanding officer or Adjutant of the Battalion, or Captain of the Company to which such non-commissioned officer or private belongs; and no such prosecution against any private or non-commissioned officer of a Volunteer Corps shall be brought, except on complaint of the Captain or commanding officer thereof.

101. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be unlawfully buying, selling, or having in possession, arms or accoutrements delivered to the Militia.

#### PROTECTION OF OFFICERS, &c.

102. No action or prosecution shall be brought against any officer or person, for any thing purporting to be done under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode; in which notice the cause of action, and the Court in which it is to be brought, shall be stated, and the name and place of abode of the Attorney endorsed thereon.

103. Every such action and prosecution shall be commenced within six months after the cause thereof, and shall be tried in the County where the act complained of was done; and the defendant may plead the general issue, and give the special matter in evidence on the trial. If a tender of sufficient amend is made before the action brought, or if a sufficient sum of money is paid into Court before issue joined, the plaintiff shall not recover.

104. If in any such action a verdict is given for the defendant, or the plaintiff becomes non-suit, or discontinues the action, or judgment is given against the plaintiff in any other manner, the defendant shall recover costs as between attorney and client.

105. If the plaintiff elects to accept the money paid into Court in satisfaction of the cause of action, the defendant shall pay the costs up to the time of such acceptance; and in case of non-payment within ten days after demand the plaintiff may sign judgment and issue execution for such costs.

106. No non-commissioned officer or private in the Militia shall be arrested upon any process, (except for a crime or offence punishable by summary conviction,) while attending any training or muster of his Battalion, Division, or Company, or when he is called out for drill and exercise under the twenty fourth Section of this Act, or on actual service, or while marching to or returning from the place appointed for such training, muster, or duty, unless the sum due for which he may be arrested shall amount to eighty dollars.

#### ACCOUNT OF MONEYS.

107. A detailed account of all moneys received and expended under this Act, shall be laid before each Branch of the Provincial Legislature within fifteen days after the opening of the then next Session.

#### INTERPRETATION CLAUSE.

108. The word "Corps" shall, for the purposes of this Act, mean any troop of cavalry, field battery or foot company of artillery, or volunteer company of infantry, engineers, or sea fencibles, or any Battalion or Regiment of the Militia, whether volunteers or otherwise; and the word "man" or "Militiaman" shall mean any person enrolled or liable to be enrolled in the Militia, under the rank of a commissioned officer.

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#### CAP. II.

An Act to revive and continue an Act to regulate the sale of Spirituous Liquors.

*Passed 31st May, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to regulate the sale of Spirituous Liquors*, be and the same is hereby revived and continued in full force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

## CAP. III.

An Act to amend the Law relating to the collection of Taxes and small Debts in the Parish of Portland, in the City and County of Saint John, and for other purposes in the said Parish; and also to limit the jurisdiction of the Police Magistrate for the European and North American Railway, and of non-resident Justices in Civil Actions.

## Section.

1. Police Magistrate to receive all Taxes, (exception.) To give security for himself and Agents.
2. Prescribes mode for recovery of Taxes.
3. To what the Receiver shall be subject to; what remuneration intitled to.
4. All Acts inconsistent repealed.
5. Provides for lighting the streets; expenses, how to be defrayed.
- 6, 7. Provides for suppression of disorderly houses, and states penalty.
8. States penalty for three or more persons obstructing passage way.

## Section.

9. Penalty for committing nuisances on streets, &c.
  10. Penalty for incumbering streets.
  11. Penalty for removing horses, &c., or leaving vehicles on streets.
  12. Penalty for mutilation of erections in Cemeteries, or disturbing persons therein.
  13. Extends powers of Police Magistrate.
  14. What fees taxable by Police Magistrate, &c.
  15. Limits jurisdiction of Police Railway Magistrate.
- Form of Execution.

*Passed 31st May, 1865.*

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

1. The Police Magistrate for the time being in and for the Parish of Portland, in the City and County of Saint John, shall be, from and after the first day of March next ensuing the passing of this Act, the Receiver of all Rates and Taxes, (excepting such as now are or hereafter may be imposed or made payable for Sewerage and Water Supply,) assessed in and upon the said Parish, and the inhabitants or non-residents thereof, any law to the contrary notwithstanding; and before entering on his duties as such Receiver, shall give security to the satisfaction of the Sessions for the City and County aforesaid, for the due application of all moneys collected by him or by his agents or employees, and for the faithful discharge of his duties as such Receiver.

2. If any person legally assessed for rates and taxes in the said Parish of Portland shall neglect or refuse to pay in to the office of the said Police Magistrate in the said Parish, the amount so assessed upon him, within ten days after notice in writing of the nature and amount thereof being given to him, either by being delivered to him personally or left at his usual place of abode, or if the person so assessed be not resident in the said Parish, then after like notice inserted for three successive weeks in any public newspaper published in the City of Saint John aforesaid, the said Receiver of

Rates and Taxes shall issue Execution (A) against such person, which shall be enforced by any Policeman or Constable of the said Parish, throughout the said City and County of Saint John, according to the tenor thereof; provided always, that proof of the due service or publication of such notice and non-payment of the amount stated therein, shall first be made to the satisfaction of such Receiver of Rates and Taxes as aforesaid, and that no person arrested under and by virtue of such execution shall be confined more than one day for every forty cents of the whole amount contained therein.

3. The said Receiver of Rates and Taxes shall be subject to all the provisions of the Revised Statutes, and subsequent Acts of Assembly, applicable to Collectors of Rates, not inconsistent with this Act, and shall receive such remuneration for his services as the Sessions under the thirty second Section of Chapter fifty three of the said Revised Statutes, shall appoint and allow: and the like or a proportionate amount upon all special rates and assessments which shall or may be collected by him according to law; and in addition to such remuneration, shall be entitled to charge and receive on every execution issued by him thirty five cents, and for enforcing and levying the same twenty cents, which fees shall be endorsed on the execution, and added to the amount to be levied under the same, and when received shall be paid in to the Treasurer of the Portland Police District, in the same manner and for the same purposes as are all other fees received by the said Police Magistrate.

4. All the Sections, clauses and provisions of the twenty sixth Chapter of twenty sixth Victoria, 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,'* at variance or inconsistent with this Act, are hereby repealed.

5. The Commissioners of Police in and for the said Parish are hereby authorized to adopt such measures as they may from time to time deem necessary for lighting the Streets of the said Parish; and shall, at the time of making their annual estimate, under the forty fourth Section of eleventh Victoria, Chapter twelve, for the maintenance of the Police

establishment, make in like manner an estimate of the amount necessary during the year for all the expenses of such lighting of the Streets, including the erection of lamp posts and lamps where needed, and shall include such amount in the Warrant issued by them under the forty fifth Section of the said last mentioned Act, and such amount shall be assessed and levied as provided by the said Section for the rate or assessment for the said Police establishment; and the whole amount of such assessment shall be collected as by this Act provided, and not under the said forty fifth Section.

6. It shall be the duty of the several policemen belonging to the Force in the said Parish, to report to the said Police Magistrate all bawdy or disorderly houses in the said Parish; and upon information made upon oath before him by any policeman or other person, the said Police Magistrate shall issue his warrant to apprehend and bring before him any person suspected of being the keeper of any such house, to answer the charge of keeping the same.

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

8. Three or more persons shall not stand together in a group, or near each other on or near any sidewalk or crossing of any Street in the said Parish of Portland, in such a manner as to obstruct a free passage for foot passengers, or after being requested to move on by a Magistrate, policeman or other peace officer of the said Parish, under a penalty not exceeding eight dollars for every offence, to be recovered in like manner as any penalties imposed under Chapter twelve of eleventh Victoria.

9. Every person who shall within the said Parish cast or throw, or cause or permit to be cast or thrown into or upon any highway, public street, place, alley, or thoroughfare, any dirt, litter, or rubbish, or any slops, wash, foul or dirty water of any description, or cause or permit such water to



to fall, flow or ooze into or upon such highway, street, place, alley, thoroughfare, or any part thereof, shall for each offence be liable to a penalty of not more than eight dollars, to be paid by the party offending, or the owner or occupier of the premises from which the same may have been cast, thrown, or permitted to fall, flow, or ooze as aforesaid, and be recovered and applied in like manner as any penalties imposed by Chapter twelve of eleventh Victoria.

10. Every person who shall put or deposit, or cause to be put or deposited in or upon any highway, public street, place, or thoroughfare, or in or upon any lane or alley within the said Parish of Portland, or within the Parishes of Simonds or Lancaster, any timber or lumber of any kind, or any goods, wares, or merchandize, or any crate, box, barrel, hogshead, bale, or other incumbrance or obstruction of any kind or description whatever, shall be liable to a penalty of not more than eight dollars for each offence, and a further penalty of not more than five dollars for every twenty four hours that he shall cause or allow any such incumbrance or obstruction to be and remain as aforesaid, after the imposition of the first penalty as aforesaid; the said penalties to be recovered before the said Police Magistrate as in the last Section mentioned, and applied as other penalties of a similar nature are by Law applied in any of the said Parishes in which the offence may be committed.

11. Any person found removing a horse or horses or other animal from, and leaving any sled, sleigh, waggon, or cart or other vehicle in or upon any highway, street, place, thoroughfare, alley, road or bye road within the said Parish of Portland, so as in any manner to obstruct the same, may be arrested by any policeman or peace officer of the said Parish, and brought before the said Police Magistrate, and summarily fined in the same manner as in the last two Sections mentioned.

12. If any person shall wilfully destroy, mutilate, injure or remove any tomb, monument, grave stone, fence, railing, or other structure, or any tree, plant or shrub in any Cemetery or burial ground in the said Parish, or disturb any persons assembled therein for the purpose of interring any corpse, or commit any nuisance, or be guilty of any of the offences mentioned in the thirteenth Section of the twelfth

Chapter of eleventh Victoria, within such Cemetery or burial ground, he shall be liable to the like penalty as in the said thirteenth Section is imposed for such offences, to be recovered and applied in like manner.

13. The said Police Magistrate of the said Parish of Portland, sitting at the Police Office in the said Parish, shall, in addition to his jurisdiction as a Justice of the Peace under the provisions of Chapter one hundred and thirty seven of the Revised Statutes, Title thirty seven, have civil jurisdiction in the said Parish, and in the Parishes of Lancaster and Simonds, as follows:—First, in all actions specified in said Chapter one hundred and thirty seven; second, in actions for any kind of debt when the sum demanded does not exceed sixty dollars; and third, in actions of tort to real or personal property, when the damages claimed do not exceed sixteen dollars; all proceedings under this Section shall be had and taken in every respect under the provisions of said Chapter one hundred and thirty seven, or any amendments thereof; and any person desiring to take proceedings under this Section may abandon a portion of his debt, and reduce the amount claimed by him, so as to bring his demand within the jurisdiction hereby created.

14. The fees to be taxed or taken for only the said Police Magistrate, and any constable, witness or juror in such civil actions, shall be the same as provided by the said last mentioned Chapter, except that when the action shall be for a larger amount than thirty dollars, the said Police Magistrate and constable shall be entitled to take and receive double the amount of fees allowed by the said Chapter; provided only that no constable shall receive a higher rate of poundage on any execution levied by him under this Act, than is allowed in and by the said Chapter one hundred and thirty seven.

15. No Police Magistrate appointed for the Police District of the European and North American Railway, under the eleventh Section of the eighteenth Chapter of the twenty first Victoria, shall have any jurisdiction in civil causes, in any of the Counties in which such District lies, or elsewhere, save and except such as may be expressly given to him under and by virtue of the said Act or any Acts in amendment thereof; and no Justice of the Peace shall have any such

jurisdiction in any County for which he may have been or may hereafter be appointed, unless he reside in such County; and any proceedings taken or had before any such Justice, while his usual place of residence shall be out of the County for which he is appointed, shall be absolutely null and void.

*A.—Execution.*

To any Policeman or Constable of the Parish of Portland, in the City and County of Saint John.

Levy and sell of the goods and chattels of A. B. within the City and County of Saint John, the sum of        which has been assessed upon him for his rates and taxes in and for the said Parish for the current year, (*or as the case may be*) and also        for costs of execution and levying, the whole being       , and have that money at my office on the day of       , [*not less than ten nor more than thirty days from the date of the Execution*]; and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the keeper of the gaol of the City and County of Saint John, who is hereby required to receive him, and keep him safely        days, unless the same with costs be sooner paid; and make return hereof at the day and place aforesaid.—Dated this        day of        A. D. 18

C. D., Receiver of Taxes.

CAP. IV.

An Act relating to Steam Navigation in this Province.

| Section.  | Section.   |
|---|--|
| 1. Inspectors, how appointed; Salaries.   | 13. Sea-going Steamers to carry Life Preservers; number to each.                             |
| 2. Inspectors to be sworn.  | 14. River Steamers to carry Life Preservers; number to each.                                 |
| 3. Surveyors, how appointed; to be sworn; their duties.                                 | 15. Life Preservers, how made and where placed.  |
| 4. Remuneration to Surveyors.   | 16. River Steamers to carry boats.   |
| 5. Examiners, how appointed.  | 17. Steamers to be provided with fire buckets; also Steam and Water gauges and pumps.        |
| 6. Persons before acting as Engineers to be examined; Examiners to grant Certificate.   | 18. Steamers plying in the night to carry Lights; Penalty.                                   |
| 7. Fees to Examiners for granting Certificates.   | 19. Passenger Steamers to have good gangways; Penalty.                                       |
| 8. In case of negligence or misconduct License may be revoked.                          | 20. Inspector to direct the weight of Steam on each Boiler; such directions to be posted up. |
| 9. Witnesses may be examined under oath.  | 21. Steam not to exceed 90 pounds the square inch.   |
| 10. After first July next none to act as Engineers without Certificate.                 | 22. Master, owner, or Engineer increasing weight of Steam allowed; Penalty.                  |
| 11. Master or owner not to employ Engineer without Certificate; Penalty; Proviso.       |  |
| 12. Sea-going Steamers to have sufficient number of good boats: number to each Steamer. |  |

| Section.  | Section.  |
|---|---|
| 23. River Steamers to have a lock up safety valve.  | 33. Owners permitting Vessels to navigate contrary to provisions of Act; Penalty.                         |
| 24. Inspector to examine Steamers and direct what alterations or repairs to be made.  | 34. Master, &c., navigating Vessel contrary to provisions of Act; Penalty.                                |
| 25. License; when not to be granted; Proviso.   | 35. Steamer leaving any port in this Province for any other port, contrary to provisions of Act; Penalty. |
| 26. Refusal of Engineer, &c., to answer questions from Inspector, or false answering; Penalty.  | 36. Master or owner to report to Inspector within 12 hours after arrival.                                 |
| 27. Expenses connected with inspection of Engine to be paid by owners.  | 37. On report of Engineer that further navigation is unsafe, Vessel to be brought to anchor.              |
| 28. When Inspector may grant Certificate.   | 38. Passengers to be supplied with good food, &c., and in case of detention money to be refunded.         |
| 29. If Inspector refuses Certificate, to state his reasons in writing.  | 39. Decked sailing Vessels to keep during the night a signal light at mast head.                          |
| 30. If decision of Inspector not satisfactory, person may appeal.   | 40. Definition of "night."  |
| 31. Inspector guilty of neglect; Penalty.   | 41. Penalties, how recovered.   |
| 32. Inspector to keep a record of Steamers examined by him with the dates, &c., and report annually; in case of Engine, &c. being injured, Inspector to report immediately. | 42. Appointments heretofore made to be good.  |
|   | 43. Application of Act.   |
|   | 44. Act 27 Vic., repealed.  |

*Passed 8th June, 1865.*

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

1. The Lieutenant Governor in Council is hereby authorized to appoint one Inspector of Steamboats, residing in the City of Saint John, and such other Inspectors of Steamboats as may from time to time be found necessary in other parts of the Province. The salary of the Inspector residing at Saint John shall not exceed eight hundred dollars per annum, including travelling expenses; and the salary of such other Inspectors shall be fixed by the Lieutenant Governor in Council; such salaries shall be paid quarterly by Warrant on the Provincial Treasurer.

2. Every Inspector, before entering upon the duties of his office, shall take and subscribe an oath before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties assigned to him by this Act.

3. The Governor in Council may appoint, from time to time, in any port or place in this Province, three persons acquainted with ship building, qualified and competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hull of any Steamboat employed in the carriage of passengers, and of her fitness for the route on which she may be placed, without peril to life from any im-

perfection, or from age or use; which persons, or any two of them, (being sworn to the faithful discharge of their duties) shall make a survey of any Steamboat on the request of the Inspector of Steamboats for the port or place where she is so inspected, and shall furnish such Inspector with their report, in writing, of such inspection, stating the age, character and condition of such Steamboat.

4.<sup>4</sup> The remuneration for such inspection shall be twelve dollars, to be divided between the persons to be appointed under the second Section of this Act, and making such inspection; and shall be paid by the owner or master of such Steamboat before the inspection shall be complete.

5. The Governor in Council may 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 form a Board for the examination of Engineers of Steamboats plying within the Province, and shall establish a classification of Engineers, and determine the description of vessel to which each class is adapted.

6. Any person claiming to be qualified to perform the duties of an engineer in any Steamboat carrying passengers, shall apply for a certificate to the Board of Examiners, any two of whom (the Inspector being one) shall examine the applicant, and the proof that he may produce in support of his claim; and if upon consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer, are such as to justify the belief that he is a proper person to be entrusted with such powers, they shall grant him a certificate to that effect for one year, under their hands according to the Form (A) in the Schedule to this Act; and the said certificate, subject to the above conditions, shall be renewed yearly, or when applied for.

7. Every engineer licensed as hereinbefore provided, shall pay for the first certificate eight dollars, and for every renewal, one dollar; such sum to be paid to the Examiners.

8. The license of any engineer may be revoked by the said Board, on proof of negligence, unskilfulness, or drunkenness; and if after notice of such revocation, any person shall act as an engineer without having obtained a new certificate,

he shall be liable to a penalty of ten dollars for every day he shall so act.

9. The said Board shall have power to examine any witnesses under oath relative to the performance of their duties by such engineers, or as to the cause of any accident on board any Steamboat where such engineer may be employed.

10. From and after the first day of July next, no person shall act as an 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 certificate as hereinbefore provided.

11. If any master or owner of any Steamboat shall, after the said first day of July next, employ any person as an engineer, or allow any person to act as such on board of any such Steamboat, until he shall have obtained the certificate prescribed by this Act, he shall be 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 of any such Steamboat, without obtaining such certificate, shall be liable to a penalty of ten dollars for each and every day he shall so act; provided that nothing herein contained shall render any master, owner, engineer, or other person, liable to any of the penalties under this Section, where it becomes necessary during a voyage to employ any person to act temporarily as the engineer of a Steamboat in consequence of the death, sickness, or inability of the engineer from other causes, to discharge his duties.

12. No Steamboat shall depart by sea from any port or place within the Province, with passengers, without having on board or attached to such boat, good, suitable and sufficient boats, in good condition, properly equipped, as follows:—For every Steamer of the registered tonnage of two hundred tons, and upwards, not less than four boats; and for every Steamer of the registered tonnage of less than two hundred tons, not less than three boats; every such boat to be provided with not less than six oars, and other necessary tackle, and to be of sufficient capacity to carry not less than twelve adult persons, exclusive of the crews, and shall be of not less than seventeen feet length of keel; also one good and sufficient life boat made of metal or of wood, with

air tight metallic compartments at the ends and sides, according to the directions of the Inspector, capable of sustaining inside and outside fifty persons, with life lines attached to the gunwale at suitable distances.

13. Every sea-going Steamer of the registered tonnage of two hundred tons and upwards, shall be provided with not less than one hundred life preservers; and such Steamers of the registered tonnage of less than two hundred tons, with one life preserver for every five tons register.

14. Every Steamer for River or Inland navigation, of the registered tonnage of two hundred tons and upwards, shall be provided with not less than twenty life preservers; and such Steamers of less than two hundred tons register, with not less than ten life preservers.

15. All such life preservers shall be made of suitable material, and be approved by the Inspector, and shall at all times be kept in convenient and accessible places in such vessels, and in readiness for the use of passengers.

16. Every Steamboat which shall be used in the navigation of Rivers, or Inland navigation only, shall carry not less than two good boats, provided with four oars each, and of sufficient capacity to carry not less than twelve persons with safety, besides the crew, except Steamboats confined to the navigation of the River Saint John above Fredericton, which shall carry one good boat of the like size, and provided as aforesaid.

17. Every Steamboat, whether for Sea or River navigation, shall be provided with and have on board in some convenient place, not less than twenty four sufficient fire buckets of wood or leather, three axes, and six good and sufficient lanterns; also a suitable number of gauge cocks properly inserted in the boilers of the respective Steamboats, and a suitable water gauge and steam gauge indicating the height of the water, and the pressure of the steam therein, as the Inspector may direct; and also one double acting force pump, with chambers of such size as the Inspector may direct, according to the size and route of the Steamer, to be worked by steam, if steam can be employed, otherwise by hand, and to have a suitable well fitted hose of at least the length of the vessel, according to the direction of the Inspector, kept at all times in perfect order and ready for

immediate use, which shall be supplied with water by a pipe connected therewith, and passing through the side of the vessel so low as to be at all times in the water when she is so afloat.

18. Every Steamboat plying within any of the Harbours, Waters, Bays, and Rivers of this Province, and coming to any port or place within the same, shall carry during the night at the mast head of such Steamboat, or upon a staff to be erected over the wheel house, not less than ten feet high above the upper deck, and also under the bow of such boat, a clear and distinct white light; and Steam Tugboats shall carry a red light at the mast head; which lights shall be so kept until alongside of the wharf, on coming into the port or place of destination, under the penalty of one hundred dollars for each and every neglect, to be paid by the owner or master of such boat or vessel.

19. Every Steamboat carrying passengers shall be provided with a good and convenient gangway, not less than two and a half feet wide, with a good hand rail on each side thereof, suitable for embarking and landing of passengers at all times of tide, such gangway to be separate and distinct from that used for landing or loading cargo, and to be firmly secured to the vessel and wharf or landing place; and in all cases when the landing or embarking of the passengers takes place during the night, a good light shall be placed at each end of such gangway, and (in case of landing) kept there for not less than one hour after the arrival at the wharf or place of landing, or until the landing is finished, under the penalty of eight dollars for each and every neglect or breach of duty, to be paid by the owner or master of such Steamboat or vessel.

20. The Inspector of each port or place, appointed under the provisions of this Act, shall regulate and direct the weight to the square inch of the boilers of each Steamer belonging to or steaming from the port or place for which he is such Inspector, subjecting them to a hydrostatic pressure, and shall certify such regulations and directions in writing to the master or owner of such Steamer, who, as also the engineer thereof, shall be governed thereby; and it shall be the duty of such owner or master to cause a printed copy of such directions to be posted up, and kept posted up, in some



conspicuous part of the Steamboat, during the season to which such inspection shall apply.

21. The owner or master of every Steamer shall at the time of each and every inspection or examination of the boilers thereof, state in writing to the Inspector the amount of pressure which he is willing the boilers shall be subjected to; and the Inspector shall not in any case authorize a greater weight to the square inch of any boiler than two thirds of the amount of pressure such boilers shall have sustained during the inspection; provided always, that the working pressure upon any boilers so authorized by the Inspector shall in no case exceed ninety pounds to the square inch.

22. If any such master, owner, or engineer, after the Inspector shall have so certified as in the last preceding Section directed, shall act contrary to the said regulations, by putting a greater weight upon the boilers than allowed thereby, such master or owner and engineer shall respectively be subject and liable to a penalty not exceeding two hundred dollars for each and every breach of such regulations.

23. Every Steamboat plying on the rivers, bays and harbours within this Province, shall have a lock-up safety escape valve, subject to the approval of the Inspector; and it shall be the duty of the Inspector to establish the pressure, lock up the said safety valve and place the key thereof in the hands of the master of such Steamboat, who shall be responsible for the safe keeping of the same.

24. The Inspector at each port or place shall annually between the first day of April and the first day of June, and at such other times as he may judge necessary, go on board any Steamer used for carrying passengers belonging to or steaming from such port or place, and examine the hull, boilers, machinery, boats and other parts and appurtenances of such Steamer, and shall satisfy himself that every such Steamer is safe and suitable for the service in which she is employed, that she has suitable accommodation for her crew and passengers, and that all the requirements of this law in regard to boats, boilers, machinery, protection against fire, life preservers, and other things, are faithfully complied with; and if he deem it expedient, he may direct the vessel to be put in motion, and may adopt any other suitable means

to test her sufficiency and equipments; and if he shall discover any defects, he shall immediately notify the master or owner thereof in writing, stating what repairs, alterations, or additions are required, and directing the same to be made.

25. No license shall be granted to any Steamboat if any combustible material liable to take fire from heated iron, or any other heat generated on board such vessel, in and about the boilers, pipes, and machinery, shall be placed at less than twelve inches distant from such heated metal, or other substance likely to cause ignition, unless a column of air or water intervene between such heated surface and any wood or other combustible material so exposed, sufficient at all times to prevent ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventative, be shielded by some incombustible material in such manner as to allow the air to circulate freely between such material and the wood; provided, however, that when the structure of any steamer is such, or the arrangements of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice be complied with, the Inspectors may allow deviations therefrom, if in their judgment it can be done with safety.

26. Any Inspector may at all times when inspecting or examining the hull, boiler or machinery of any Steamboat, ask of any of the owners, officers or engineers of such vessel, or the person in charge or appearing to be in charge of the same, or of the machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit, and every such person shall fully and truly answer every such question so put to him, to the best of his knowledge and ability; and every person refusing to answer, or falsely answering any such question, or preventing any such inspection, or obstructing any such Inspector in the same, shall by so doing incur a penalty of twenty dollars.

27. Where an inspection is not made at the port or place where the Inspector resides, the expense of transporting the testing apparatus to and from the place of inspection shall be paid by the owner of the Steamboat inspected.

28. When the inspection is completed, and the Inspector approves of any Steamboat, and her machinery and equip-

ments, he shall grant a Certificate in duplicate, according to the Form (B) in the Schedule hereto; one of which shall be filed by him in the office of the Treasurer or Deputy Treasurer of the port or place where such examination may be made, and the other shall be delivered to the master or owner of such Steamboat, and shall be posted up in some conspicuous part thereof, together with a copy of this Act, and shall be kept so posted up during the season.

29. In case the Inspector refuses a certificate, he shall, if required by the master or owner of the Steamboat, state in writing under his hand the reason for such refusal.

30. Any person who feels himself aggrieved by any order, decision or act of any Inspector, Examiner, or person authorized to make any examination, survey, or report, under the provisions of this Act, may appeal to the Governor in Council, who may confirm, modify or disallow such order, decision, or act, or may direct a further examination, enquiry or survey by competent persons to be appointed for that purpose.

31. If any Inspector shall be guilty of any neglect of duty required of him under the provisions of this Act, or shall wilfully certify falsely touching any such Steamboat, or her boilers, engines, machinery, pumps, boats, or any of her equipments, or any other matter or thing contained in any certificate, he shall on conviction thereof be fined in a sum not exceeding four hundred dollars, or imprisoned for a period not exceeding twelve months, or both, in the discretion of the Court before whom convicted.

32. Every Inspector shall keep a book containing a record of every Steamboat inspection made by him during the year, with the dates thereof, the names of such steamers, and of the masters and owners thereof; the certificates granted and refused, and the grounds of refusal; also the names of all engineers to whom licenses have been granted, and the dates and classes thereof respectively, and the names of any engineers whose licenses have been cancelled, and the dates and cause thereof; together with all his other official acts; and shall, on or before the thirty first day of December in each year, make a report thereof to the Lieutenant Governor, to be laid before the Legislature. If from any cause any Steamboat, or the boiler or machinery thereof, shall be in any material degree weakened or injured in the opinion

of any Inspector, he shall immediately report the same to the Provincial Secretary, and the Governor in Council may direct an investigation thereof to be made, and pay the necessary expenses of such investigation.

33. If the owner of any Steamboat shall permit such boat to navigate in any of the waters of this Province with passengers, or to depart from any port or place in this Province with passengers, without all the provisions and requirements of this Act being fully complied with, he shall forfeit and pay for every breach or dereliction of duty for which a penalty is not hereinbefore imposed, a sum not exceeding eighty dollars.

34. If the master or officer in charge of any such Steamboat shall navigate or depart from any port or place in this Province in such vessel, without all the provisions of this Act being complied with, he shall forfeit and pay a sum not exceeding forty dollars for every offence, in addition to the penalty imposed upon the owner.

35. If any Steamboat intended for the carriage of passengers shall depart from any port or place in this Province, on a voyage to any other port or place in or out of this Province, without having first procured from the Inspector of Steamboats the requisite certificate of such boat being in all respects provided as is required by this Act, the master or owner thereof shall for each and every such neglect forfeit and pay a fine of not less than two hundred dollars in the discretion of the Court before whom prosecuted.

36. The master or owner of any Steamboat used for carrying passengers, or the person in charge thereof, shall within twelve hours after her arrival at any port or place where an Inspector may reside, report to such Inspector the occurrence of any event whereby such Steamer, or the boiler or machinery thereof, or any part of the same is in any material degree injured, strained, or weakened; and in case of omission to give such notice, such master or owner shall be liable to a penalty of twenty dollars for every day during which such omission continues.

37. When the engineer of any Steamer navigating rivers only, shall be of opinion that from any disarrangement of the machinery of the boat, the further navigation of the vessel is unsafe, such vessel shall be brought to anchor or

moored as soon as may prudently be done ; and if the person in command, after being so notified by such engineer, shall pursue such voyage, he and the owners of such Steamer shall be answerable for any damages which may arise to the person of any passenger, or his freight or baggage on board of such Steamer, in consequence of pursuing such voyage contrary to such notice ; and no degree of care or diligence shall, in such case, be held to justify or excuse the person in command, or the owner or owners.

38. In all cases of an express or implied undertaking to transmit passengers from place to place by Steamboats, and to supply them with food or lodging, if suitable provision be not made for a supply of good and wholesome food and water, and of suitable lodging for such passengers, or if ships, vessels, woodboats, rafts or other craft impeding the progress of such Steamboat, are taken in tow without seasonable notice to the passengers before the voyage is commenced, in all such cases the owner or master of such Steamboat shall be liable to refund all the money paid for the passage, and to pay also the damages sustained by such default or delay ; and any passenger may in any such case refuse to pay his or her passage money ; but nothing in this Section shall apply where vessels or crafts are found in distress, or to prevent relief being afforded by Steamboats in such cases.

39. All decked sailing vessels, and all rafts plying, sailing, floating or lying on the River Saint John below Fredericton, while so sailing, plying, floating, or lying at anchor, during the night season, shall in case of sailing vessels keep a good signal light at the mast head ; and on rafts, on a pole or mast not less than ten feet high above such raft, and on some conspicuous part thereof, under the penalty of twenty dollars for each and every neglect, to be paid by the master, owner, or person in charge of such vessel or raft, as the case may be ; but this Section shall not apply to rafts while being made up, and fastened to the shore, so as not to interfere with the navigation of the river.

40. For the purposes of this Act, the night shall be deemed to extend from one hour after sunset till one hour before sunrise, at all seasons of the year.

41. All penalties and forfeitures imposed by this Act, not exceeding the sum of forty dollars, may be sued for and

recovered by summary proceeding with costs of suit, on the complaint of the Inspector, or any person who shall prosecute for the same, before two Justices of the Peace in the County where the offence shall have been committed, or the cause of complaint shall have arisen, or in which the party complained of shall be ; or before the Police Magistrate at Saint John or Portland, for any offence against or liability incurred under this Act, by the owner, master, or engineer of any boat plying on the River Saint John, or to or from any place in the City and County of Saint John ; and the proceedings therein shall be regulated by any Act of Assembly now or hereafter to be in force, regulating summary proceedings before Justices of the Peace out of Sessions ; all penalties above forty dollars shall and may be prosecuted and recovered with costs in any Court of Record in this Province by bill, plaint, or information, at the suit of Her Majesty's Attorney or Solicitor General, or any person who may prosecute for the same ; and all such penalties shall, after payment of expenses, be paid into the Province Treasury, as part of the Revenue of the Province.

42. All appointments of Inspectors or other Officers made under the Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to Steam Navigation in this Province*, or any Act in amendment thereof, and all warrants, certificates or licenses issued or granted under the provisions of the said Act or any Act in amendment thereof, shall remain and continue in force until other appointments are made, or other certificates or licenses are granted under this Act.

43. This Act shall not apply to Steamers belonging to Her Majesty the Queen, nor to Steamers registered in Great Britain or Ireland, Canada, Nova Scotia, Newfoundland, Prince Edward Island, or in any Foreign Country, and plying between any port in this Province, and any port or place outside of this Province.

44. The Act made and passed in the twenty seventh year of Her Majesty's Reign, intituled *An Act in addition to an Act relating to Steam Navigation in this Province*, is hereby repealed.

## SCHEDULE OF FORMS.

(A)

*Engineer's Certificate.*

Class —

We, the undersigned Examiners for the Port of , do hereby certify that of , in the County of , was duly examined by us, according to the directions of the Act of Assembly relating to Steam Navigation; and we being satisfied of his fitness to act as an Engineer of the (first) class on board of [state whether a Sea-going or River Steamer,] do hereby license the said to act as such Engineer for the term of one year from this date, subject to the conditions of the said Act.

Dated at , in the Province of New Brunswick, the day of , A. D. 186

} *Examiners.*

(B)

*Inspector's Certificate.*

Having inspected the Steamer , of , whereof owner, and is master, built at , in the year one thousand eight hundred and , I do certify that all the requirements of the Law have been complied with to fit her for a Passenger Steamer plying on the waters of the (*Bay or River as the case may be,*) between and , and that her hull was surveyed on the day of , 186 , by the Inspectors of Hulls, and approved for the route on which she is placed; that her boiler has been subjected to a hydrostatic pressure of pounds to the square inch; that the maximum working pressure allowed is pounds to the square inch; and that the boiler is provided with a lock-up safety escape valve, steam and water gauges, and the requisite number of gauge cocks; and I further certify, that her equipment in other things is in conformity with the provisions of the Act relating to Steam Navigation in this Province. The said Steamer is only to run (for the carriage of Passengers) upon the waters above specified.

Dated at , in the Province of New Brunswick, the day of , 186

This Certificate expires on the }  
day of , 186 . }

*Inspector.*

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CAP. V.

An Act to amend the Act relating to the Naturalization of Aliens.

*Passed 8th June, 1865.*

WHEREAS in order to prevent misconception as to the effect of the Act of Assembly made and passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act relating to the Naturalization of Aliens*, it is deemed advisable that Certificates of Naturalization granted under the said Act should bear on their face an unequivocal announcement of their purely local character ;

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Certificate to be transmitted by the Judge before whom the oath is taken and subscribed under the said Act, shall be in the following form, viz :—

I, C. D., Her Majesty's Chief Justice (*or one of Her Majesty's Judges, as the case may be*) of the Supreme Court of Judicature of the Province of New Brunswick, do certify, that on the       day of       in the year of our Lord one thousand eight hundred and       , between the hours of nine and twelve in the forenoon, in open Court at Fredericton, (*or at the Circuit Court of Nisi Prius,*) holden at in and for the City and County of Saint John, (*or in and for the County of       as the case may be*) came and appeared A. B. of [*insert the name, residence and occupation of the Alien*], and took and subscribed the oath required by the Act of Assembly 24th Victoria, Chapter 54, intituled *An Act relating to the Naturalization of Aliens*, whereby the said A. B. has become entitled to have and enjoy within the said Province, all the privileges of a natural born subject of Her Majesty.

C. D.

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CAP. VI.

An Act relating to Marriage and Divorce.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That all Affidavits and Oaths to be taken and administered in any matter now or that hereafter may be pending in the Court of Divorce and Matrimonial Causes, as also in all suits and proceedings for Divorce



or nullity of Marriage pending in the Court of Governor and Council, (in which evidence has been taken and examined prior to the ninth day of April, A. D. 1860,) may be taken and administered by any Commissioner for taking Affidavits to be read in the Supreme Court.

## CAP. VII.

An Act to provide for the expenses of the Legislature.

Section.

1. Allowance paid to President of Legislative Council.
2. To Members of Legislative Council.
3. To Speaker of Assembly.

Section.

4. To Members of Assembly.
5. Travelling Expenses.
6. Amounts, how paid.
7. Limitation of Act.

*Passed 8th June, 1865.*

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

1. That there be allowed and paid out of the Treasury of the Province, to the President of the Legislative Council, the sum of six hundred dollars for the present Session and for each and every future Session of the General Assembly.

2. That there be allowed and paid out of the said Treasury, to each and every Member of the Legislative Council, for defraying the expenses of attending in General Assembly, the sum of four dollars for each and every day such Member may attend in General Assembly; such attendance to be certified by the President thereof.

3. That there be allowed and paid out of the said Treasury, to the Speaker of the House of Assembly, the sum of six hundred dollars for the present Session and for each and every future Session of the General Assembly.

4. That there be allowed and paid out of the said Treasury, to each and every Member of the House of Assembly, for defraying the expenses of attending in General Assembly, the sum of four dollars for each and every day such Member may attend in General Assembly; such attendance to be certified by the Speaker.

5. That for defraying the travelling charges of the Members of the Legislative Council, and also of the House of Assembly, there be allowed and paid out of the said Treasury the sum of four dollars per diem to each and every Member, allowing twenty miles for each day's travel; such travel to be computed from the residence of such Member to the City

of Fredericton by the most direct mail route, to be certified by the President of the Legislative Council for the Members of the Legislative Council, and by the Speaker of the House of Assembly for the Members of the House of Assembly.

6. That the several sums of money hereinbefore mentioned shall be paid by the Treasurer, by Warrant or Warrants of the Lieutenant Governor in Council, out of any moneys now in the Treasury, or as payments may be made at the same.

7. That this Act shall continue and be in force during the continuance of the present General Assembly, and no longer.

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#### CAP. VIII.

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 8th June, 1865.*

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 seventeen thousand three hundred and thirty six 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, Usher of the Supreme Court and Equity Court 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 thousand dollars, to meet any deficiency of Revenue in the Post Office Department.

A sum not exceeding thirteen thousand two 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 thirty thousand dollars, to meet the expenses of 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 six thousand dollars, to meet unforeseen expenses during the current year.

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.

## CAP. IX.

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.

*Passed 8th June, 1865.*

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 twenty eight thousand two hundred dollars, to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and extension of the Public Buildings, and 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 a receipt in writing of the several and respective persons to whom any part of the said

money shall be paid, as vouchers for such payment, and render an account thereof, in duplicate, upon oath; which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in their respective Counties, for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges 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. X.

An Act to provide for the payment of Debentures issued under an Act relating to the Savings Bank and other Provincial Liabilities, and the Act in amendment thereto.

##### Section.

1. Governor in Council authorized to issue Debentures.
2. To prescribe form, amount, &c., and time and mode of redemption.

##### Section.

3. Proceeds of Debentures, how disposed of.
4. Revenue pledged for redemption.
5. What Debentures to be cancelled.

*Passed 8th June, 1865.*

WHEREAS Provincial Debentures to the amount of five hundred thousand dollars were issued under the authority of an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Savings Bank and other Provincial Liabilities*; and also of an Act in addition thereto, passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in addition to an Act relating to the Savings Bank and other Provincial Liabilities*: And whereas the same are about to become due and payable: And whereas it is necessary to make provision for the payment or redemption thereof;

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

1. The Governor in Council shall have power to issue Debentures for a sum not exceeding five hundred thousand

dollars, payable with interest semi-annually at a rate not exceeding six per centum per annum.

2. The Governor in Council shall prescribe the form, amount, terms and conditions, and mode of issuing the said Debentures, and regulate the time and mode of paying off, calling in, or redeeming the same, or any part thereof.

3. The said Debentures, or the proceeds arising from the sale or disposal thereof, shall be applied to the payment or redemption of the said Debentures so issued under the authority of the said in part recited Acts, and for no other purpose.

4. Subject to the payment of the Civil List and other existing liabilities, the faith and credit of the Province, and the Ordinary Revenues thereof, shall be and are hereby pledged to any and every holder of the said Debentures issued under the authority of this Act.

5. The Debentures issued under the said recited Acts and remaining unsold, shall be cancelled or destroyed before any Debentures shall be issued beyond the amount now actually outstanding in the hands of purchasers; evidence of such cancelling or destruction to be made appear to the satisfaction of the Governor and Council.

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### CAP. XI.

An Act in addition to the Act intituled *An Act to provide Funds for the construction of Railways.*

Section.

Section.

1. Debentures may be issued in currency or sterling.

2. Part of Act repealed.

*Passed 8th June, 1865.*

WHEREAS by an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to provide Funds for the construction of Railways*, it is provided that Certificates of Debt, to be called Debehtures, issued under the authority of said Act, shall be made payable in sterling money: And whereas it is desirable to authorize the Governor in Council to issue such Debentures in currency, when they deem it advantageous to the public interest so to do;—

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

1. That Debentures hereafter issued under the authority of the said recited Act, may be issued either in currency or

in sterling, and in such amounts as the Governor in Council may direct.

2. So much of the said recited Act as is inconsistent with this Act is hereby repealed.

## CAP. XII.

An Act in addition to the Act in aid of the construction of Railways.

### Section.

1. When Company formed, may enter upon Lands to make surveys, &c. Proviso.
2. Powers of Company.
3. Agreement with Guardian, Trustee, or Company, to be valid.

### Section.

4. Company may alter course of River, &c.
5. Company to keep up Fences.
6. Allowance to Jurors, &c.

*Passed 8th June, 1865.*

WHEREAS by an Act made and passed in the twenty seventh year of Her Majesty's Reign, intituled *An Act in aid of the construction of Railways*, the Governor in Council is authorized to consent and agree with any Company or body corporate possessing sufficient capital, for the construction of certain lines of Railway described in the first Section of the said Act: And whereas it is necessary to empower any Company or body corporate that may so agree, to enter upon private lands for the purpose of carrying on their works;

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

1. When and so soon as any agreement shall be entered into by any Company or body corporate for the construction of any of the said lines of Railway, or of any of the branches or extensions thereof, under and according to the provisions of the said recited Act, such Company or body corporate, by their agents, servants, and workmen, shall and may enter upon any lands of private persons for the purpose of making a survey of the line or route of such contemplated Railroad, and may cut down or remove, where necessary to the making of such survey, any trees or other obstructions on such lands; provided, however, that before entering on any land for the purpose mentioned in this Section, said Company or body corporate shall notify the owners or persons in possession of such lands, and shall carry out such purpose with as little injury as possible consistently with that object, and no cutting or removal shall be made without the written consent of the owner or person in possession of such lands, or paying



for the damages occasioned thereby, such damages to be settled and agreed upon by and between the said Company or body corporate and the owner or respective owners of such lands; and in case the said parties cannot agree, then it shall be lawful for the said Company or body corporate to apply to two of Her Majesty's Justices of the Peace for the County wherein the said lands may be situate, for a Warrant, which Warrant it shall be the duty of the said Justices to direct to the High Sheriff of the County, commanding said Sheriff to summon a jury of five disinterested freeholders or occupiers of land in the said County, at a certain time and place to be named in such Warrant, of which due notice shall be given to the owner or occupier of the land, which jury shall be sworn by any Justice of the Peace for the County, to examine the proposed line of such contemplated Railroad; and in case the said line shall pass through or extend upon any improved lands, and it shall be necessary in order to effect such survey to cut down or remove any trees or other obstructions, then the damages occasioned by such cutting down or removal shall be ascertained and assessed by such jury.

2. Any such Company or body corporate is hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of the said recited Act, and for that purpose they shall have the right to purchase, take and hold so much of the land or real estate of private persons or Corporations as may be necessary for the location, construction, and convenient operation of the said lines of Railway, or any of the branches or extensions thereof, and the Stations connected therewith; and they shall also have the right by their engineers, agents, servants, and workmen, to enter upon any such land with horses, cattle, carts, and other carriages, to take, remove, and use for the construction and repair of the said lines of Railway, or any of the branches or extensions thereof, any earth, gravel, stone, timber, trees, bushes, or other material, on or from the land so taken; and they shall have the right of ingress and egress into, upon, and from the adjoining lands, for the purpose of making any necessary repairs to any such Railroad, whenever the same may be necessary: provided, however, that the lands so to be taken

for any of the said lines of Railway shall not exceed six rods in width, except when greater width is necessary for excavation or embankment, and the quantity of land taken at each Station, except at the termini or junction of the Railways, shall not exceed five acres; and where the said lines of Railway, or any of the branches or extensions thereof, shall pass through any woodland or forest, the said Company or body corporate shall have the right to cut down and remove any trees standing thereon to the distance of four rods on either side of the said Railroad, which might be liable to obstruct or injure the same; and provided also, that in all such cases the said Company or body corporate shall, before entering upon or taking possession of any such land, pay for the said land and materials so to be taken, used, or appropriated, (in case the owners thereof demand it) such price as they and the owner or respective owners thereof may agree upon; and in case the said parties cannot agree, then the said Company or body corporate shall pay such damages as shall be ascertained and determined in the manner directed in and by the first Section of this Act, together with the cost of assessment; provided nevertheless, that the jury in assessing such damages shall take into consideration the benefit (if any) to the owner of such land by the construction of such Railway, in diminution of the damages, and the land so taken by the said Company or body corporate shall be held as lands taken and appropriated for highways.

3. If any such Company or body corporate shall take any lands of any body corporate, guardians, committees, executors, administrators, or other trustees, held for and on behalf of those whom they represent, whether Corporations, infants, idiots, lunatics, married women, or persons deceased, who are or shall be interested in the said lands, the respective contracts, agreements, and sales of such Corporations, guardians, committees, executors, administrators, or trustees, shall be valid and effectual to all intents and purposes, and their respective receipts shall be sufficient discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company or body corporate for the damages (if any) by reason of taking such land; and in case of disagreement, such damages to be ascertained and determined as provided by the first Section of this Act.

4. Any such Company or body corporate may alter the course of any river, stream, or water course, and may make or construct in, upon, across, under or over any land, streets, roads, valleys, rivers, streams, lakes, or other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, conduits, drains, piers, arches, or other works, as they may think proper, and may raise or sink the level of any such rivers, streams of water, roads, streets, or ways, in order to carry them over or under, on the level of, or by the side of any of the said lines of Railway, or the branches or extensions thereof, as they may think proper; provided, however, that the said Company or body corporate shall previously pay to the owner or owners of the land to be entered upon, taken or affected by any act to be done under the powers contained in this Section, such damages as may be agreed upon; and in case the said parties should not agree, then the said Company or body corporate shall pay such damages, together with the costs of assessing the same, as shall be ascertained and determined upon in the manner directed in and by the first Section of this Act.

5. Any such Company or body corporate shall erect and maintain legal and sufficient fences on each side of the land taken by them for any of the said lines of Railway, or the branches or extensions thereof, where the same shall pass through enclosed or improved lands; and for neglect to erect and maintain such fences, they 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 erect or repair the said fences, and such fine shall be expended in the erection or repair of such fence under the direction of a person appointed by such Court for that purpose; provided however, that such fences shall not be required at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

6. In all cases where a jury shall be summoned under any of the provisions of this Act, the said jury shall be allowed the sum of two dollars each for their services respectively for each time they shall be so summoned; the Justices shall be allowed the sum of fifty cents for the Warrant; and the Sheriff the sum of four dollars for summoning the jury and attending them at the enquiry; and the whole of the sum

necessary to bear such expenses shall be paid into the hands of the said Justices, by the party applying for such Warrant, previous to the issuing thereof.

### CAP. XIII.

#### An Act relating to Great Roads and Bridges.

##### Section.

1. Road from Grand Falls, through Parish of Saint Leonard, to the Canadian Line, to be a Great Road.
2. Fast driving on Suspension Bridge, Grand Falls; penalty.
3. Hauling logs, &c., improperly over Bridge; penalty.

##### Section.

4. Wilful injury to Bridges or highways; penalty.
5. When and by whom alterations may be made and old Roads stopped up.
6. Penalties, how recovered.

*Passed 8th June, 1865.*

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

1. That the Road crossing the Suspension Bridge at the Grand Falls, and thence to the Canadian line, through the Parish of Saint Leonard and the Madawaska Settlement, shall be one of the Great Roads of communication in this Province.

2. If any person shall ride or drive any horse or cattle over or upon the said bridge at a pace faster than a walk, such person shall be liable to a penalty of not less than two dollars nor more than four dollars for each and every offence.

3. If any person shall haul any timber, masts, spars, logs, or other lumber, upon, across or over the said Suspension Bridge, without having both ends of such timber, masts, spars, logs, or other lumber, raised upon or supported by a sled, cart, waggon, or other carriage, such person shall be liable to a penalty not less than twenty dollars and not exceeding forty dollars for each and every offence.

4. If any person shall wilfully deface, cut, break or otherwise injure any bridge on any highway in this Province, or any pier or abutment, cable or support connected therewith, such person shall be liable to a penalty of not less than five dollars nor more than forty dollars for every such offence.

5. On any alteration being made in any Great Road, pursuant to the provisions of the Revised Statutes, Title ix, Chapter 65, 'Of the Great Roads,' and the parts between the points of such alteration shall not be settled by the erection of dwelling houses, or when the same shall not cut off any proprietor from the road so altered, the Supervisors,

with the Commissioners of Highways of the Parish in which the road is situate, shall direct that the said old road between the said points shall be stopped up and enclosed by the proprietor or proprietors of the land between such points, after which the said old road shall cease to be a public highway; such old road shall not be closed up until the new road is in good condition for the use of the public.

6. The penalties imposed by this Act shall be recovered, with costs, before any Justice of the Peace of the County where the offence is committed, in the manner directed by the Revised Statutes, Title xxxvii, Chapter 138, 'Of Summary Convictions.'

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#### CAP. XIV.

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

*Passed 8th June, 1865.*

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

The Governor in Council is hereby authorized, by any orders or regulations to be from time to time made for that purpose, to allow letters relating to Naval or Military business, sent from or addressed to any Imperial Public Department in this Province, or from or to any officer in charge thereof, to be transmitted through the Post Office in this Province free of charge.

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#### CAP. XV.

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

Section.

1. Person arrested on Capias may lodge amount with constable as deposit.
2. Constable receiving deposit to make return to Justice.

Section.

3. If plaintiff recover judgment, deposit how disposed.
4. Justice to endorse fees on capias.

*Passed 8th June, 1865.*

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

1. When any person shall be arrested on a Capias issued by any Justice of the Peace, such person may, in addition to the modes of giving bail for his appearance as provided by Section 13 of Chapter 137, Title xxxvii, of the Revised

Statutes, pay into the hands of the constable arresting him the amount sworn and costs endorsed, together with the constable's fees.

2. The constable executing such *capias* shall, on receiving such deposit, forthwith make return to the Justice who issued the *capias*, and shall pay over the said deposit and costs to the Justice who issued the *capias*, and shall be dealt with in all respects in the same manner as a deposit made with a Justice under said Title xxxvii, Chapter 137.

3. If judgment should be recovered by the plaintiff, the amount of such deposit shall be applied to the payment thereof, and the surplus, if any, shall be returned to the defendant on demand; nothing herein contained shall be construed to prevent the defendant from defending the said action.

4. Every Justice of the Peace issuing a *capias* shall, before delivering the same to a constable, endorse the amount of the Justice's fees upon the said *capias*.

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#### CAP. XVI.

##### An Act relating to Municipalities.

###### Section.

1. Power of Council.

###### Section.

2. Coroners eligible to be elected Councillors.

*Passed 8th June, 1865.*

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

1. That the Council of any Municipality shall have power to make bye laws regulating the mode, manner and form of making out Accounts and claims against the same for any matter or thing upon which said Municipality may be liable to pay any sum of money for any purpose provided for by the Laws relating to Municipalities now or hereafter to be made, or by any Law of this Province, and to declare the time at which the said Accounts shall be filed with the Auditor, and to direct that the said Accounts or claims shall not be received for Audit unless such form is complied with.

2. Nothing in any Act of this Province relating to Municipalities shall be construed to prevent Coroners from being elected Councillors.

## CAP. XVII.

An Act to explain certain Sections of Chapters 67, 68, and 69, of Title x, of the Revised Statutes, 'Of Sewers.'

Section.

1. Appointments made by Governor in Council, valid.
2. In case of appeal against Assessment, Jury to be summoned.

Section.

3. Proprietors of Sunken Island Marsh not to be assessed by Special Commissioners of Marsh enclosed by the Etter Aboideau.

*Passed 8th June, 1865.*

WHEREAS by Chapters 68 and 69 of Title x, of the Revised Statutes, power is given for the owners of Marsh Land in certain portions and districts of the Parishes of Westmorland, Albert and Sackville respectively, to choose Commissioners for managing such land in such portions and districts, and doubts have arisen whether such power does not conflict with Section 12 of Chapter 67, of the said Revised Statutes, by which the Governor in Council is authorized to appoint Special Commissioners in cases where any Marsh Lands may lie in two or more Parishes, and in reclaiming, draining, or enclosing, which such two or more Parishes may be interested; and it is expedient to declare the law respecting the same;—

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

1. That all appointments heretofore made, or that hereafter may be made, in the Counties of Westmorland and Albert, by the Governor in Council under the said Section 12, of Chapter 67, are hereby declared to be good and valid to all intents and purposes.

2. That in case any proprietor of Marsh, Lake, or Bog, heretofore assessed by the Special Commissioners of Sewers, appointed to construct and superintend the Jolicour Canal in the Parishes of Sackville and Westmorland, and County of Westmorland, should object to the amount of such assessment as being greater than the proportion he ought to pay, such proprietor may at any time within three months after the passing of this Act, apply to a Justice of the Peace to summon a Jury of five disinterested freeholders, as is provided by 25th Victoria, Cap. 25, who shall arbitrate between the said Commissioners and such proprietor, and such sum as they may award, and no more, shall be levied and collected in the manner provided by the Laws relating to Commissioners of Sewers.

3. That this Act shall not authorize the Special Commissioners of Sewers appointed to construct and superintend the body of Marsh lying in the Parishes of Sackville and Westmorland, enclosed by the Etter Aboideau, to levy and collect any assessment heretofore made upon the proprietors of Sunken Island Marsh, for any benefit they may have received from any works constructed under the superintendence of such Commissioners.

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### CAP. XVIII.

An Act to extend the provisions of Chapter 69, Title x, of the Revised Statutes, 'Of Sewers,' to certain Marsh Lands in Sackville.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Section 10, of Chapter 69, Title x, of the Revised Statutes, 'Of Sewers,' shall be construed to extend to that body of Marsh situate in Sackville, above the Aboideau, known and distinguished as 'Frosty Hollow body of Marsh;' provided always, that any Commissioner elected under this Act shall not form one of the Board of Commissioners for the Parish of Sackville.

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### CAP. XIX.

An Act to amend the Revised Statutes, Title xxxiv, Chapter 126, 'Of Landlord and Tenant, and Replevin.'

Section.

1. Persons dissatisfied with judgment of Justice, may appeal to Judge of Supreme Court.
2. Justice refusing to make a return to Judge, attachment may issue against him.

Section.

3. When Judge may order discharge of Justice.
4. Upon return of proceedings, Judge to examine and determine.
5. Judge to award costs of review.
6. Sec. 25, Cap. 126, repealed.

*Passed 8th June, 1865.*

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

1. Where any tenant or other person interested in the premises considers himself aggrieved by the judgment of the Justices under the provisions of the twenty seventh Section of the Revised Statutes, Title xxxiv, Chapter 126, a Judge of the Supreme Court, on the application of such tenant or other person, upon sufficient cause shewn by affidavit, may make an order to remove such proceedings before him, and



such order shall suspend the execution of the judgment of the Justices in the mean time.

2. Should the Justices neglect or refuse to return the proceedings to the Judge within twenty days after such order shall have been served upon them, the said Judge, upon affidavit of such service, and on the application of either party, may order that an attachment do issue out of the Supreme Court against the Justices for such neglect.

3. If such attachment shall be executed, the Judge may order the Justices to be discharged upon their making a complete return of the proceedings, and paying the costs of obtaining and executing such attachment.

4. Upon return of the proceedings the said Judge shall examine into and determine the matter agreeably to justice, and in case he shall affirm the decision of the Justices, shall issue his Warrant to the Sheriff of the County in which the premises are situate, to deliver the possession to the landlord, and to levy for the costs, as well of the proceedings before the Justices, as of the review, in the same manner as if the said Justices had issued their Warrant under the said twenty seventh Section.

5. The Judge may award costs of review, to be taxed and recoverable by attachment in the same manner as on review from a Justice's Court under the provisions of Chapter 137 of the Revised Statutes.

6. The twenty eighth Section of the said Chapter 126 is hereby repealed.

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#### CAP. XX.

An Act for the preservation of Deer on the Island of Grand Manan.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That for and during the period of three years from and after the day of the passing of this Act, it shall not be lawful to kill or destroy any Deer on the Island of Grand Manan, in the County of Charlotte; and if any person shall take away, kill or destroy any such Deer within such period, he shall be liable to a penalty not exceeding twenty dollars, to be recovered with costs under the provisions of the one hundred and thirty eighth Chapter,

Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and to be appropriated one half thereof to the prosecutor, and the other half to the Overseers of the Poor of the Parish of Grand Manan, for the use of the Poor of the said Parish; and if such penalty and costs shall not be paid immediately on conviction, the Justice may commit the defendant to the common gaol of the said County, there to remain with or without hard labour for a period not to exceed three months, unless such penalty and costs shall be sooner paid.

### CAP. XXI.

#### An Act for the protection of Moose.

##### Section.

1. Time during which Moose shall not be killed; penalty.
2. Penalty for killing more than two, or leaving carcass to decay.
3. Persons having carcass or hides of any Moose within the time prohibited, to be liable; proviso.
4. Wardens and Deputies, how appointed; their duties.
5. Powers of General Sessions or Municipalities.

##### Section.

6. Penalties, how recovered.
7. Indians, when exempt from penalties.
8. Exportation of hides prohibited; hides when liable to seizure.
9. Wardens authorized to seize hides.
10. If owner of hides seized be not known, hides to be advertised, and if not claimed to be forfeited.
11. Provincial Secretary to lay returns of Wardens before Legislature yearly.

*Passed 8th June, 1865.*

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

1. No person shall hunt, take, kill, wound, or destroy any Moose from the first day of February to the first day of May, in any year, under a penalty of a sum not exceeding forty dollars for each and every offence; and any person may lawfully shoot or otherwise kill any dog found hunting Moose within the time or with the person herein prohibited.

2. No person shall kill more than two Moose during a period of twelve months, under a penalty of twelve dollars for each and every offence; and no person shall kill any Moose except for the purpose of using the flesh for food, or shall leave or abandon to decay the carcass of any Moose killed, under the penalty of twenty dollars for each and every offence.

3. If any person or persons shall have in his or their possession the carcass of a Moose, or any part thereof, or the hide thereof, and killed within the time specified in the first Section, such person or persons shall be deemed to have

hunted and killed the same contrary to this Act, and be liable to the penalties provided by the first Section of this Act; provided that any person or persons having in his or their possession more than two hides at any one time, shall be *prima facie* evidence of his having acquired the same contrary to this Act, and be liable to the penalties imposed in the second Section of this Act, but in either case such person so charged shall be admitted as a witness or witnesses to rebut such presumption.

4. The Governor in Council shall, for the purposes of this Act, appoint a Warden for each County in this Province, each of whom may appoint, in writing, one or more Deputies under him, and require of them suitable bonds for the faithful performance of their duties; and said Wardens and their Deputies in the several Counties shall faithfully enforce the provisions of this Act; each of the Deputies shall annually, on or before the first day of October in each year, render to his principal an account under oath of all penalties by him enforced for the preceding year, and shall pay to him one-tenth of the net proceeds thereof; each County Warden shall annually on the thirty first day of October in each year, render to the Provincial Secretary an account on oath of all the penalties enforced by himself, or returned to him by his Deputies, for the year ending on the first day of October; the penalty in neglecting so to do for a Warden shall be forty dollars, and for a Deputy twenty dollars, and the Warden shall immediately give notice to the Clerk of the Peace of the County for which such Warden was appointed, of every such neglect of his duty, and the Provincial Secretary shall give such Clerk of the Peace notice of any such neglect of the Warden; and the Clerk of the Peace shall proceed for every such neglect of which he has notice; in such prosecution the certificate of the Provincial Secretary shall be *prima facie* evidence of the fact of such neglect to make a return to him.

5. The General Sessions of the Peace of each County or Municipality in incorporated Counties, shall have power to appoint a Moose Warden for each Parish in the said respective Counties, who shall have concurrent jurisdiction with and the same powers and rights as the County Moose Wardens and his Deputies, and who shall make a like return to

the Provincial Secretary under a penalty of twenty dollars, to be proved and recovered in like manner; each of the said officers shall have the same authority to require aid in the execution of his office as Sheriffs and their Deputies have.

6. All penalties under this Act shall be sued for and recovered in the name of the County Warden, or their Deputies, or Parish Warden, agreeably to the provisions of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions;' and such officers may be competent witnesses on all such prosecutions; and the same, when recovered, shall be paid, three-fourths to the County Warden, or Deputy Warden, or Parish Warden, and the remainder to the County Treasurer of the County where the penalty was enforced; any person may prosecute for any of the acts herein forbidden, provided no such Warden or Deputy, within ten days after the offence is committed, prosecute therefor.

7. No Indian of the Micmac or Milicete Tribe shall be liable to the penalties hereof, while hunting Moose on his own account, and for his own use and sustenance, unaccompanied by any person herein forbidden, during the time prohibited in the first Section of this Act; provided that any such Indian shall not kill more than two Moose within the period named in the first Section of this Act.

8. The exportation or taking out of this Province of any Moose hides is hereby prohibited, and all Moose hides found in the possession of any person or persons shall be liable to be seized and forfeited as hereinafter mentioned, unless the party or parties claiming such hides shall produce a Certificate (A) of some one of Her Majesty's Justices of the Peace of the County, founded on the testimony and examination an oath of the party claiming the same, that the said Moose hides were not intended for exportation, or to be taken out of the Province, and that such party or parties had not killed the Moose from which the said hides were taken, contrary to the provisions of this Act, within the twelve months next preceding the date of such Certificate.

9. The County Warden, his Deputies, or Parish Warden, all Officers of the Revenue, Justices and Constables, and they and each of them are hereby authorized and empowered to seize all Moose hides found in the possession of any person contrary to the provisions of this Act, and shall forth-

with proceed before a Justice of the Peace residing near the place of seizure, for the forfeiture and condemnation of the same; such Justice is required to hear the parties, after giving the party from whom the said hides were taken six days notice of such hearing, in a summary way, and if satisfied that the Moose was killed contrary to the provisions of this Act, shall condemn the said hides, and order them to be sold, and the proceeds, after deducting the expenses of condemnation, shall be paid in the manner set forth in the sixth Section of this Act.

10. If the owner of any Moose hides seized be not known, then and in such case the Justice, on the application of the County Warden, his Deputies, or Parish Warden, shall cause the hides so seized to be advertised in two public places in his Parish for the space at least of ten days, and if no claim of ownership is made within the time named, the said Justice shall condemn and forfeit the said hides, and order a sale of the same, and the proceeds shall be appropriated, after deducting the expense of such condemnation and sale, in the manner aforesaid, and keep a record of such condemnation in a book to be kept for that purpose.

11. The Provincial Secretary shall in each year lay before the Legislature the returns made by the Wardens under the provisions of this Act.

12. That sub-Section seven, of Chapter 62, Title viii, of the Revised Statutes, 'Of the protection of Sheep and Moose,' and an Act made and passed in the twenty second year of the Reign of Queen Victoria, intituled *An Act to alter and amend Chapter 62, Title viii, of the Revised Statutes, 'Of the protection of Sheep and Moose,'* be and the same are hereby repealed.

#### SCHEDULE A.

I hereby certify, that A. B. of the Parish of \_\_\_\_\_, in the County of \_\_\_\_\_ and Province of New Brunswick, has produced to me one (*or two, as the case may be,*) Moose hides, and produced testimony to my satisfaction that such hides were not intended for exportation, and that said Moose was (*or were*) killed by him, and that he has not killed the Moose from which the hides were taken contrary to the provisions of the Act intituled *An Act for the protection of Moose.*—  
Dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 \_\_\_\_\_.

C. D. *Justice of the Peace.*

## CAP. XXII.

An Act to encourage the destruction of Bears in this Province.

## Section.

1. Bounty.
2. Warrants to issue to Clerks of the Peace; amount.
3. Persons claiming Bounty to produce skin; oath to be taken; before whom.

## Section.

4. On presentation of Affidavit and Certificate, Clerk to pay Bounty.
5. Clerk to make annual return under oath.
6. Clerks Peace when deemed debtors to the Province.
7. Limit of Act.

*Passed 8th June, 1865.*

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

1. That from and after the passing of this Act, a reward of fifteen shillings shall be paid to any inhabitant or inhabitants of this Province, for each and every Bear such inhabitant or inhabitants shall kill or destroy within the limits of the same.

2. It shall and may be lawful for His Excellency the Lieutenant Governor in Council, on application by any of the several Clerks of the Peace of the respective Counties in this Province, to issue his Warrant on the Treasurer of the Province, directing him, or any of his Deputies, to pay over to such Clerk of the Peace, out of any moneys in the hands of the said Treasurer or Deputy Treasurer, such sum of money not exceeding ten pounds at any one time, as to His Excellency in Council may seem meet, to be applied by such Clerk of the Peace and accounted for by him in manner hereinafter provided.

3. To entitle any person or persons to the reward of fifteen shillings for killing a Bear, as mentioned in the first Section of this Act, he or they shall bring the skin of the Bear for the killing of which the bounty is claimed, to any one of Her Majesty's Justices of the Peace residing in the vicinity, or near to the place where the said Bear has been killed, and shall take and subscribe the oath in the Schedule to this Act marked (A), which oath such Justice is authorized and required to administer without fee; and the said Justice is also authorized and required to cut off the nose of the Bear so killed, from the skin so produced before him, and burn or destroy the same; and the said Justice shall also certify under his hand at the foot or end of such affidavit, in the form in the Schedule to this Act marked (B), that he believes the statement made in the said affidavit to be true,

and that he has cut off and destroyed the said nose so produced, and shall then deliver the said affidavit and certificate to the deponent or deponents.

4. It shall and may be lawful for the several Clerks of the Peace in their respective Counties, and they are hereby required on presentation of any such affidavit or affidavits, with certificate or certificates as aforesaid, to any of them respectively, forthwith and without any fee, reward, deduction, or abatement whatsoever, to pay over to the deponent or deponents, or his or their order, out of the moneys in the hands of the said Clerks of the Peace, by virtue of the Warrant in the second Section of this Act mentioned, the sum of fifteen shillings for each and every Bear so proved to have been killed as aforesaid; for which the said deponent or deponents, or person receiving the same, shall thereupon give the Clerk of the Peace paying the same a receipt or acquittance.

5. It shall and may be lawful for the several and respective Clerks of the Peace, who may make application for and receive a Warrant or Warrants on the Treasury under the provisions of this Act, and they are hereby required on or before the first day of November in each and every year, to make up and transmit to the Office of the Secretary of the Province a statement in writing, signed by such Clerk of the Peace, and sworn to before any Justice of the Peace of this Province, who is hereby authorized to administer such oath, crediting the Province with the amount of moneys by him received by virtue of any such Warrant, and specifying by name the several parties to whom he may have paid bounties during the preceding year, and the amount paid to each, accompanied with the vouchers and receipts for the same; which schedule, vouchers, and receipts, shall be laid before the House of Assembly at its then next sitting.

6. That immediately on the receipt of the moneys in the Warrant or Warrants in their favour respectively specified, the said Clerks of the Peace shall be and be deemed and taken to be debtors to the Province in the amount of the same respectively, subject nevertheless to the provisions of this Act.

7. 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 seventy.

*Oath.*

C. D., J. P.

19. Liabilities of Company ; proviso.
20. Debts not to exceed twice amount of Capital paid in ; exceptions.
21. Dividends, when and how made.
22. Books, &c. subject to inspection of Directors.
23. Notes to be signed by President and countersigned by Cashier.
24. Bona fide holder of counterfeit or altered note to be paid.
25. Bank to be kept at Woodstock.
26. At Annual Meeting Directors to lay before Stockholders a statement of affairs of Bank.
27. No Loan to be made on pledge of Bank.
28. Committees appointed by Legislature to have free access to books and vaults.
29. What Stockholders can call a General Meeting.
30. When dissolution of Company occurs Directors to cause an immediate settlement.
31. Debts of Directors not to exceed one third of Stock ; Cashier not to become indebted to Company.



| Section.   | Section.                                       |
|--|--|
| 32. Cashier to make semi-annual returns in triplicate; Form of Return. | 36. Shares deemed personal estate.             |
| 33. On each discount day Cashier to furnish list of delinquents.       | 37. Shares may be taken in execution; proviso. |
| 34. What disqualifies a Director.                                      | 38. Capital Stock, how increased.              |
| 35. No note can be sued before default of payment takes place.         | 39. Additional shares, how sold.               |
|  | 40. Notice of sale to be given.                |
|  | 41. Additional shares, to what subject.        |

*Passed 8th June, 1865.*

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

1. That the Honorable Charles Perley, Charles Connell, M. P. P., William Lindsay, M. P. P., Benjamin Beveridge, M. P. P., Reverend H. J. M'Lardy, L. P. Fisher, Norris Best, John Fisher, George H. Connell, Edward J. Smith, James R. Hartley, James Jordan, Robert A. Hay, James R. Tupper, Robert Hay, George M'Donaugh, John T. Allen, Gilbert Vanwart, John M'Donaugh, Robert Brown, John C. Winslow, Abner Bull, Francis Rankin, R. B. Ketchum, Michael M'Guirk, and their associates, successors, and assigns, shall be and they are hereby declared to be a body politic and corporate, by the name of "The President, Directors and Company of the Woodstock Bank," 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 forty dollars each, making in the whole fifteen 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 way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever seven hundred and fifty 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 Town of Woodstock 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 President, which Directors and President 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 second Tuesday in January in each and every year, at the Town of Woodstock, in the County of Carleton, 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 President.

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 President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; the President shall vote at the Board as a Director, and in case of their being an equal number of votes for and against any question before them, the President shall have a casting vote; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. The stockholders and members of the said Corporation may make such compensation to the President 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 Cashier 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; the Cashier in a sum not less than twenty thousand dollars, with a condition for his good and faithful behaviour, and every Clerk with the like conditions and sureties in such sum as the President and Directors shall deem adequate to the trusts reposed in them.

11. The number of votes which each stockholder shall be entitled 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 two proxies.

13. No member of the said Corporation during the first six months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than one hundred shares of the said capital stock ; and if the whole of the capital stock shall not have been subscribed within the said six months so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to one hundred and fifty shares ; provided always, that no stockholder shall be permitted to hold more than two hundred and fifty 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 thirty 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 one or more of the newspapers published in the Town of Woodstock, 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 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 President 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 President and 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 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 anything 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 one 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 Town of Woodstock.

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

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 Town of Woodstock, County of Carleton, in this Province.

26. The Directors shall at the general meeting to be on the second Tuesday in January 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 President and Directors, and attested by the Cashier; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province for the information of 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 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 Town of Woodstock, 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





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Date and amount of the last dividend, and when declared,  
Amount of reserved profits at the time of declaring the last dividend,  
Amount of debts due and not paid, and considered doubtful,

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

33. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President and 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 President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear in such delinquent sheet either as 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

President and 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 Cashier of the said Bank, and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure ; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the 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 Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from time to time when such copy of the execution shall be so left with the Cashier.

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 three thousand 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 five hundred shares, at such time as the President and Directors shall appoint, and the residue of such increased additional capital at such times as the President and Directors may from time to time determine, but not less than twenty thousand dollars to be sold at any one time.

40. The said President and 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 Town of Woodstock, 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 proportion 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 President and Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

42. The said additional shares shall be subject to all the rules and 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.

#### CAP. XXIV.

An Act to enlarge and improve the Landings at Indian Town in the Parish of Portland, and for other purposes.

##### Section.

1. Commissioners, how appointed.
2. Site of Street and Public Landing described.
3. Survey, when and by whom made.
4. When Survey and Plan made, Commissioners to estimate value of land; Plan to be filed with Clerk Peace; Commissioners to report to Sessions; lands so taken to be held by the Justices in trust.
5. Commissioners to file copy of estimate with Clerk Peace; objections to estimate, how settled; proviso.

##### Section.

6. When Sessions may order payment to owners of land.
7. Sums assessed to be paid to Justices; second assessment on whom made.
8. Assessments made to be a charge on lands mentioned in Commissioners' Report.
9. Compensation to Commissioners.
10. Commissioner to report on Harbour line, how appointed.

*Passed 8th June, 1865.*

WHEREAS in consequence of the late disastrous Fire at Indian Town, in the Parish of Portland, a suitable opportunity has occurred for enlarging and improving the Landings at that place, and the approaches to the same, for the accommodation of Steamers and other Vessels plying between Saint John and Fredericton, and other places on the River;—

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

1. It shall and may be lawful for the Lieutenant Governor in Council to appoint and to re-appoint and supply, as it may be expedient, three or more discreet and disinterested persons Commissioners for the purpose of performing the duties hereinafter prescribed, which said Commissioners, before entering on the duties of their office, shall severally take and subscribe an oath or affirmation, as the case may require, before any Justice of the Peace for the City and County of Saint John faithfully to perform the duties required of them by this Act.

2. There shall be opened a large space for a Street and

Public Landing, commencing at Main Street from a point on the northern line of said Street, to be made by running fifty five feet from the southwest corner of Bridge Street when so enlarged, and from the point so made forty nine feet, and thence northerly one hundred and nine feet three inches, until it reaches Robertson's Wharf, so called, thence easterly along the southerly line of the said Wharf fifty two feet, and thence southerly one hundred and nine feet three inches to the point or place of beginning as aforesaid; and also, it shall and may be lawful for the said Commissioners to set apart and appropriate to public uses such part or portion of Slip now fronting and running along the southern line of said Robertson's Wharf, extending from the said land lastly described outwards in a westerly direction, as may by them be deemed necessary for the purpose of enlarging the Public Landing, thereby filling up or covering the same, or any part thereof, with a Wharf or Bridge, or both.

3. The said Commissioners shall immediately after their appointment, cause a survey and plan of the said proposed landing place and other pieces and parcels of lands so to be appropriated and taken for the purposes aforesaid, and the several lots of land, wharves and streets in connection therewith, to be made and prepared, and for that purpose the said Commissioners, their surveyors or agents, shall have full power to enter into and upon the lands, tenements, wharves, houses, or other buildings or properties so to be appropriated and near to or in connection therewith.

4. The said Commissioners as soon as they shall have caused such survey and plan to be made, shall proceed to make a just and equitable estimate of the value of the lands, tenements and hereditaments required for enlarging and improving the landings aforesaid, and shall assess and apportion so much thereof on all the parties owning or interested in any lands, tenements and hereditaments lying or being on the landings, or in the discretion of the Commissioners directly benefited thereby according to their best discretion, in proportion to the benefit accruing to such parties respectively from the enlarging and improving of such landings, and shall thereupon file the new plan in the Office of the Clerk of the Peace of the City and County of Saint John,

as and for a record of their doing in that respect, and shall forthwith report their proceedings, and whatever may be connected with their duties, to the Sessions of the Peace of the said City and County, to be filed with the said Clerk, and by him to be delivered to the Mayor or Recorder; and in the said report the said Commissioners shall set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in such lands, tenements, hereditaments and premises mentioned in their said report, and each and every part and parcel thereof, as far as may be ascertained by them, and an apt and sufficient description of the respective lots, peices, or parcels of land, or other premises that may be required for the purposes aforesaid, and also of the respective lots or parcels of land and other the premises near to or connected with the said streets, landings or improvements so assessed by the said Commissioners, for the benefit as aforesaid, and also the several sums estimated and assessed as and for the compensation and recompense or allowance to be made for the value of the land and other premises taken for the purposes aforesaid, as also the sums assessed on the same for the benefit and advantage of the respective owners of the fee or inheritance of such lands and premises respectively, or for the compensation or damage, and for the assessment for the benefit of the respective owners of the leasehold estate, or interest therein separately; but in all and each and every case where the owners and parties interested, or their respective estates or interests are unknown, or not fully known to the said Commissioners, it shall be sufficient for them to estimate and assess, and to set forth in their said report in general terms, the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands and parties interested therein, for the compensation and damage and for the assessment for the benefit and advantage to such owners, proprietors and parties interested, in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands and premises respectively, by and in consequence of the enlarging and improvements aforesaid, without specifying the name or the estates or interest of such owners, proprietors, and parties interested, or of any or either of them; and upon the com-

ing in and filing of such report, the same shall be final and conclusive, as well upon the Justices in Session as aforesaid, as upon the owners, lessees, parties or persons interested in and entitled unto the lands and premises mentioned in the said report; and the said Justices shall become possessed of all the said lands and premises in the said report mentioned, that shall or may be so required for enlarging, or for the improvements aforesaid, by and in the name and style of "The Justices for the City and County of Saint John," to be appropriated, converted and used to and for such purposes accordingly, and for no other purpose whatsoever, by the said Justices in any General or Special Sessions, and by any committee or committees, officers or servants from time to time to be appointed by them, and thereupon the said Sessions, or any committee, officers or servants as aforesaid, may immediately, or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceedings at law for that purpose, and may at any time thereafter take down and remove all buildings, or parts of buildings, erections or improvements of any description whatever on the said lands and premises; but the said Commissioners shall not allow any sum or compensation whatsoever for any building or buildings which may, after the passing of this Act, be built, placed or erected in part, or in the whole, on such part or parts of the said lands and premises as may be required for the enlarging or improvement aforesaid.

5. The said Commissioners, after completing their said estimate and assessment, and at least fourteen days before they make their report to the said Sessions, shall deposit a true copy or transcript of such estimate and assessment in the Clerk's office aforesaid, for the inspection of whomever it may concern, and shall give notice by advertisement to be published in at least two of the public newspapers printed in the said City, of the said deposit thereof in the said office, and of the day on which it will be finally filed as and for a record of their proceedings; and any person whose rights may be affected thereby, who shall object to the same or any part thereof, may within ten days after the first publication of the said notice, state his objection to the same in writing to the said Commissioners; and the said Commissioners, or



such of them as may have made such estimate and assessment, in case any objection shall be made to the same in writing to the said Commissioners as aforesaid, shall reconsider their said estimate and assessment, or the part thereof objected to, and in case the same shall appear to them to require correction, they shall correct the same accordingly; but should the said Commissioners adhere to their original opinion and notify the party objecting thereof, then it shall be lawful for the party interested objecting, to nominate by writing within five days after receiving such notice one arbitrator, and the Commissioners shall name another, which two arbitrators so nominated shall name a third, who shall arbitrate and determine the question; provided that their award or the award of any two of them be made in writing and filed in the Clerk's office aforesaid within ten days from the date of the appointment of the arbitrators, in which case the said Commissioners shall correct the estimated assessment agreeably to such award.

6. The said Sessions shall within one calendar month after the several assessments made or to be made as herein provided for the purposes of this Act, are collected and received by them, order the payment by the County Treasurer out of the same, to the respective persons and parties mentioned in the said report in whose favour any sums of money shall be estimated and reported by the said Commissioners, the respective sums so estimated and reported in their favour respectively, deducting in each case any sums that such parties respectively may in the said report and assessment of the Commissioners be declared liable to pay by reason of the benefit to them respectively accruing from the widening, enlarging, or improvements aforesaid; and in case of neglect or default in payment of the same within the time aforesaid, the respective parties aforesaid so entitled to be paid as aforesaid, may retain the possession of the land required to be taken from them until paid what is due for principal and interest; but whenever the owners or proprietors of such lands and premises, or parties interested therein, or persons in whose favour any such compensation shall be reported, shall be under the age of twenty one years, *non compos mentis*, *feme covert*, or absent from the City and County of Saint John, and when such owners or other parties interested shall not

be named in the report, or being named cannot on diligent enquiry be found, it shall be lawful for the said Sessions to order the sums reported in their favour to be invested in good securities on interest, in the name of and to be received again or recovered by the said Justices for the City and County of Saint John for the purpose of paying such claims, on the demand of any party legally entitled, with interest from the time when payable by such report.

7. The respective sums or assessments so to be assessed and reported by the said Commissioners as and for the allowance to be made by the parties respectively in the said report mentioned as owners and proprietors or interested in land deemed to be benefited by the enlarging and improvements aforesaid, shall be borne and paid to the said Justices, by the name and style of "The Justices for the City and County of Saint John," by the said parties respectively; and the residue or remainder of all the moneys which may be due for and on account of the sums or estimates of compensation and recompence that may be reported by the Commissioners in favour of the respective parties deemed entitled thereto, and any sums which may by them be deemed necessary for the making and finishing the said landings, or carrying out any street or a part thereof, and improving any other of the parts or portions taken for such landing places or other improvements, and also all expenses, disbursements and charges which may arise or be incurred under the provisions of this Act, shall and may be assessed upon that part of the Parish of Portland and the inhabitants thereof, which may not be included in the said assessment of the said Commissioners, and upon the City of Saint John on the eastern side of the Harbour and the inhabitants thereof, not exceeding in the whole the sum of two thousand dollars, in two equal annual assessments; and the said Sessions are hereby authorized and required to order and direct the said residue and remainder, and all the said other sums, expenses, disbursements, and charges, to be forthwith assessed, levied, collected, and paid, with the charges thereof, in such proportions and in the same manner as any rates for public charges may be raised by virtue of any Act or Acts for that purpose made or to be made.

8. The several sums or assessments hereinbefore directed

to be paid to the said Justices, shall be a lien or charge on the lands and premises in the said report of the Commissioners mentioned, or upon the estate and interest of the respective owners, lessees, and parties in the same, for or on account of which the said respective sums shall be so assessed by the said Commissioners, and as well the said owners and parties interested therein, and also the occupants of each and every of them, shall also be respectively liable to pay on demand the respective sums mentioned in the said report of the said Commissioners, as therein and thereby assessed, to the County Treasurer for the said Sessions, and subject to their order; and in default of payment of the same, or any part thereof, it shall and may be lawful for the Mayor of the said City and any two of the Justices aforesaid, by Warrant under their hands and seals, to levy the same, with lawful interest thereon, from and after thirty days after filing the said report, together with the charges for collecting, by distress and sale of the goods and chattels of such owners, occupants, or parties interested, so refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting all such charges, to such owners, occupants, or parties interested; or the same may be recovered of and from such parties or persons aforesaid, in an action of debt or assumpsit, together with lawful interest and costs, by the said Justices by the name and style aforesaid, in which it shall be sufficient to declare generally for so much money due by virtue hereof to the said Justices by the name and style aforesaid, and every matter may be given in evidence under such declaration; but nothing herein contained shall affect any agreement between landlord and tenant, or other contracting parties, respecting the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this Act had not been made; and if any money shall be recovered from any person under this Act for which any other person ought so to be answerable, the same may, with interest and costs, be recovered from the party so answerable under such agreement, in an action for money paid, and the said report, with proof of payment, shall be conclusive evidence in such suit along with the said agreement.

9. The Commissioners aforesaid shall be entitled to receive

such sums of money for each day's actual employment as the said Justices shall allow, and the same shall be included in the assessment for disbursements incurred under this Act, besides all reasonable expenses for maps, surveys, plans, Clerk hire, and other necessary expenses for disbursements.

10. The Governor in Council are hereby empowered to appoint three Commissioners for the purpose of examining and reporting on a Harbour line at Indian Town aforesaid, beyond which no Wharves or erections of any kind shall be built or extended into the river, and for defining the said line, and in what manner and under what terms, conditions and limitations the several proprietors or public authorities may be authorized or permitted to build out to the said line, with such plans and other suggestions for the public benefit and the improvements of landing places, slips and wharves at Indian Town, as they may think necessary, and with authority to call witnesses and evidence before them, and hear and take such testimony as they may think proper.

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#### CAP. XXV.

An Act to provide for the relief of the sufferers by the late calamitous Fire at Indian Town, in the Parish of Portland.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Justices of the Peace for the City and County of Saint John in General or Special Sessions, are hereby authorized to order an assessment on the City and County of Saint John, and the inhabitants thereof, for the sum of two thousand dollars, besides the charges of assessing and collecting, for the purpose of providing relief for the sufferers by the late calamitous Fire at Indian Town, in the Parish of Portland, in the said City and County of Saint John, to be assessed, levied and collected in the same manner as any other County Taxes are raised; and when collected to be paid into the hands of the County Treasurer, to be by him paid, as respects the said sum of two thousand dollars, upon the orders of the said Sessions, and the said charges thereon upon the like orders in favour of the Assessors and Collectors respectively.

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CAP. XXVI.

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An Act to authorize the Corporation of the City of Saint John to order an Assessment for certain purposes.

## Section.

1. Assessment authorized to pay off judgment.

## Section.

2. Common Council to execute Bond to M. Riley.

*Passed 8th June, 1865.*

WHEREAS a judgment in the Supreme Court has been obtained by Michael Riley for damages sustained by him in consequence of certain changes and improvements made in the streets and sewers in the said City, between the years 1856 and 1860; and it is necessary to make provision for the payment of the said judgment, and for the settlement of other actions brought by the said Michael Riley, and now pending, and for the costs, charges and expenses attending such suits;—

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

1. Notwithstanding any thing contained in an Act made and passed in the twenty second year of the Reign of Her present Majesty, Chapter 37, known as ‘The Saint John City Assessment Act of 1859,’ or in any Act or Acts in amendment thereof, the Common Council of the said City at any time after the passing of this Act, in this year, may cancel any order heretofore made for that purpose, and determine and direct what sum of money shall be raised and levied in the City of Saint John for making, repairing, altering and improving the streets, squares, bridges, and high-ways, and the old burying ground, on the eastern side of the Harbour, and to include in such order such sum of money not exceeding the sum of seven hundred pounds, as may be necessary for the purpose aforesaid; such sum, when collected, to be applied in payment of the said judgment and the said costs, charges and expenses.

2. The Common Council are hereby authorized to make and execute to the said Michael Riley a Bond for such sum of money as may be agreed upon with him in full satisfaction of all other claims of the said Michael Riley; the amount of such Bond, with interest, to be assessed in like manner in the year one thousand eight hundred and sixty six.

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## CAP. XXVII.

An Act in further amendment of the Charter of the City of Saint John, and the Laws relating to the local government of said City.

## Section.

1. If one person be duly nominated for Mayor, &c., Clerk to certify the same; Common Council to declare person duly elected.
2. Common Council to appoint Constables.

## Section.

3. Person duly qualified to vote in any Ward, may nominate in any other Ward.
4. Candidate for Alderman or Councillor need not live in Ward for which he offers.

*Passed 8th June, 1865.*

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

1. That notwithstanding any thing contained in the Act passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local government of the said City*, whenever and so often as it shall happen that only one Candidate is duly nominated for the office of Mayor of the said City, or only one Candidate is duly nominated for the office of Alderman and one for the office of Councillor for any Ward of said City, as required by the fourth Section of the Act twenty fourth Victoria, Chapter 28, it shall not be necessary in any such case to hold a Poll for election, as required by the first recited Act; but in lieu thereof, the Common Clerk or his Deputy shall, in each such case, make return to the Common Council at their first meeting thereafter, certifying that but one such nomination was filed according to law, and such certificate shall have the like effect as if the person and persons were returned elected as provided by said Act, and thereupon the Common Council shall declare the person and persons so nominated duly elected accordingly.

2. The election of a Constable in and for the several Wards of said City as heretofore accustomed, is hereby abolished, and in lieu thereof, the Common Council of said City shall in the month of April in each year appoint a Constable for each Ward in said City, and the Constables so appointed shall have the like powers, authorities, and privileges, shall take the same oaths, and be subject and liable to the same fines, penalties, duties, rules, ordinances and regulations in every respect, and to all intents and purposes, as any Constable duly elected under the Charter and Laws for the government of said City hath heretofore had and enjoyed and been subject and liable unto.

3. Any elector who may be duly qualified to vote in any Ward of said City shall be entitled to nominate a candidate or candidates for office of Alderman and Councillor in any Ward, notwithstanding such elector may not be a voter in the particular Ward for which he may make any such nomination.

4. Any person otherwise duly qualified may be a candidate for office of Alderman or Councillor in and for any Ward of said City, notwithstanding that he may not be a voter in such Ward.

### CAP. XXVIII.

An Act to amend the Law relating to Sewerage in the City of Saint John, on the eastern side of the Harbour.

#### Section.

1. Power of Commissioners to lay down Mains or common Sewers.
2. Size of Sewers.
3. Drains connecting with Sewers, how built.
4. When Commissioners may compel owners of land to build drains to connect with Sewers.
5. Persons building drain to connect with Sewer without permission of Commissioners, penalty; building drains with permission, Fee.
6. Power of Commissioners to enter upon lands; proviso.
7. Commissioners to issue Debentures.

#### Section.

8. Interest on and payment of Debentures, how provided.
9. Moneys raised by Debentures, how appropriated.
10. Commissioners may make Bye Laws.
11. Commissioners individually responsible only.
12. Chairman of Commissioners to give Bonds.
13. Commissioners to keep record of expenditures, &c.
14. Cap. 72, Title x, Part I, Rev. Stat. in part repealed.
15. Sections 10, 11, 12, 13, 15th Vic., Cap. 38, repealed.

*Passed 8th June, 1865.*

WHEREAS it is expedient that certain alterations, additions and amendments should be made in an Act of Assembly of this Province, passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, in that part relating to Sewerage;

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

1. The Commissioners of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John, shall, whenever they deem it expedient or necessary, construct and place Mains or common Sewers in any street, highway, alley, or lot of land, being private property or otherwise, in the City of Saint John on the eastern side of the Harbour, and maintain and repair all main Sewers in the said City.

2. All common sewers laid down by the said Commissioners in any street, highway, or alley, shall be laid as nearly as possible in the centre of such street, highway, or alley; and where it is practicable and advisable, such common sewers shall be of such dimensions to be entered and cleaned without disturbing the surface of the street above.

3. All drains which shall hereafter be carried or conducted from any private lot, grounds, or premises, into any such main or common sewer, shall be built of such materials as the said Commissioners shall direct, and shall be laid under their directions, of such size and with such descent, and when required, with such strainers, as they the said Commissioners shall require, and shall, if practicable, be of sufficient size to be cleaned from the common sewer without disturbing the surface of the street above.

4. The said Commissioners shall have power to require any owner of lands fronting upon or adjoining any street, highway, lot or other place in the City of Saint John, on the eastern side of the Harbour, in which any common sewer has been or shall be laid down, his agent or tenant, to construct a sufficient drain from his house, yard, or lot, to and into such common sewer, whenever in the opinion of such Commissioners the same shall be necessary, and shall give notice in writing to such owner, his agent or tenant, of the time within which such drain shall be completed; and in case the said owner, his agent or tenants, shall neglect to construct or complete the same within the time specified in such notice, the said Commissioners shall cause the same to be done, and shall recover the whole amount of the expense incurred by them in so doing, as also the charge for entering a main sewer, with costs of distress and sale of any goods or chattels found in or upon such house, yard, or lot, or by sequestration of such house, yard, or lot, or by any other method or proceeding prescribed in and by the said recited Act for the collection of any rates, assessments or arrearages therein mentioned; such distress and sale, sequestration, or other method or proceeding as aforesaid, to be had, made, conducted and prosecuted in the same manner and with like effect as any distress, sale, sequestration, or other method of proceeding under the said recited Act.



5. Any person carrying or conducting any drain from any such private lot, ground, or premises, without permission in writing from the Chairman of the said Commissioners of Water Supply and Sewerage, shall forfeit and pay the sum of twenty dollars to the said Commissioners, and shall also be liable to pay all such damages, by way of indemnification, as the said Commissioners shall deem just and reasonable; and all persons to whom the said permission shall be granted, shall pay therefor a sum of not less than ten dollars, as the said Commissioners shall fix and determine, which sums may be recovered in the same manner as any assessment or penalty may be recovered under and by virtue of the same recited Act.

6. The said Commissioners, or any or either of them, and their servants, agents, or workmen, shall have full power, and they are hereby authorized from time to time as occasion may require, or the said Commissioners, or either of them, may deem necessary, to enter into and upon any lands, tenements and premises in the said City, on the eastern side of the Harbour, whether inhabited or otherwise, and lay down and construct any main sewer or drain, or branch sewer or drain, in, through and along any such lands or tenements, and also inspect, repair, take up, replace, alter and amend any such main or branch sewer or drain, and open up any natural water course when the same may be obstructed, and may remain on any such lands and premises as long from time to time as they may deem requisite for the proper execution of any such work or works, and may make all such excavations on the premises as may be expedient, and take up and remove any floors, timber, planks, or any walls, fences, or erections whatsoever, doing no unnecessary damage to the same, and carefully replacing the same, upon the requisite work being performed, provided no such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or occupant, if resident on the premises, being first requested, but the refusal of such permission shall not prevent or delay the execution of the work; and the said Commissioners shall, for the purposes of this Act, have within the said City of Saint John, on the eastern side of the Harbour, all such further and other powers and authorities as are given to the said Com-

missioners by the fourteenth Section of the said Act, eighteenth Victoria, Chapter 38.

7. For the purpose of carrying out the system of Sewerage under the provisions of this Act, and complying with the other requirements hereof, the Commissioners are hereby authorized and empowered to make an additional issue of Debentures to an amount not exceeding sixty thousand dollars in the whole; no greater sum than twenty thousand dollars to be issued or expended in any one year, to be charged, paid and redeemed in the same manner as the Water Debentures, and the interest thereof, issued under the said Act of Assembly, eighteenth Victoria, Chapter 38, and to be called Sewerage Debentures.

8. To meet the interest of Debentures issued under this Act, and the annual expenses, as well as to provide for the payment of the principal by a sinking fund or otherwise, the said Commissioners are hereby empowered to order and direct a yearly assessment on that part of the said City lying on the eastern side of the Harbour, and the inhabitants thereof, of such a sum or sums of money, not exceeding four thousand dollars in any one year, besides the costs and charges of assessing and collecting, as shall be necessary therefor, to be assessed, levied and collected under the provisions and according to the principles of the "Saint John City Assessment Act of 1859," and the several Acts in amendment thereof, which sums shall from time to time as collected be paid over by the Collector or Receiver of Taxes for the said City to the said Commissioners of Sewerage and Water Supply.

9. The moneys raised under this Act by the sale of Debentures as aforesaid, shall be appropriated to the making, laying down, and repairing of sewers, and opening water courses in the said eastern part of the City of Saint John.

10. The said Commissioners are hereby authorized to make bye laws, not repugnant to the spirit and meaning of this Act, and to impose reasonable penalties for the breach or violation thereof, not exceeding twenty dollars, which penalties shall be recoverable in the same manner as any penalties imposed under and by virtue of the Act of Assembly, eighteenth Victoria, Chapter 38.

11. The Commissioners shall not be answerable the one

for the other of them, nor for the acts, defaults or misdoings of each other, and in case of any default or misapplication of the moneys received by any Commissioner by virtue of this Act, the whole real and personal estate of such Commissioner within the Province shall be liable for the same in like manner as for a debt due unto the Crown, and immediately upon such default or misapplication being made known to the Lieutenant Governor or Commander in Chief of the Province for the time being, it shall be his duty to order a writ of extent to be thereon issued.

12. The Chairman of the said Commissioners for the time being, in addition to the liabilities in the last foregoing Section mentioned, shall give security by Bond to the Mayor, Aldermen and Commonalty of the City of Saint John, in such sum and sums and with surety or sureties to the satisfaction of the Common Council of said City, for the faithful discharge of all the duties of his office under the provisions of this Act, and for accounting to the Common Council of said City from time to time for all or any of his acts, when they shall deem it necessary and so order, and for the payment over of all moneys in his hands as such Chairman, or as one of such Commissioners, to any Chairman appointed by the Common Council to succeed him on any change of Commissioners.

13. The said Commissioners shall keep regular Books of Account, in which shall be entered all moneys received and all disbursements made from time to time under the authority of this Act; and also file in the office of the said Commissioners all correspondence, contracts, estimates, and other papers appertaining to the same; and they shall annually on or before the first day of March, file in the Common Clerk's office detailed Accounts of their receipts and expenditures under this Act; and the Auditors appointed in each year to audit the Accounts of the Water Commissioners, under said Act eighteenth Victoria Chapter 38, shall also audit and report on the said Accounts filed by virtue of this Act.

14. Chapter 72, Title x, Part I, of the Revised Statutes, is hereby repealed, except in so far as relates to any thing done or commenced, and in progress and undetermined under and by virtue thereof, or to the recovery of any assessment made by virtue thereof.

15. Sections 10, 11, 12, 13, and such other Sections of the Act of Assembly 18 Victoria, Chapter 38, as are repugnant to this Act, so far as they relate to Sewerage in the City of Saint John, are hereby repealed.

### CAP. XXIX.

An Act relating to Water Supply in the City of Saint John and part of the Parish of Portland in the County of Saint John.

#### Section.

1. Sec. 9, 18 Vic., Cap. 38, repealed; owners of lands through which Mains pass to be assessed.
2. Owners of personal property taxable.
3. Numbers of lots and names of parties to be entered in assessment book and filed with Common Clerk; appeal how made.
4. Owners, &c., to give true returns and answers to Commissioners; penalty.
5. Commissioners to make an annual detailed statement.
6. General assessment to be made in case of deficiency.
7. Two Commissioners may act.
8. Application of 4th Section, 26 Vic., Cap. 28.
9. Commissioners authorized to issue Debentures; limit.
10. Commissioners authorized to issue further Debentures; limit.

#### Section.

11. Assessment if not paid within thirty days Commissioners to issue Warrant.
12. Commissioners may order sale of real estate of defaulters.
13. Rates due at passing of Act may be collected by Commissioners.
14. Collection from customers; how collected.
15. When streets are mentioned, to apply to squares, &c.
16. Commissioners may correct error in assessment list; proviso.
17. To whom Sections 14 and 15, Cap. 38, 18 Vic. applies.
18. Powers vested by Cap. 72, Title x, in Corporation, now vested in Commissioners.
19. Commissioners or agents may enter on land.
20. Penalties. how recovered.

*Passed 8th June, 1865.*

WHEREAS in consequence of the great public benefit and protection to property derivable from the introduction of Water into the City of Saint John, and district of the Parish of Portland in the County of Saint John, under and by virtue of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, and the several Acts in amendment thereof, it is equitable that all real estate, whether built upon or vacant, and all stocks in trade, wares and merchandise, in the whole of the said City on the eastern side of the Harbour, and within a certain distance of the mains in said district of the Parish of Portland, should be assessed annually as hereinafter provided by the Commissioners now or hereafter to be appointed under and by virtue of said Acts, or any of them;—

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

1. The ninth Section of the said recited Act, eighteenth Victoria, Chapter 38, intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, is hereby repealed, except as to any thing done, pending or in progress and undetermined under and by virtue thereof; and in lieu thereof, the owners in fee or leaseholders for renewable terms of any lands or tenements situate within the whole City of Saint John on the eastern side of the Harbour, and within that part of the district of the Parish of Portland mentioned in said recited Act, through or along which, or within seven hundred feet of which, in said Portland District, mains for the supply of water shall pass, and also the owner of or traders in all stocks in trade, wares, and merchandise in said City, and such hereinbefore specified part of said district of the Parish of Portland, shall, whether the water be taken or used on the premises respectively, or not, be assessed for the purposes of the said recited Act, eighteenth Victoria, Chapter 38, and the several Acts in force in amendment thereof, in each year, at a rate and rates to be fixed and determined by the Commissioners in each year in their discretion, according to the Schedule (B) appended to this Act, and being part thereof; and where pipes for the supply of water are laid to any premises, then at a rate and rates to be fixed and determined by the said Commissioners in each year in their discretion, according to the Schedule (C) also appended to this Act, and forming part thereof, excepting steam mills, manufactories, baths, hotels, and all places and premises for which and where a large quantity of water is required, which shall be rated by agreement with the parties. If in settling any such rate and rates, or in any other matter within the scope of their authority, any difference should arise among the said Commissioners, the same shall be decided by a majority of said Commissioners.

2. That the owner of all furniture and personal property benefitted by the protection from fire that water supply affords, of the value of one hundred and fifty pounds and upwards, shall be taxed in the same manner and at the same rate per centum as stocks in trade, wares and merchandize.

3. In the Assessment Book the several lots or premises

assessed, whether occupied or vacant, shall be numbered, and the rate assessed on each set down, and the names of the parties assessed on stocks in trade or otherwise, and the amount on which assessment made and the rate, and a copy of the assessment shall be filed by the Commissioners in the Office of the Common Clerk of the said City, on or before the first day of September in each year; and if any person shall think himself aggrieved by reason of such assessment, it shall be lawful for him, in case the same shall be upon the premises situate in the said City, to appeal therefrom to the Common Council of the said City; and in case the assessment shall be upon premises in the said District of the said Parish of Portland, such appeal shall be to the General Quarter Sessions of the said City and County, and the decision in either case shall be final, and the assessment be amended by the said Commissioners in accordance with such order as may be therein made by the said Common Council or Sessions respectively, provided that all such appeals shall be made within thirty days after the demand of the amount assessed shall have been made upon the party so appealing; and in case at the time of such appeal said General Sessions of the Peace shall not be sitting, then the party appealing shall file his appeal at the office of the Clerk of the Peace for the City and County of Saint John, and a certificate under the hand of the said Clerk of the Peace, of the filing of such appeal lodged in the office of the Commissioners aforesaid, shall stay further proceedings to recover such rate until such appeal be determined at the General Sessions holden next thereafter.

4. All persons owning or occupying any premises liable to be rated under this Act, or the Acts to which this is an amendment, shall give correct and true answers and returns to the Water Commissioners, their officers, or persons appointed by them for the purpose, as to the occupation of any such premises and the use of water thereon, and the average yearly value of stock in trade, and all other personal property, wares and merchandise, within the City of Saint John on the eastern side of the Harbour, and in the Parish of Portland, in the districts to which the tax extends, owned by him or them, under a penalty for every neglect or refusal of a sum not exceeding twenty dollars nor less than five

dollars; provided, however, that timber and lumber not piled on the wharves on the eastern side of the Harbour of Saint John shall not be liable to be taxed.

5. Among the detailed accounts required by the third Section of the Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law relating to Water Supply and Sewerage in the City of Saint John, and part of the Parish of Portland in the County of Saint John*, the said Commissioners shall render annually a statement shewing the whole amount collected, together with all sums in arrear and unpaid, and the names of the defaulters, so as to exhibit a debtor and creditor account of that part of the service, and file the same in the Common Clerk's office.

6. In lieu of the 25th Section of the said first recited Act, for any deficiency for each year in meeting the expenditure for water supply and consumption, and interest, under the said first recited Act or Acts in amendment thereof, beyond the amount annually raised in manner aforesaid for water supply and consumption, a general assessment shall be made by Warrant under the hands and seals of the said Commissioners, or a major part of them, on the whole of the said City on the eastern side of the Harbour, and the inhabitants thereof, and on the said district of Portland and the inhabitants thereof, such district to be assessed and to pay fifteen per cent. of the said deficiency as its proportion, to be levied, assessed, and collected in every respect by the same persons, and as regards the real and personal estate and income of the inhabitants, and also the real estate of non-residents and all other things, the poll rate only excepted, in the same manner as any assessment is now or may be hereafter made by law for levying, assessing and collecting County, Town, or Parish charges; and when collected shall be paid to the said Commissioners, and the remainder of the said deficiency to be levied, assessed and collected on the eastern side of the Harbour of the said City, as any other rate levied or imposed upon the said City under the provisions of the Saint John City Assessment Act of 1859, and the several Acts in amendment thereof; and when collected to be paid to the said Commissioners, provided that the Warrants to be issued by the said Commissioners may be

issued in the present year at any time before the tenth day of August, and in all succeeding years on or before the tenth day of May in each year.

7. All and every of the powers, functions, duties, acts and things conferred upon, or required or authorized to be done by the Commissioners appointed or to be appointed under and by virtue of the said Act eighteenth Victoria, Chapter 38, hereinbefore mentioned, and the several Acts in amendment thereof, and this Act, may be exercised, ordered, done and performed by two of the said Commissioners, of whom the Chairman shall be one.

8. The provisions of the fourth Section of the Act twenty sixth Victoria, Chapter 28, shall be held and taken to apply to any rate or rates levied and assessed under or by virtue of the Act eighteenth Victoria, Chapter 38, or under any Act in amendment thereof, or this Act; provided that this Act shall not be construed to confirm, legalize or establish any act or thing done or committed by the said Commissioners, or the Water Company incorporated by Act of Assembly made and passed in the second year of the Reign of King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Water Company*, contrary to the true meaning or provisions of any law or laws relating thereto.

9. For the purpose of more fully completing the system of water supply contemplated under the said first recited Act, and the several Acts in amendment thereof, the Commissioners are hereby authorized and empowered to make a further issue of Debentures to an amount not exceeding the sum of one hundred thousand dollars in addition to the amount authorized by the provisions of the said Acts, to be charged, paid and redeemed in the same manner as the Debentures and the interest thereof, issued under the said recited Act, and the Acts in amendment thereof.

10. In addition to the last preceding Section of this Act, the Commissioners are hereby authorized and empowered to make a further issue of Debentures to an amount not exceeding fifty two thousand dollars currency, or ten thousand five hundred pounds sterling, for the purpose of paying and redeeming the sum of ten thousand five hundred pounds sterling issued by the Commissioners, and becoming due



and payable in London on the first day of May one thousand eight hundred and sixty seven.

11. If any person assessed under and by virtue of the said first recited Act, or the Acts in amendment thereof, or this Act, shall not pay the amount for which he is liable under such assessment within thirty days after notice of demand thereof, the Commissioners may have the option to issue execution (A), to be signed by the Chairman, against the person so assessed, which execution may be executed by the Sheriff, or any Marshal of the City of Saint John, or any Peace Officer of the City and County of Saint John; provided always, that the proof of such notice of assessment, and the non-payment of such assessment, shall be verified by the affidavit of the Collector or other officer appointed by the Commissioners for that purpose.

12. It shall be lawful for the said Commissioners by Warrant under their hand and seal, to order the Sheriff of the City and County of Saint John to make sale of the real estate, or such part thereof as may be necessary of the said person so assessed, according to the provisions of the 24th Section of the Saint John Assessment Act of 1859, which sale shall be made and conducted in every respect as directed by said Act, and the said Act shall apply to the said Commissioners of Water Supply and Sewerage in the same manner as the same is now enacted therein with reference to the receiver of Taxes for the said City of Saint John, and to all powers, duties, parties and officers therein mentioned, and applicable to the said receiver of Taxes.

13. The Commissioners shall have power to collect all such water rates and assessments as are unsettled at the time of the passing of this Act, and may give the like notice in respect thereof, and take the same proceedings for the collection thereof, as herein provided for assessments made under this Act, and the Act of eighteenth Victoria, Chapter 38, aforesaid, and the Acts in amendment thereof.

14. It shall be lawful for the Commissioners to collect from agreement customers, for steam mills, manufactories, baths, hotels, and all other agreement customers, quarterly, and if not paid, the Commissioners shall have authority to issue executions in the same manner as any other rates and assessments.

15. Where any streets are mentioned in the Act of eighteenth Victoria, Chapter 38, and the Acts in amendment thereof, the same shall apply and extend to squares, roads, alleys, lanes, courts, places, and all other thoroughfares by whatsoever style or like called, and for the carrying out of the provisions of said Acts, or of this Act, and the Chapter 161, 'Of terms, explanations, and general provisions,' of the Revised Statutes, Title xli, shall apply to the said Acts.

16. If any error in the preparation of the Assessment List by the Commissioners be made, they may at any time before a subsequent rating correct such error in such Assessment List; provided that a record of any such corrections or alterations be forthwith filed in the Common Clerk's office.

17. The provisions of the Act eighteenth Victoria, Chapter 38, Sections fourteen and fifteen, shall extend and apply to all persons and officers employed by the Commissioners for making, preparing and completing any plans for levels, sewerage, properties, and all other plans contemplated and necessary for the carrying out of the said Act and Acts in amendment thereof, and this Act.

18. All powers now vested in the Corporation of Saint John by the Revised Statutes, Chapter-72, Title x, are hereby divested out of the Corporation and transferred to and vested in the said Commissioners.

19. The said Commissioners, or any or either of them, and their servants, agents, or workmen, shall have full power, and they are hereby authorized from time to time as occasion may require, or the said Commissioners or either of them may deem necessary, to enter into and upon any lands, tenements and premises in the said City on the eastern side of the Harbour, whether inhabited or otherwise, and make, or cause to be made, surveys, plans, specifications, and other descriptions of the same, or any part thereof, and may lay down and construct any main sewer or drain, or any branch sewer or drain in, through, and along any such lands or tenements, and also inspect, repair, take up, replace, alter and amend any such main or branch sewer or drain, and open up any natural water course when the same may be obstructed, and may remain on any such lands and premises as long, from time to time, as they may deem requisite for the proper execution of any such work or works, and may

make all such excavations on the premises as may be expedient, and take up and remove any floors, timbers, planks, or any walls, fences, or erections whatsoever, doing no unnecessary damage to the same, and carefully replacing the same upon the requisite work being performed; provided no such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or occupant, if resident on the premises being first requested; but the refusal of such permission shall not prevent or delay the execution of the work; and the said Commissioners shall, for the purposes of this Act, have within the said City of Saint John on the eastern side of the Harbour, all such further and other powers and authorities as are given to the said Commissioners by the fourteenth Section of the said Act eighteenth Victoria, Chapter 38.

20. Penalties imposed under this Act may be recovered, with costs, by summary convictions, if within the City of Saint John, before the Police Magistrate of the City of Saint John, in the same manner and with the like effect as any other penalties can be enforced before any Police Magistrate; and if within the said Parish of Portland, before the Police Magistrate for the Portland Police District, in the same manner and with the like effect as any other penalties can be enforced before said Police Magistrate in Portland Police District.

#### SCHEDULE A.

##### *Execution.*

To the Sheriff of the City and County of Saint John, or any Constable or Marshal of the City of Saint John, or Peace Officer in said City and County,—Levy and sell of the goods and chattels of A. B. within the City and County of Saint John, the sum of            which has been assessed upon him, under the Act relating to Water Supply in the City of Saint John, and part of the Parish of Portland in the County of Saint John, and the other Acts relating to the same, and            for costs of execution and levying, the whole being            and have that money at my office on the day of            [not less than ten nor more than thirty days from the date of the execution]; and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the

keeper of the gaol of the City and County of Saint John, who is hereby required to receive and safely keep him  
days, unless the same with costs be sooner paid, and make return hereof at the day and place aforesaid.—Dated this      day of      A. D. 18      .

C. D.,  
*Chairman of Commissioners.*

( B )

In the City of Saint John on the eastern side of the Harbour.

For every four hundred dollars value of real estate on which any buildings are erected, including the value of such buildings, on the line of any main pipe, or within seven hundred feet of any main,      per centum.

For every four hundred dollars value of real estate on which any buildings are erected, including the value of such buildings, situate in any part of the said City, not included within the former section,      per centum.

For every four hundred dollars value of vacant land on which no building is erected, situate on the line of any pipe, or within seven hundred feet of any main,      per centum.

For every four hundred dollars value of vacant land on which no building is erected, situate in any part of said City not included within the last preceding Section,      per centum.

For every four hundred dollars value of all stocks in trade, wares and merchandise, and personal property, situate, stored, or being on the line of any main pipe, or within seven hundred feet of any main,      per centum.

For every four hundred dollars value of all stocks in trade, wares and merchandise situate, stored, or being in any part of the said City not included in the last preceding Section,      per centum.

Any person liable to be assessed for stock in trade, may, when called upon by the Commissioners, make a statement on oath of the annual value of his stock, and it shall be valued accordingly.

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In District in the Parish of Portland.

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For every four hundred dollars value of real estate on which any buildings are erected, including the value of such buildings, on the line of any main pipe, or within seven hundred feet of any main pipe,                      per centum.

For every four hundred dollars value of all stocks in trade, wares, and merchandise, situate, stored, or being on the line of any main pipe, or within seven hundred feet of any main,                      per centum.

( C )

In the City of Saint John on the Eastern side of the Harbour, and in the district of the Parish of Portland, when supply pipe from main is led to premises.

|   |     |     |     |     |    |
|---|-----|-----|-----|-----|----|
| For one Family,                                   | ... | ... | ... | ... | \$ |
| Second Family in same house,                      | ... | ... | ... | ... |    |
| Each additional Family,                           | ... | ... | ... | ... |    |
| Each water closet,                                | ... | ... | ... | ... |    |
| Each bath,  | ... | ... | ... | ... |    |
| Each light wagon horse, including water for       |     |     |     |     |    |
| washing carriage,                                 | ... | ... | ... | ... |    |
| Each additional horse,                            | ... | ... | ... | ... |    |
| Omnibus, coach, or truck horse,                   | ... | ... | ... | ... |    |
| Livery stables,                                   | ... | ... | ... | ... |    |
| Each horse, including water for washing carriage, |     |     |     |     |    |
| Taverns,  | ... | ... | ... | ... |    |
| Saloons,  | ... | ... | ... | ... |    |
| Shops,  | ... | ... | ... | ... |    |
| Workshops,  | ... | ... | ... | ... |    |
| Manufactories,                                    | ... | ... | ... | ... |    |
| Other places,                                     | ... | ... | ... | ... |    |

No unoccupied house shall be rated for consumption; should it however be occupied, a pro rata charge to be made for the remainder of the year.

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## CAP. XXX.

An Act to amend an Act intituled *An Act to abolish the Fishery Draft on the Western side of the Harbour in the City of Saint John, and to make other provisions for the disposal of the said Fisheries, and to apply the annual proceeds thereof towards the erection of a Public Hall in Carleton, and in payment of Interest on the Carleton Water Debentures.*

## Section.

- |  |                           |
|--|---------------------------|
| 1. Charges and expenses incurred. out of what fund paid. | Section.                  |
|  | 2. Charges, by whom paid. |

*Passed 8th June, 1865.*

WHEREAS it is desirable to provide for the payment of certain expenses incurred in carrying out the provisions of the before mentioned Act;—

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 abolish the Fishery Draft on the Western side of the Harbour in the City of Saint John, and to make other provisions for the disposal of the said Fisheries, and to apply the annual proceeds thereof towards the erection of a Public Hall in Carleton, and in payment of Interest on the Carleton Water Debentures*, so far as relates to setting off the Fishery Lots and sale of the Fisheries under and by virtue of said Act, and any ordinance 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 the said City.

## CAP. XXXI.

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

## Section.

1. When Sheriff may take bail.
2. Fee to Sheriff.

## Section.

3. Fee to Marshal.

*Passed 8th June, 1865.*

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

1. Whenever any person shall be in custody in the common gaol of the City and County of Saint John on attachment issued out of the City Court of Saint John, the Sheriff of the City and County of Saint John may take bail for the appearance of the defendant, if good and sufficient bail be tendered, which bail shall thereupon subscribe a memorandum to be endorsed on the attachment, or subjoined at the foot thereof, to the effect that he or they become bail; and the bail so taken shall be answerable and liable in the same manner to all intents and purposes, and shall have the same rights and privileges of discharge and otherwise, as the bail taken by any Marshal of the said Court on arrest.

2. The Sheriff shall be entitled to receive a fee of fifty cents for each bail so taken for any defendant, to be taxed and allowed as costs in the cause.

3. There shall be allowed in actions in the said City Court to the Marshals, in suits for the recovery of any sum over sixty dollars—

|                     |     |     |     |        |
|---------------------|-----|-----|-----|--------|
| Serving Summons,    | ... | ... | ... | \$0 80 |
| Serving Attachment, | ... | ... | ... | 1 00   |

### CAP. XXXII.

An Act in addition to the Police Act of the City of Saint John.

Section.

1. Dealers in second hand articles, &c., to get License from Mayor.
2. Such dealers to keep a record of second hand articles, &c., purchased by them.
3. Dealers not to purchase from Minors, &c.
4. Sign with name and occupation to be placed on shop.
5. Articles may be examined by Mayor, &c.

Section.

6. When and how long shop may be kept open.
7. License to designate place where business is carried on.
8. Cables, &c., not to be altered in appearance until the expiration of ten days after receipt.
9. Penalty, how recovered.
10. Fee for License.
11. Term of License.
12. Provisions of Act to be appended to License.

*Passed 8th June, 1865.*

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

1. No person shall be a dealer in, or keeper of a shop or place for the purchase, sale, or barter of junk, old metals, or second hand articles of any description, within the City of Saint John, unless he is duly licensed therefor by the Mayor of the said City.

2. Every person so licensed shall keep a book, in which

he shall record at the time of every purchase by him of junk, old metals, or any second hand articles, a description of the articles so purchased, the name, age and residence of the person from whom, and the day and hour when the same was received by him ; which book shall at all times be open to the inspection of the Mayor, the Aldermen and Councillors of said City, the Chief of the City Police, any member of the Police force, and any person authorized by the Mayor to make such examination.

3. No such dealer or keeper of such shop or place shall directly or indirectly either purchase or receive by way of barter or exchange any such article or articles off any Minor or Apprentice ; and no article purchased or received by such dealer or shop keeper, shall be sold by him within one week from the time of such purchase or receipt, without entering on his book the name and address of the purchaser, with other proofs sufficient to enable him to keep trace thereof.

4. Every keeper of such shop shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters at least six inches long and proportionably broad.

5. Every such shop, and all articles of every description therein, may be examined at any time by the Mayor, any of the Aldermen and Councillors of the said City, the Chief of the City Police, any member of the Police force, or any person authorized at any time by the Mayor to make such examination.

6. No keeper of such shop or place shall have the same open for the transaction of business except during the hours between the rising of the sun and nine of the clock in the evening on each week day but Saturday, when such shop may be kept open until ten of the clock in the evening.

7. All licenses granted under this Act shall designate the place where the person licensed may carry on his business, and he shall not engage in, or carry on his business under his license in any other place than the one so designated, without giving notice to the Mayor in writing of any change of place of business, or from one part of a house to another, within twenty four hours after such change ; and he must produce his license to the Mayor for the purpose of having a memorandum of any such change endorsed thereon.



8. Cables, hawsers, ropes, and articles of like kind, more than five fathoms long, so purchased or received by any licensed dealer, shall not be cut up nor unlaied into twine, or otherwise changed in appearance or character on any pretence, within ten days from the purchase or receipt of the same, without permission from the Mayor of said City, or the Chief of the City Police.

9. Any person offending against any of the provisions of this Act, shall forfeit and pay a sum not exceeding forty dollars, to be recovered with costs in the name of any person who may sue for the same before the Police Magistrate of the City of Saint John, by information and summary conviction, in the same manner and with the like effect as any penalty is recoverable under the law relating to the Police establishment in said City.

10. The Mayor of the City of Saint John shall be entitled to charge and receive for every license to be granted by him under this Act the sum of twenty dollars.

11. Licenses granted under this Act shall continue and be in force until the first day of May next after the date of such licenses ; provided always, that the Mayor of said City shall have full power at any time to revoke and annul any such license granted by him at his discretion, and the same shall thereupon be cancelled and annulled accordingly.

12. All the provisions of this Act shall be appended to every license which shall be granted under it.

### CAP. XXXIII.

An Act relating to the Debt and Property of the Corporation of the City of Saint John.

Section.

Section.

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| 1. Mayor, &c., may sell leased property ; proviso. | 4. Money, how invested, and with whose consent ; proviso. |
| 2. Moneys received for lands sold, to whom paid.   | 5. Not to affect property on Western side of Harbour.     |
| 3. Sinking fund, how formed.                       |   |

*Passed 8th June, 1865.*

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John shall have power from time to time, as may by them be deemed advantageous for the general interest, to sell and convey in fee any property belonging to the said

Mayor, Aldermen and Commonalty, which may be leased in perpetuity or for a limited period; provided that no lot leased in perpetuity shall be sold for a less sum than would yield at four per centum an amount equivalent to the present rent, and no lot leased for a limited period shall be sold for a less sum than eight hundred dollars.

2. All moneys received by the said Corporation on the sale of any property under this Act, shall be paid to and received by the Chamberlain of the City of Saint John for the time being, who shall keep a separate and distinct account of the same, which shall be rendered and published annually in detail with the other accounts of the said Corporation.

3. The moneys so paid to the credit of this account shall constitute a sinking fund for the liquidation of the Debt now secured on the property and income of the said Mayor, Aldermen and Commonalty, and for no other use or purpose whatsoever; and shall be invested from time to time in good landed or public securities, until the same may be required for the payment of the public debt of the said Corporation, and may from time to time be appropriated in liquidation of the said debt, or any part thereof.

4. No money shall be invested or paid without the consent, expressed in writing, of the Mayor, Recorder, three members of the Common Council of said City, Alexander M<sup>c</sup>L. Seely, Thomas Main, Esquire, of the same City, Merchant, Thomas Vaughan, of the same City, Merchant, and the Reverend William Scovil, of the same City, Clerk in Holy Orders, or any five of them; and in case of death or removal from the Province, or refusal to serve, of any of the three last named persons, or any successor duly named in their place as herein provided, it shall be lawful for the Lieutenant Governor in Council, by appointment made and notified in the Royal Gazette, to fill any such vacancy.

5. Nothing in this Act shall extend or be construed to extend to or affect any Corporation property on the western side of the Harbour, secured by law to the inhabitants of the said western side in consideration of their having assumed twenty thousand pounds of the City debt.

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## CAP. XXXIV.

An Act to enable the Corporation of the City of Saint John to improve the Ferries in the Harbour of Saint John.

## Section.

1. Mayor, &c. may borrow money.
2. Minimum amount of Debentures ;  
when payable.
3. Debentures to be negotiable bearing  
interest.
4. Moneys loaned to be paid to Cham-  
berlain.

## Section.

5. Amount to be taken from revenues  
of Ferries, how applied.
6. Sinking fund to be invested.
7. Deficiency of Sinking fund to be paid  
out of general revenues of City.

*Passed 8th June, 1865.*

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 six thousand dollars, to be applied toward the improvement of the Public Ferries and approaches thereto, and buildings and improvements connected therewith, in the City and Harbour of Saint John.

2. The said sum of six thousand dollars shall be borrowed in loans of not less than four hundred dollars each, and Debentures payable in fifteen 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 persons who shall be employed under the provisions of this Act.

5. The sum of six hundred dollars per year in each year for fifteen years from and after the passing of this Act, shall be taken from the revenues derivable from the Ferries in said City and Harbour, and paid and appropriated by the Chamberlain of said City for the time being in each year, in the first place to pay the interest on the said Debentures issued under the provisions of this Act, and the balance of such sum of six hundred dollars remaining after payment of such interest, to form a sinking fund, which is to accumulate from year to year during the said term of fifteen years, for the payment of said Debentures; and shall immediately after the expiration of said fifteen 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 fifteen years herein mentioned, be paid out of the general revenues of the said City.

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#### CAP. XXXV.

An Act relating to the Grand Juries of the General Sessions of the Peace in the City and County of Saint John.

Sheriff to summon one Grand Jury for the year; when Sheriff to summon Jury; when Jury shall attend; proviso.

*Passed 8th June, 1865.*

WHEREAS owing to the frequent and protracted Sittings of the Circuit Courts for the City and County of Saint John, at which Grand Juries are always in regular attendance, and the very small amount of criminal business which at any time can be and actually is brought before the Court of Ses-

sions, the summoning and attendance of twenty three other Grand Jurors besides, for the Court of Sessions four times in the year, for which such Sessions are held, is not only a useless expense on the County, but very burdensome on the parties liable to be summoned ;—

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

It shall hereafter only be necessary for the Sheriff of the City and County of Saint John to summon one Grand Jury for the said City and County, to attend the Court of Sessions in each year, which shall be done prior to and for the March Sessions, and which Grand Jury shall be and continue for such March Sessions, and for each of the other Sessions for that year ; but it shall not be necessary for such Grand Jury to attend or exercise any of its functions at any other than the March Sessions, unless notified so to do by the Sheriff six days before the opening of the Court, upon an order of the Mayor or Recorder of the City for that purpose to be made, who shall grant the same on being satisfied that there is criminal business to be brought before the Court ; provided that such Grand Jury shall in no case be so ordered or noticed to attend at the other three Sessions when there shall be another Grand Jury actually summoned for or in attendance at any Circuit Court for the said City and County ; and if any such Circuit Court shall be sitting attended by a Grand Jury while such March Sessions shall be held, the Grand Jury regularly summoned and attending at such March Session shall only be required to attend to the examining and reporting on the public accounts and other matters not criminal within their jurisdiction.

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#### CAP. XXXVI.

An Act to amend an Act to provide for the erecting an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Section.

1. Vagrants, how dealt with.

Section.

2. Duty of Keeper of Alms House.

*Passed 8th June, 1865.*

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

1. In addition to the power now vested in the Commis-

sioners of the Alms House for the City and County of Saint John, it shall be lawful for any policeman or constable in the City of Saint John, and such policeman or constable is hereby required to arrest on view any vagrant or person begging or seeking alms in any street, highway, or thoroughfare in the said City, or at the door of, or within any office, shop, store or workshop, or dwelling house, or found lurking in or on any area, yard or enclosure around any dwelling house, whether male or female, child or adult, and to take such person so arrested before the Police Magistrate for the City of Saint John, and such Police Magistrate is hereby authorized to commit such person by his Warrant to the Alms House for the City and County aforesaid, to be dealt with as hereinafter provided.

2. The keeper of the Alms House is required to receive any such person so sent as aforesaid, and to detain such person in such Alms House for such period as the Commissioners, by any regulations to be for that purpose made, shall prescribe. In making such regulations, regard shall be had to the age and sex of any person so committed to the Alms House, and the number of commitments made of any such person; such regulations shall also prescribe the mode of confinement, diet and labour to which such person shall be put while confined in the Alms House.

#### CAP. XXXVII.

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

##### Section.

1. Parish Officers, how appointed.
2. Qualification of Voters.
3. Meeting, when to take place; Candidates, when nominated.
4. Appointment of Chairman; Reports to be read; meeting to be adjourned.
5. Lists of Candidates to be made.
6. Appointment of Poll Clerk; his duties; pay.
7. No person to hold more than one office.

##### Section.

8. Certified list of officers to be forwarded to Clerk of the Peace.
9. Sessions to confirm elections of officers; in case of no election, Sessions to appoint.
10. Persons elected neglecting or refusing to qualify; penalty; proviso.
11. Clerk of the Peace to furnish Town Clerk with list of Electors.
12. Acts repealed in whole or in part.

*Passed 8th June, 1865.*

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

1. The Parish Officers for the respective Parishes of

Simonds, Lancaster, and Saint Martins, in the City and County of Saint John, shall be elected annually for the said Parishes, and shall be as follows:—One Town Clerk, one Collector of Rates, four Pound Keepers, four Hog Reeves, three Assessors of Rates, four Constables, four Field Drivers, three Road Commissioners, three Revisors of Electors of Members to serve in the General Assembly, three Trustees of Schools, so many Surveyors of Roads as there may be sub-districts under the County Highway Acts, three Commissioners for expending Bye Road money, and also if deemed necessary by the Electors, one Clerk of the Market, two weighers of Hay and Straw, and one weigher of Coals, one measurer of Salt, three measurers of Wood or Bark, two Inspectors of Barrels, four Fence Viewers, two Boom Masters, two Surveyors of Dams, two Inspectors of Butter, two Sealers of Leather, two Surveyors of Grindstones, and two Timber Drivers.

2. No person shall be entitled to vote or be a Candidate at the election of all or any of the aforesaid officers unless duly qualified as an elector of Members to serve in the General Assembly, such qualification to be ascertained by reference to the Registered List of Electors in the said respective Parishes for the current year, and unless his taxes for the year next preceding such election shall have been paid; such payment to be evidenced by the production of the receipt of the Collector or Receiver of Taxes as hereinafter mentioned.

3. The inhabitants of the said respective Parishes so qualified to vote, or so many of them as shall choose to attend, shall on the first Tuesday in March in each year meet for the purpose of nominating candidates qualified as aforesaid, being inhabitants as aforesaid, for the aforesaid offices, twenty days notice of such time and of the place of such meeting, (such place to be settled by the General Sessions held in December preceding the election, and so to continue until altered) having been previously given by the Town Clerk, by hand bills posted up in twelve or more public places in the several sections of the respective Parishes; should the Town Clerk neglect to give such notice, or there be no such Clerk, such meeting may be held at the time and place aforesaid on ten days notice given in manner aforesaid,

by any Justice of the Peace for the said City and County, who shall be entitled to receive therefor such compensation as the Sessions shall order.

4. At the time and place so appointed, the meeting shall be called to order by the Town Clerk, or if there be no Town Clerk present, by any such Justice of the Peace, who, as the case may be, shall preside until a Chairman shall be nominated and elected for the time being, and such Chairman shall then preside at the same, and at any adjournment thereof, and be sworn to the faithful discharge of his duty before any Justice as aforesaid, and shall receive the sum of four dollars for his services; the Town Clerk, who shall act as Secretary, shall read the reports of the Collector of Taxes and Commissioners of Highways for the Parish for which the election shall be held for the year preceding, in which shall be clearly stated the names of all defaulters, and which shall have been previously filed by the said Collector with the Clerk of the Peace in sufficient time to enable the said Clerk to transmit the same to the said Town Clerk. After reading the said report, nominations shall be made in writing to all or any of the said officers, signed by two or more of the electors; and when a sufficient time shall have elapsed for making such nominations, and not less than two hours after the opening of the meeting, (which shall be at ten of the clock in the forenoon) it shall be adjourned to the following Tuesday at eight o'clock in the morning.

5. It shall be the duty of the Secretary immediately after the adjournment to prepare a List, which shall be signed by himself and the Chairman, of all the persons nominated for the several offices, of which list each elector shall be entitled to receive from the said Secretary a printed copy.

6. At or before such adjourned meeting the said Chairman shall appoint a Poll Clerk, who shall be sworn to perform the duties of his office before any Justice as aforesaid, and who shall receive two dollars for his services, the said Justice being hereby authorized and required to administer such oath. The Election shall be as follows:—Each elector qualified as aforesaid shall deliver to the Poll Clerk one of the said printed lists, having first struck out therefrom all names but those of the persons whom he may wish to be elected, and the Poll Clerk shall immediately deposit the same, with-



out opening it, in the ballot box ; at the expiration of seven hours after the opening of the meeting the Poll Clerk shall ascertain by examination of the ballots, in the presence of the Chairman and such of the candidates as may choose to attend, which of the candidates has the greatest number of votes for each office, and the person so having the greatest number of votes shall be deemed duly elected, and shall then and there publicly be declared so elected by the Chairman.

7. No person shall be elected to or hold more than one of the said offices at any one time.

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

9. The persons so elected and certified shall be confirmed in their offices by the Sessions for one year ; and should there be no election of officers, or not a sufficient number chosen, whether limited by this Act or otherwise, or no certified list laid before the Court, the Sessions shall make the necessary appointments.

10. Any person elected to office by virtue of this Act, and refusing or neglecting to qualify and serve, shall be liable to a fine of eight dollars ; provided always, that no officer shall be required to serve two years in succession ; and in case of refusal or neglect to serve, or of the death or removal of any person elected or appointed to any of the said offices, any two Justices of the Peace aforesaid, residing in the Parish where the same may happen, may appoint a fit person to any such vacancy, and so from time to time as the case may occur ; and when so appointed the like security shall be given, if by law required, as if originally elected or appointed ; and any person so appointed shall have the like powers and be liable to the performance of the same duties, and to the same pains and penalties, as if elected or appointed in the first instance.

11. It shall be the duty of the Clerk of the Peace aforesaid in each and every year to furnish the several Town Clerks of the Parishes aforesaid, for the purpose of such elections, a true copy of the registered List of Electors in the said Parishes respectively, for the current year, unless the same

have been already previously furnished to the said Town Clerks under the Act for the Elections of Members of the General Assembly.

12. The Act intituled *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*, is hereby repealed, together with all such parts of the Revised Statutes, Title viii, Chapters 52 and 53, as may be inconsistent herewith.

### CAP. XXXVIII.

An Act to amend the Charter of the Commercial Bank of New Brunswick.

Section.

1. Directors, when chosen ; number.
2. Two old Directors only necessary to be chosen at each election.
3. Quorum.
4. Charter, how affected.

Section.

5. Directors to declare half-yearly dividends.
6. When election of Directors to take place.

*Passed 8th June, 1865.*

WHEREAS it is deemed advisable to make certain amendments in the Charter granted to the President, Directors and Company of the Commercial Bank of New Brunswick, bearing date the sixteenth day of August in the year of our Lord one thousand eight hundred and thirty four, which said Charter, and all matters and things therein contained, is now in full force and effect, under and by virtue of the provisions of an Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to extend the Charter of the President, Directors and Company of the Commercial Bank of New Brunswick* ;—

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

1. On the first Tuesday in May next after the passing of this Act, and on the first Tuesday in May in each succeeding year, there shall be elected in the manner prescribed by the said Charter, five Directors in lieu of thirteen Directors as provided by the said Charter.

2. In the choice of said Directors it shall not be necessary to choose more than two of the Directors of the preceding year, of whom the President shall be one.

3. The quorum of said Directors for the transaction of business shall be three instead of seven as now provided by the said Charter.

4. The said Charter, and all and every thing therein contained, except as herein and hereby particularized, altered, and amended, shall be and remain firm, valid, and good and effectual in all respects, save and except so far as the same is hereby altered and amended, for the time prescribed in the said Act, intituled *An Act to extend the Charter of the President, Directors and Company of the Commercial Bank of New Brunswick.*

5. The Directors of the said Bank shall have power to declare half-yearly dividends, (not exceeding in amount seventy five (75) per centum of the net earnings of the Bank for the previous half year) on one hundred and twenty thousand (120,000) pounds of the capital stock: the balance of net earnings to be applied to making good the losses sustained by the Bank; such dividend for the half year ending in April last may be declared at any time after the passing of this Act.

6. That the first election of Directors under this Act shall be held within forty days after the passing of this Act, and that the present Board of Directors shall give four weeks notice of the time and place of election; the Directors so chosen under this Act shall be the Directors of the said Bank, in place and stead of those chosen on the first Tuesday in May in this present year, and shall be and remain the Directors of the said Bank until others are chosen in their place, on the first Tuesday in May in the year one thousand eight hundred and sixty six.

### CAP. XXXIX.

An Act to incorporate the Carleton (Saint John) Ship Building and Trading Company.

| Section.  | Section.   |
|---|--|
| 1. Company incorporated.  | 12. On trial, or hearing, what shall be taken as prima facie evidence against Defendant. |
| 2. Capital Stock.   | 13. Joint Stock alone liable.  |
| 3. Powers of Company.   | 14. Meetings of Company, how called.   |
| 4. First Meeting, when and where held.  | 15. Vacancy, how filled up.  |
| 5. General Meeting, when held; for what purpose.                                      | 16. When Dividends are not to be paid; how such may be applied.                          |
| 6. Number of Directors.   | 17. Amount to be paid in before Company commence operations.                             |
| 7. Who eligible to be elected Director.   | 18. Duty of Directors.   |
| 8. Votes, how apportioned; Stockholders not to vote unless all calls paid up.         | 19. Detailed Accounts to be kept.  |
| 9. Shares may issue payable by monthly instalments, subject to approval of Directors. | 20. Directors at Annual Meeting to make full report.                                     |
| 10. Shares, how allotted and transferred.   | 21. Directors to declare Dividends half yearly; to whom payable.                         |
| 11. Assessments, by whom and when made, and how collected.                            | 22. Surplus profits, how applied.  |
|   | 23. Compensation to President.   |

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*Passed 8th June, 1865.*

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

1. George M. Davis, Robert R. Allan, James Drake, William H. Shaw, Henry W. Frith, Samuel Robinson, John B. Beatteay, Samuel L. Britain, John Ansley, and Thomas Allan, their associates, successors, and assigns, shall be and they are hereby declared to be a body politic and corporate, by the name of “The Carleton (Saint John) Shipbuilding and Trading Company,” and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of building Ships or Vessels, and freighting, chartering, trading with, or selling the same, and of conducting and carrying on such other business as may be incident thereto. The shipyards of the said Company, and all buildings erected or purchased by it for the purposes aforesaid, shall be situated in that part of the City of Saint John known as Carleton aforesaid.

2. The capital of the said Company shall be derived from two sources, and shall be designated permanent and accumulative: The permanent capital shall be four hundred thousand dollars of current money of New Brunswick, and shall be divided into eight thousand shares of fifty dollars each, payable at such times and in such instalments as the business of the Company may require, and the Directors determine: The accumulative capital shall be made up from the premiums upon shares sold by the Company, and from the half-yearly net earnings of all vessels owned by the Company, as follows, that is to say,—After payment of or due provision for the debts and liabilities of the Company, and before declaring any dividend, an amount not exceeding five per centum on the first cost of each vessel shall, during the first ten years after her completion, be reserved as part of such accumulative capital, which capital shall be applied in the first place to the payment of any charges or losses upon such vessel beyond ordinary wear and tear, and to the building of other vessels, and fitting out the same.

3. The said Company shall have full power and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements, or real estate, to any amount not exceeding

twelve thousand dollars, for the purposes for which it is incorporated, and to lease, sell and exchange the same from time to time as may be requisite.

4. The first meeting of the said Company shall be held in Carleton, in the City of Saint John, and shall be called by the said George M. Davis, or in case of his death, neglect, or refusal, by any two of the persons named in the first Section, by giving notice thereof in one or more of the public newspapers published in the City of Saint John, at least ten days previous to such meeting, but no person shall take part in or vote thereat, unless he shall have paid in (to the person or persons calling it) two per cent. on the whole amount of stock in the said Company subscribed by him ; at such meeting or any adjournment thereof, the stockholders legally qualified may proceed to make bye laws and regulations, and elect Directors, and the Directors so chosen shall serve till the first annual meeting, or until others are elected in their stead, and shall have full power and authority, as shall all subsequently elected Directors, to appoint such agents, officers and clerks as may be necessary for the management of the affairs of the said Company, subject to the provisions of this Act.

5. A general meeting of the shareholders of the said Company shall be held annually in Carleton aforesaid, on the third Monday in January, for the purpose of choosing Directors, who shall remain in office one year from that day, or until others are elected in their stead ; as soon as convenient after their election, the Directors shall choose one of their number President of the Company for the ensuing year. In the absence of the President from any meeting, the Directors may appoint one of their number Chairman.

6. The number of Directors shall be seven, of whom four (including always the President) shall be re-elected each year ; five of the Directors shall form a quorum for the transaction of business.

7. No person shall be eligible as a Director unless he shall hold at least five shares of the permanent capital stock of the Company, be twenty one years of age, and shall have paid up at least twenty five per cent. on such shares, and all other instalments on the stock held by him which may have been called in.

8. On every occasion when the votes of the shareholders are to be given, each shareholder shall have one vote for each of the first four shares held by him, one vote for every two additional shares up to ten, making seven votes for the first ten shares, and one vote on every four additional shares beyond ten; provided only, that no share shall be voted upon on which the whole or part of any instalment called in shall be due and unpaid; absent shareholders may vote by proxy, but all proxies must be held by shareholders, who must produce sufficient authority in writing, and no shareholder shall be entitled to hold more than three proxies.

9. The Directors may issue shares to be paid for by monthly instalments; each applicant for such shares to be subject to the approval of the Directors; the amount of such monthly instalments, and the time of payment, to be regulated by bye laws to be made by the Directors; but no person shall be allowed to subscribe for or to hold more than two such shares, on which the full amount thereof shall remain unpaid at any one time; and all persons on having shares allotted to them, whether payable by monthly instalments, or upon call, shall forthwith make a payment to the Treasurer, or other person entitled to receive it, of two per cent. on each share.

10. The shares of the said Company shall be applied for and allotted, and shall also be transferable according to such regulations and in such mode and form as shall be appointed by the bye laws to be made by the Directors; but no transfer of stock shall be complete or effectual until registered in a book to be kept by the Directors for that purpose, and in no case shall any part of a share less than the whole, or any share on which any thing may be due and unpaid, be transferable; and whenever any shareholder shall have transferred all his shares in the said Company, he shall cease to be a member thereof.

11. The Directors may from time to time make and collect such assessment or assessments of an equal rate upon all the subscribed shares of the Company, (not payable by monthly instalments) as may be necessary for carrying on the business of the Company, and when any such assessment is made the Treasurer shall give notice thereof in one of the newspapers published in the City of Saint John, requiring payment

thereof to be made at the office or principal place of business of the said Company, within fifteen days from the date of such notice ; and if such assessment shall not then be paid by any shareholder upon the share or shares held by him, it shall and may be lawful for the Directors, in the name of the said Company, either to sue such shareholders for the amount thereof in any Court of Law or Equity having competent jurisdiction, and recover such amount with interest from the last day on which the same was payable, or to proceed to sell any share or shares on which such assessment may be due and unpaid, at public auction to the highest bidder, first giving twenty days public notice thereof in any such newspaper as above mentioned, and on such sale a new certificate shall be made out to the purchaser. If, after paying to the said Company the amount of such assessment, interest thereon, and advertising and all other expenses, there shall be any residue, it shall be paid over to the former holder of such share, or his legal representative ; or if upon any share the monthly instalments or any assessment shall be allowed to remain due and unpaid for the space of three months, such share may be declared forfeited by resolution of the Directors, and the amount paid thereon be appropriated to a fund to be called the " Reserve Fund " of the said Company.

12. On the trial or hearing of any suit brought to recover the amount of any assessment upon a share or shares, the production of the Register of Shareholders shall be *prima facie* evidence of the defendant being a shareholder, and of the number and amount of his shares, at the time such assessment shall have been ordered ; and after proof that such assessment was actually made and due notice thereof given, of which production of the newspaper containing the same shall be sufficient proof, it shall be unnecessary to prove any other matter or thing.

13. The joint stock and property of the said Company alone shall be liable for its debts and engagements, but no shareholder shall be liable to be assessed beyond the full subscribed value of any share or shares held by him.

14. All regular and special meetings of the Company shall be called by public notice given by the President or any four of the Directors, stating the time and place of such meeting ;

such notice to be inserted in a newspaper published in the City of Saint John at least ten days before the time of meeting.

15. In case of a vacancy among the Directors by death, resignation, or disqualification, transfer of stock, or from any other cause, the remaining Directors shall elect any eligible shareholder in his stead, and the Director so chosen shall serve until another be chosen in his stead at the annual meeting of the Company.

16. No dividend shall be paid to any shareholder by whom any assessment or monthly instalment shall at the time of such dividend being declared be due and unpaid, but such dividend, or so much thereof as may be necessary, may be placed by the Directors to the credit of the amount so due by such shareholder.

17. The said Company shall not commence operations or enter into any contracts or engagements until at least twelve thousand dollars of capital shall be subscribed, and at least twenty five per centum thereof paid up, and that a certificate thereof under oath by the President of the Company shall be duly filed in the Provincial Secretary's Office.

18. It shall be the duty of the Directors from time to time to make estimates of the cost of construction and outfit of such vessels, designed for such purposes or trades as they shall deem most advisable, and to submit such estimates when made to the annual meeting of the shareholders, or any special meeting to be called for the purpose; if such estimates or any modification of them be approved by a majority of votes at such meeting, the Directors shall forthwith proceed with the work, and after having applied as much as they think desirable of the accumulative capital in hand to such purpose, shall be at liberty to make and offer for sale any additional issue of shares which may be necessary to produce sufficient capital (within the limit prescribed by this Act) to carry on the same, with power to fix the minimum price of such shares, so as to make them at the time of issuing of equivalent value to the then existing shares of the Company.

19. Separate and detailed accounts shall be kept of the cost of construction, of the running expenses, and of the earnings of each vessel.



20. The Directors shall, at the annual meeting in each year, lay before the shareholders for their information, previously to the election of new Directors, an exact and particular statement of the whole affairs of the Company, shewing its debts, liabilities and assets, the number and kind of vessels owned and building by it, and their value, and the quantity and value of outfit and materials, real estate and other property of the Company; also the annual surplus of profit (if any) remaining after deduction of expenses and losses, and provision for dividend, which statement shall be signed by three at least of the Directors, and attested by the President and Secretary, or Manager.

21. The Directors shall make and declare half yearly dividends of the surplus, income and profits, to be made up to the first day of January and July of each year; but no dividends shall be declared or payable on any assessment or instalment which shall have been paid in less than three months previously to the time of making up a dividend; nor shall any dividend be declared until all debts and liabilities of the Company are paid or provided for.

22. Any surplus of profits after making up the half yearly dividend as aforesaid, amounting to less than a quarter per centum, together with such sums as may be forfeited as aforesaid, shall be placed to the credit of a fund to be called the "Reserve Fund," which shall be kept separate from the general funds of the Company and be applied to the education of such persons as the Directors may from time to time select, in the art of navigation, and such other English branches as may be necessary for seamen and master mariners to be employed by the said Company; such persons first giving a bond to the Company in an amount to be fixed by the Directors, to serve an apprenticeship in the Company's service for such period, and on such terms and conditions as may be agreed upon at the time of his beginning to be educated by the said Company; and for the purpose of affording such education, the Directors shall be at liberty to apply the said Reserve Fund in any way deemed by them best calculated to attain such object.

23. No Director shall receive or be entitled to any salary or emolument for his services, but the President shall have such compensation as the shareholders at any meeting of the Company shall appoint.

## CAP. XL.

An Act to incorporate certain persons holders of Property in the Lower District of Saint Stephen, for the purposes therein mentioned.

## Section.

1. Company incorporated ; District described.
2. Lands &c. within District liable for Debentures.
3. Public meeting, how called and for what purpose.

## Section.

4. First meeting of Company, how and when called ; what to be done at first meeting ; proviso.
5. Duty of President.
6. Debentures, how to be applied and how redeemed.
7. Act to be published in Saint Stephen.

*Passed 8th June, 1865.*

WHEREAS certain persons holding real estate in the Lower District of the Parish of Saint Stephen, in the County of Charlotte, have made known by Petition that they are desirous of being incorporated, and that certain lands held by them, and comprehended within certain limits in the said Parish, should be declared by law to be affected by and liable unto the payment of certain Debentures to be issued by the Saint Stephen Branch Railroad Company, for the sole purpose nevertheless of being in the nature of a guarantee in aid of the said Saint Stephen Branch Railroad Company, on such terms, notwithstanding, as may be required and directed by the Act of Incorporation ;—

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

1. That Zachariah Chipman, Nehemiah Marks, Robert Watson, Freeman H. Todd, Hugh Cullenan, Augustus H. Thompson, William T. Rose, and James G. Stevens, owners of real estate, and such other persons as now are or shall from time to time become proprietors of lands situated in the said Parish of Saint Stephen, in the County of Charlotte, in the lower district thereof, comprising that portion of the said Parish within the limits following, that is to say :— Southerly by the River Saint Croix, at low water mark ; easterly by Porter's mill stream, so called ; northerly by a line parallel with the Saint Croix River at low water mark, one mile or eighty chains of four poles each distant from the said River at low water mark ; and westerly by a line commencing at Hitching's corner, so called, and running southerly to the said River and northerly towards Scotch Ridge, so called, be and the same are declared, ordained, constituted and appointed to be a body corporate and politic by the name of the " Lower District of Saint Stephen," and

by that name shall have all the powers and be liable to all the incidents of a corporation for such purposes only as are above recited and hereinafter expressed, and for none other, and subject to the provisions of this Act.

2. The said real estate, and all the lands, tenements and hereditaments comprehended within the aforesaid abutments and boundaries, that is to say, southerly by the river Saint Croix at low water mark, easterly by Porter's mill stream, so called, northerly by a line parallel with the said Saint Croix River at low water mark, one mile or eighty chains of four poles each distant from the said River at low water mark, and westerly by a line commencing at Hitching's corner, so called, and running southerly to the said River, and northerly towards Scotch Ridge, so called, are hereby declared to be liable and subject to the payment of all Debentures to be issued by the said Saint Stephen Branch Railroad Company, and endorsed by the President of the Corporation hereby erected under and by virtue of this Act, together with the interest thereon, for the purposes of this Act and for none other, subject nevertheless to the several provisions, limitations and restrictions hereinafter expressed and contained.

3. Any two of Her Majesty's Justices of the Peace of the said County of Charlotte, and resident in the said Parish of Saint Stephen, within six calendar months from the day of the passing of this Act, by public notice in one or more of the newspapers printed and published in the Town of Saint Stephen, and also by printed handbills to be by them posted up in three or more of the most public places within the hereinbefore described district, shall make known to the public that they call together and will hold a public meeting of all persons interested in the real estate, lands, tenements and hereditaments situate within the said described district, at a time and place to be in such notice specified, and which time shall not be less than six days from the time of posting up and publishing such notices; and on the day, hour and place in such notices mentioned, the said two Justices shall hold such meeting, and shall preside at the same, and from notices in writing to be furnished to them then and there by parties present and having interest in the real estate, lands, tenements and hereditaments situate within the said described

district, they shall then and there make a list containing the names of the parties so interested and present, with columns thereon on which to enter opposite such names "yea" or "nay," as the vote may be; and not before four of the clock in the afternoon of the same day, shall then and there openly and publicly put the question to the parties present whose names shall have been entered in the said lists, whether this Act shall be adopted by them, and shall take the votes of the parties present whose names are so entered on the said list, and none others; and if it shall appear to the said two Justices, that the parties present and voting in the affirmative represent two thirds in value of the real estate in the said described district represented at such meeting, to be estimated by the Parochial assessment last made, then the said two Justices shall forthwith certify the same to the Lieutenant Governor in Council, and His Excellency the Lieutenant Governor in Council shall thereupon announce the same by Proclamation in the Royal Gazette, whereupon this Act shall be *ipso facto* in full operation, force, and effect; but if on counting the votes aforesaid, and referring to the said Parochial assessment, the said Justices should find that the persons voting in favour of the adoption of this Act, do not represent two thirds of the value of the said real estate, lands, tenements and hereditaments so represented by persons present at such meeting, they the said Justices shall also certify the same unto His Excellency the Lieutenant Governor in Council, whereupon this Act and every thing herein contained shall be and become utterly null and void, any thing in this Act contained to the contrary thereof notwithstanding; and in case of any dispute as to the qualification of any person to be entered by name on the said list, the said Justices shall and may decide the same on the oath of the parties, or any other evidence, which oath the said Justices are hereby authorized to administer.

4. When by virtue of the certificate and proclamation in the third Section of this Act mentioned, the same shall be and become in full force and effect, the first meeting of the said Corporation shall be called by public notice by any one of the persons named in the first Section of this Act: such public notice shall set forth the time and place of such meeting; and the persons who shall attend such meeting,

and who shall be proprietors of real estate, or having a legal or equitable interest in real estate within the district hereinbefore described, shall choose a President and Directors and such other officers as they may deem meet, and may make and ordain such rules, regulations and bye laws for the management of the affairs of the said Corporation hereby created under the authority of this Act, as to them shall seem meet; and at any meeting or meetings to be from time to time holden by the President and Directors aforesaid, under the authority of any bye law or regulation of the said Corporation hereby created, concerning the endorsation and guaranteeing of such Debentures as shall have been made by the said Saint Stephen Branch Railroad Company, bearing interest not exceeding six per centum per annum, payable half yearly with Coupons, the principal money to be redeemable in twenty years, and not to exceed in the whole the sum of one hundred thousand dollars, in such form and of such denomination as the said Saint Stephen Branch Railroad Company shall adopt under the authority of law, it shall and may be lawful for the said President to endorse the said Debenture or Debentures, Coupon or Coupons, with the name of the said President, and verified by the seal of the Corporation hereby created, and to deliver the same to the President of the said Saint Stephen Branch Railroad Company, to be thenceforth a debt due by the Corporation hereby created as is hereinafter set forth; provided always, that no such Debentures shall be issued or sold until it shall be made satisfactorily to appear to the Governor in Council that the stockholders of the said Saint Stephen Branch Railroad Company have *bona fide* paid in the sum of fifty thousand dollars of the subscribed stock of the Company, and have expended the same in actual work on the road.

5. It shall be the duty of the President of the Corporation hereby created, and he is hereby required as soon as may be after the act of endorsation and affixing of the corporate seal to any number of Debentures or Coupons under the authority of this Act, to file in the office of the Registrar of Deeds and Wills for the said County of Charlotte, a schedule shewing the numbers, denominations and dates of the Debentures so endorsed; and the said Debentures, with the lawful interest thereon, shall thereupon be and become an incumbrance in

law affecting all the lands, tenements and hereditaments within the said described district.

6. Whenever any Debenture or Debentures shall be so endorsed under the authority of this Act, the same shall be used and applied by the said Saint Stephen Branch Railroad Company, for the use of the said Company, and for no other use or purpose whatsoever; and the said Saint Stephen Branch Railroad Company shall be and they are hereby declared to be, under the provisions and conditions of this Act, entitled to ask, demand and receive from the Corporation hereby created, such endorsement of Debenture or Debentures, and Coupons, and to such amount from time to time as the said Saint Stephen Branch Railroad Company may desire, not exceeding in the whole the said sum of one hundred thousand dollars, subject nevertheless to the repayment of the same to the Corporation hereby created, when the same shall become due and payable as hereinafter mentioned, and to the payment of the interest thereon semi-annually, in manner following, that is to say—The said Saint Stephen Branch Railroad Company shall be held primarily liable to the holder of any such Debenture or Debentures for the payment of the principal and interest due thereon, and the liability of the Corporation hereby created shall be contingent only on every or any refusal, default or delinquency of the said Saint Stephen Branch Railroad Company; and whenever it shall happen that the said Corporation hereby created, by reason of any refusal, default, neglect or delinquency of the said Saint Stephen Branch Railroad Company, shall pay or be required to pay, or be held liable to pay to the holder of any Debenture or Debentures so endorsed as aforesaid, any sum or sums of money due for interest or principal on any such Debenture or Debentures, by virtue of such endorsement, it shall and may be lawful for the Corporation hereby created to recover the same from the said Saint Stephen Branch Railroad Company, in a summary manner, by Warrant of Distress, to be obtained on the Fiat of any Judge of Her Majesty's Supreme Court of Judicature of this Province, to be issued according to the form in the Schedule to this Act, on an *ex parte* affidavit of the President of the Corporation hereby created, to be sworn before any Commissioner for taking Affidavits to be read in the Supreme Court, setting

forth the date, number and denomination of the Debenture or Debentures in question, the name of the holder thereof, the sum due for interest or principal, or both, as the case may be, the neglect or refusal of the said Saint Stephen Branch Railroad Company to liquidate the same, and the demand made upon, or the payment of the same by the said Corporation hereby created, upon which it shall be the duty of any Judge of the said Supreme Court and he is hereby required to grant his Fiat aforesaid.

7. This Act shall be published for two successive weeks in some newspaper printed in the Town of Saint Stephen before the time appointed for holding the meeting mentioned in the third Section of this Act.

#### SCHEDULE.

To the Sheriff of the County of Charlotte.

By A. B., Chief Justice, *or* by C. D., one of the Justices of Her Majesty's Supreme Court of Judicature for the Province of New Brunswick.

Whereas it having been made known to me by the Affidavit of E. F., President of the Corporation called the "Lower District of Saint Stephen," that on the       day of 186   , a certain Debenture (*or* certain Debentures) being numbered       and of the denomination of       was (*or* were) duly issued by the "Saint Stephen Branch Railroad Company," payable with interest, and that the same was (*or* were) duly endorsed by the said "Lower District of Saint Stephen" according to law, and that       appears to be the holder of the same, and that demand of the payment of the same (*or* of the interest thereon) amounting to the sum of       has been made on the said Corporation of the "Lower District of Saint Stephen," in consequence of the neglect or refusal of the "Saint Stephen Branch Railroad Company" aforesaid to pay the same ;

I therefore command you the said Sheriff, that of the goods and chattels, lands and tenements, of the said "Saint Stephen Branch Railroad Company," you cause to be made the sum of       together with the sum of ten dollars, the costs of the said Affidavit and of this Warrant, together with your own fees for levying, collecting and paying over the said amount : and that when so collected you will forth-

with pay over the proceeds to the said "Lower District of Saint Stephen Corporation," and that you will make return of this Warrant to me, with your doings thereon, with all convenient speed after you shall have done as is herein commanded. In witness whereof, I have hereunto set my hand and seal at            this            day of            A. D. 186    .

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### CAP. XLI.

An Act to incorporate the Digdeguash Lakes and Stream Driving Company.

Section.

1. Company incorporated.
2. First meeting, when and where held; purpose of meeting.
3. General meeting, when held; proviso.
4. Each stockholder entitled to one vote; if absent, may vote by proxy.
5. Powers of Company.
6. Company to appoint superintendent.

Section.

7. Power of Company to levy and collect money.
8. Proportion of expense to be assessed in each year.
9. Corporation to have a lien on all lumber.
10. Persons hauling logs, &c. below improvements, not liable to toll.
11. Stockholders individually liable.

*Passed 8th June, 1865.*

WHEREAS the incorporation of a Company for the improvement of Little Digdeguash Streams and Lakes on the Saint Croix River, for the purpose of facilitating the driving of logs therefrom, and to enable the owners thereof to assess the expense of driving them equally among themselves, in proportion to the quantity owned by each, would be of great benefit to them;—

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

1. That Freeman H. Todd, John M'Adam, George A. Boardman, Charles F. Todd, Freeman H. Berry, Daniel H. Maxwell, Andrew L. Todd, their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of "The Digdeguash Lakes and Stream Driving Company," for the purpose of improving said streams and lakes, and driving logs from the same, as the Corporation may deem necessary or think advisable.

2. The first meeting of said Corporation shall be held at Saint Stephen, and shall be called by F. H. Todd, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in any newspaper printed in the County of Charlotte, and 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 authority and power to manage the concerns of said Corporation, subject to the rules and regulations hereinafter provided.

3. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in March in each and every year, for the purpose 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 for one year, or until others are chosen in their place, and shall at their 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 case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

4. 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, and absent stockholders may vote by proxy, providing such proxy be a stockholder and produce sufficient authority in writing.

5. The said Company may hold personal estate not exceeding four thousand dollars at any one time, and said Company shall have full power to make and construct Dams, Piers, and Booms, and other improvements on that portion of said stream or streams and contiguous lakes extending from the northern side line of the lands granted to the New Brunswick and Canada Railway and Land Company to its mouth at Chepitnicook Lake, reserving however all rights of the Crown, Individuals, Companies, or Corporations.

6. The said Company shall have full power to employ a superintendent or driving master, with the necessary number of men, and to furnish such tools and provisions for the purpose of driving logs on said stream in each year as may be necessary and useful for the common interest of the proprietors and public.

7. The said Corporation shall from time to time, first giving ten days notice in manner and form as aforesaid, have power to levy and collect from all the owners of logs on said stream, such sum or sums of money as may be expended by them in improving said streams, and also for all logs that may be driven by them, and assessing each owner of logs with his proportion of the money so expended and no more.

8. Any sum or sums of money expended in the improvement of said stream or lakes for the purpose of facilitating the driving of the stream, to be assessed as described in Section seven, in the proportion of thirty three and one third per cent. each year, until the expense of said improvements are paid for, and not sooner.

9. The Corporation shall have a lien on all timber or logs so driven by them for the payment of such assessments, 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.

10. No person hauling logs or other lumber into the said Digdeguash Stream or Lakes below the place where the improvements are required to be made, shall be subject to any toll or other exaction in the exercise of their legal right in driving the same, nor shall the Company have any lien or claim on such lumber by virtue of this Act.

11. The stockholders of said Company in their individual capacity shall be holden for all debts that may be due from said Corporation.

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#### CAP. XLII.

An Act to repeal an Act to provide for making rules and regulations for the management of the Poor House in the Parish of Saint Andrews.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to provide for making rules and*

*regulations for the management of the Poor House in the Parish of Saint Andrews, be and the same is hereby repealed.*

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CAP. XLIII.

An Act to revive and continue the Act to incorporate the Saint Croix Bridge Company.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighth year of Her Majesty's Reign, intituled *An Act to incorporate the Saint Croix Bridge Company*, be and the same is hereby revived and continued, and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty six.

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CAP. XLIV.

An Act relating to the Charlotte County Bank.

Section.

1. Notice to be given before closing Bank.
2. After paying debts, surplus to be divided among stockholders.

Section.

3. When stockholders shall be released from liability.
4. Proviso.

*Passed 8th June, 1865.*

WHEREAS the Charlotte County Bank has for several years past ceased its operations and business, and has paid off all its debts and liabilities, and all notes issued by the said Bank, so far as they have been presented for payment, and the Directors of the said Bank are desirous of winding up and closing its concerns, and of distributing the surplus assets of the Bank (if any) among the stockholders ;—

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

1. A notice of the passage of this Act, and of the intended closing of the concerns of the Bank, shall be published for twelve months in the Royal Gazette of this Province, and in the following Newspapers,—Saint Andrews Standard, Saint John Morning News,—in which notice all persons holding any notes or bills of the said Bank, or having any claim as a creditor of the said Bank, shall be required to present the same within twelve months from the date of such notice, to the President of the said Bank in Saint Andrews.

2. After the expiration of such period, and the full pay-

ment of all notes or claims so presented, the President and Directors of the said Bank shall forthwith distribute the surplus of the funds (if any) realized from the assets of the Bank, among the stockholders in equal proportion.

3. When such distribution has been made, the stockholders of the said Bank shall be released from any further liability to the creditors of the Bank or to each other, and the Acts of Incorporation of the said Bank shall be deemed as repealed, and no longer in force.

4. Provided always, that the stockholders of the said Bank shall be chargeable in their private and individual capacity according to their respective interest therein, and shall continue and be holden for the payment of the notes or bills of the said Bank remaining unpaid (if any) for the term of two years after the passing of this Act.

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#### CAP. XLV.

An Act in addition to an Act intituled *An Act to incorporate the Saint Stephen's Branch Railroad Company*.

Section.

1. Company may issue Debentures ;  
proviso.

Section.

2. Debentures to be a first charge on  
Railroad.

*Passed 8th June, 1865.*

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

1. That in addition to the powers heretofore conferred on the Saint Stephen's Branch Railroad Company, in and by an Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint Stephen's Branch Railroad Company*, it shall and may be lawful for the said Company from time to time to issue Debentures or certificates of debt bearing interest with coupons at six per centum per annum, in such number and in such denominations as they may see fit, such Debentures to be numbered consecutively, beginning at number one, and payable in twenty years ; provided always nevertheless, that the aggregate amount of such Debentures so to be issued by authority of this Act, shall in no case exceed the sum of one hundred thousand dollars.

2. The Debentures to be issued under authority of this Act shall constitute a first charge on the property of the said

Saint Stephen's Branch Railroad Company, saving and excepting the rights of the Crown; and whenever issued, a schedule thereof shall be forthwith filed by the President of the said Company in the office of the Registrar of Deeds and Wills in and for the County of Charlotte, and shall thereupon constitute an incumbrance affecting the lands of the said Saint Stephen's Branch Railroad Company.

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#### CAP. XLVI.

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

*Passed 8th June, 1865*

WHEREAS the sum of one hundred dollars mentioned in the fifth Section of said Act is insufficient for the purposes thereof;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Justices of the Peace for the said County are hereby authorized to make a rate and assessment for a sum not exceeding two thousand dollars upon the district mentioned in the said Act for the purposes thereof, and apply the same, when collected, as directed in and by the said Act, to the payment of any police force now or hereafter to be appointed under and by virtue of the said Act.

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#### CAP. XLVII.

An Act in amendment of the Law relating to the draining of German Town Lake, in the County of Albert.

Section.

1. Commissioners may take land required for Canal.
2. Acts repealed.

Section.

3. Legal proceedings taken before passing this Act, not to be interfered with.

*Passed 8th June, 1865.*

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

1. That the Commissioners of Sewers for the Lake District, appointed by virtue of the Act twenty second Victoria, Chapter 53, are hereby authorized and empowered to appropriate any lands required for the making of any canal or canals as they may consider necessary for the purposes of said Act, not exceeding fifteen rods in width for any one canal, the damages arising therefrom to be fixed, determined

and assessed in the same way as provided by the several provisions of said in part recited Act, or of the Act twenty third Victoria, Chapter 14 ; provided however, that the increased power and authority given to the said Commissioners by the provisions of this Act, relating to the widening of said canals, shall apply only to that portion of any such canals lying eastwardly of the west line, or the prolongation thereof, of lands owned or occupied by Edward S. Godfrey.

2. So much of said recited Acts as may be inconsistent herewith, is hereby repealed.

3. The provisions of this Act shall not interfere with any legal proceedings had under any previous Act.

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#### CAP. XLVIII.

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

*Passed 8th June, 1865.*

WHEREAS in and by the eighth Section of an Act passed in the twenty second year of Her present Majesty's Reign, intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland*, the Justices of the said County are authorized to assess the sum of one hundred and fifty pounds for defraying the expenses of supporting and maintaining the said Police establishment : And whereas the said amount so authorized to be assessed is found to be insufficient for Police purposes, and it is deemed necessary and expedient to increase the amount of said assessment ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said eighth Section of the said Act be and the same is hereby repealed, and in lieu thereof the Justices of the Peace for the said County, at the General Sessions to be held in January in each year hereafter, are hereby authorized to make a rate and assessment of a sum not exceeding for any one year the sum of eight hundred dollars, to defray the expenses of supporting and maintaining the said Police establishment, such expenses to include the rent of the Lock-up House, the salaries and allowances of and for the Constables, and towards the payment of the Keeper of the said Lock-up House, the costs and charges of erecting, repairing, and lighting gas lamps,

the allowances or payments to the Assessors and Collectors, and all the costs, charges and disbursements incident to and necessary for the efficient maintenance and support of the said Police establishment and its appurtenances in general; such assessment to be levied and collected on the inhabitants and property in such County, residing or being situate on the front lots, between the lower side of Clarke's Cove and the upper side of Saint Andrew's Church, in the said Parish of Chatham, including all the inhabitants of the said Parish being within the above limits being owners or occupiers of any house or houses within the same, and all the real property within such limits; which sum, subject to the limits aforesaid, shall be assessed, levied and paid agreeably to any Act now or which may hereafter be in force for the assessing, levying and collecting County rates; and when recovered or collected shall be paid over to the County Treasurer for the said County of Northumberland. and held and applied under the direction of Justices of the Peace for the said County, for the purposes of the Police establishment.

#### · CAP. XLIX.

An Act to authorize and empower the Trustees of Schools for the Parish of Chatham to sell and convey a certain piece of land in the said Parish, and dispose of the proceeds thereof.

##### Section.

1. Trustees authorized to sell.
2. Proceeds, how disposed of.

##### Section.

3. Prima facie evidence of sale.
4. Legal rights of others reserved.

*Passed 8th June, 1865.*

WHEREAS one Robert England, by deed poll bearing date the second day of October in the year of our Lord one thousand eight hundred and twenty six, for the consideration therein mentioned, sold and conveyed to the Trustees of Schools for the Parish of Chatham, in the said County, and to their successors in office, in fee simple, all that certain piece and parcel of land situate, lying and being in the Parish of Chatham aforesaid, being part of lot number thirty one, and abutted and bounded as follows:—Beginning on the south side of the highway as at present laid out, at the distance of twenty two rods and a half from the eastern side line of said lot; thence along the south side of said highway, running south fifty four degrees thirty minutes west, thirty four yards; thence on a line running south twenty two de-

grees east, thirty five yards; thence on a line running north fifty four degrees thirty minutes east, thirty four yards; thence on a line running north twenty two degrees west, thirty five yards, to the bounds first mentioned; containing one quarter of an acre more or less: And whereas the inhabitants in the District had erected a School House thereon, and which, from long use has become dilapidated, and is not now, nor has been for some time past, used for that purpose: And whereas by reason of the changes which have taken place in the neighbourhood of the said School House since its erection, the situation is now found to be unsuitable, and the building being now greatly out of repair, a more desirable and convenient situation is desired by the inhabitants on which to erect a new building to be used as a School House, and the Trustees of Schools for the Parish are desirous of being authorized to sell and convey the said piece of land to the best advantage, in order that the proceeds may be applied towards the erection of a new School House in a more convenient situation;—

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

1. That the Trustees of Schools for the Parish of Chatham 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 shall be received by the said Trustees, and by them applied to the purchase of another piece of land in the said Parish of Chatham, in the neighbourhood of the present School House, whereon to erect a new School House, and the balance to be applied towards the erection and completion of the same.

3. All such deeds and conveyances so made, executed and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold as required by the provisions of this Act.

4. The legal and equitable rights of all persons to any part of the said lands are hereby reserved as fully as if this Act had not been passed.



## CAP. L.

An Act to amend an Act to incorporate the Trustees of Saint John's Church, Chatham, in connexion with the Presbyterian Church of Nova Scotia.

## Section.

1. Former Act in part repealed.

## Section.

2. Annual meeting, when held.

*Passed 8th June, 1865.*

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

1. The third Section of an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Trustees of Saint John's Church, Chatham, in connexion with the Presbyterian Church of Nova Scotia*, is hereby repealed.

2. On the fourth Wednesday in October in each and every year for ever hereafter, the annual meeting of the persons being proprietors of pews, seat renters, or male communicants, shall be holden in the said Church; at which meeting, between the hours of twelve and three of the clock in the afternoon, an election shall be made to be determined by a majority of such pew holders, seat renters, and male communicants then present, of not less than nine persons being pew holders, seat renters, or male communicants, to be Trustees of the said Church, who shall forthwith on the completion of such election, enter upon the duties of their office, and continue in the same until other fit and proper persons shall be elected in manner aforesaid.

## CAP. LI.

An Act further to amend the Act to incorporate the City of Fredericton.

## Section.

1. Cases which may be tried before Mayor and one Alderman.
2. Penalty for keeping bawdy or gambling house.
3. Person acting as master or mistress of such house, penalty.
4. Amount of Bond to be given by City Treasurer.

## Section.

5. Mayor to be member of General Sessions.
6. Mayor or Alderman holding certain offices, penalty.
7. Section 25, 26th Victoria, repealed.
8. Mayor refusing to receive and proceed upon information, any Alderman may proceed to trial thereof.

*Passed 8th June, 1865.*

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

1. Any offence committed within the County of York which, by any Law of this Province is required to be tried

before two Justices of the Peace, or before the Mayor and one Alderman, or in case of the absence of the Mayor, before any two Aldermen of the said City, may be lawfully heard, tried and determined by and before the Mayor of the said City, or in case of his absence, refusal, or inability to attend, then before any two of the Aldermen of the said City, any law to the contrary notwithstanding.

2. Whoever shall keep a common gaming, bawdy, or other disorderly house, room or place within the City of Fredericton shall, on being convicted thereof before the Mayor of the said City, or before any two Aldermen as aforesaid, shall pay a fine not exceeding forty dollars, with costs, and in default of payment be imprisoned in the Provincial Penitentiary for any term not exceeding nine months, or be imprisoned for any such term at the discretion of the Court.

3. Any person who shall appear to act or behave as the master or mistress, or have the care or management of any such house, room, or place, or the owner or landlord letting the same for any such purpose, shall be deemed the keeper thereof, and be liable to the punishment mentioned in the preceding Section.

4. The Bonds to be given by the City Treasurer under the forty seventh Section of the Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, shall be for the sum of twenty thousand dollars, instead of the sum mentioned in the said Section.

5. Notwithstanding any thing contained in the Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to alter and amend the Act to incorporate the City of Fredericton*, and in the Act made and passed in the twenty sixth year of the Reign of Her Majesty, intituled *An Act in addition to and in amendment of an Act to alter and amend the Act to incorporate the City of Fredericton*, the Mayor of the said City shall be *ex officio* a member of the General Sessions of the Peace in and for the County of York, with the like powers and authority as if he had been named in the Commission of the Peace for the said County; and notwithstanding any thing contained in the sixteenth Section of the said last mentioned Act, the said Mayor shall have power to try, hear and determine all cases of informa-

tion or complaint of offences committed within the County of York; and all Summonses and Warrants issued by the said Mayor upon any such information or complaint may be issued in any part of the said County.

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

7. The twenty fifth Section of an Act made and passed in the twenty sixth year of Her Majesty's Reign, intituled *An Act in addition to and in amendment of an Act to alter and amend the Act to incorporate the City of Fredericton*, is hereby repealed.

8. Should the Mayor of the City of Fredericton refuse or neglect to receive or proceed upon any information offered to be given to him of any violation of law, or of any violation of any of the City bye laws of the said City of Fredericton, it shall and may be lawful for any one of the Aldermen of the said City of Fredericton to receive such information, and for any two of the said Aldermen to proceed to the hearing and trial thereof.

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### CAP. LII.

An Act to alter the division line between the Parishes of Queensbury and Southampton in the County of York.

Section.

Section.

- |   |                             |
|---|-----------------------------|
| 1. Title i, Cap. 1, Sec. 15, of Revised Statutes, in part repealed. | 2. Division line described. |
|---|-----------------------------|

*Passed 8th June, 1865.*

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

1. That so much of the Revised Statutes, Title i, Chapter 1, Section 15, 'Of the division of the Province into Counties and Parishes,' as relates to the northwest line of the Parish of Queensbury, be and the same is hereby repealed.

2. The division line between the Parishes of Queensbury and Southampton shall be as follows, namely,—Commenc-

ing at the River Saint John at the southern angle of lot number one granted to Joseph Cunliff, near the mouth of the Nackawicac river; thence running northeasterly along the lower or southeastern line of the said lot, and its prolongation, until it strikes the southwestern line of land granted to William Dobie in the Caverhill settlement; thence northwesterly along the said line of the said grant, and its prolongation, till it strikes the southeastern line of a grant to Henry Morehouse and three others; thence northeasterly along the line of the said grant to its eastern angle; thence northwesterly along the northeast side of the said grant till it strikes the northeast branch of the Nackawicac river; thence following the course of the said river up stream to the forks at the mouth of the Little northeast branch of the said river; and thence following the course of the said Little northeast branch up stream till it strikes the line of the Parish of Douglass.

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#### CAP. LIII.

An Act to authorize the erection of a Sorting Boom near the Lower Bridge on the River Nashwaak.

##### Section.

1. Authority to erect Boom, to whom given.
2. How far Boom shall extend.
3. Boom may be repaired or renewed; proviso.
4. Lumber to be sorted every day.
5. Injuries caused by Boom, actions may be brought.

##### Section.

6. Penalty for wilful injury to Boom, how recovered.
7. Piers or Booms not to extend beyond centre of river.
8. Rights of proprietor of Boom to extend to his heirs and assigns.

*Passed 8th June, 1865.*

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

1. That Alexander Gibson, of the Parish of Saint Mary's, in the County of York, the proprietor of the Nashwaak Mills, is hereby authorized to erect and maintain a Boom across the river Nashwaak, at or near the Lower Bridge on the said river, for the purpose of stopping, collecting together and sorting timber, logs, masts, spars and other lumber which may float down the Nashwaak river, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars and other lumber belonging to the said Alexander Gibson.

2. The said Alexander Gibson is hereby authorized to

erect and maintain a Boom extending from the Boom mentioned in the first Section of this Act, down the said river Nashwaak, near the centre thereof, to Butternut Island, and from thence down the said river, and near the centre thereof, near to the said Mills, for the purpose of protecting and securing the timber, logs and lumber for the use of the said Mills.

3. The said Alexander Gibson may by himself, his servants and agents, erect, construct, renew and repair from time to time all such piers or abutments as may be necessary to secure and maintain the said Booms or either of them; provided that nothing herein contained shall authorize or empower the said Alexander Gibson, his agents or servants, to enter upon the lands of any person without the consent of the owner or owners thereof first obtained in writing.

4. It shall be the duty of the said Alexander Gibson at all times while the Boom mentioned in the first Section of this Act is kept and maintained across the said river, and whenever any timber, logs or lumber coming down the said river is stopped by such Boom, to cause the said timber, logs or lumber to be examined and sorted each day (except Sundays), and to select therefrom without any unreasonable delay all the timber, logs or lumber belonging to the said Alexander Gibson, and place the same within the Boom mentioned in the second Section of this Act, or otherwise to remove the same, and to allow all the remainder of such timber, logs or lumber to float down on the western side of said river Nashwaak to and over the sluice at the Mill dam of the said Alexander Gibson, in the manner now accustomed.

5. If any person shall sustain any damage by the neglect or unreasonable delay of the said Alexander Gibson, his servants or agents, in carrying out the directions contained in the fourth Section of this Act, such person may maintain an action on the case against the said Alexander Gibson in the Supreme Court.

6. If any person shall wilfully destroy or injure the said Booms or either of them, or any of the Piers thereof, or works connected therewith, such person shall be liable to a penalty not exceeding forty dollars, to be recovered with costs of prosecution before any Justice of the Peace of the County of York, in the manner directed by the Revised

Statutes, Title xxxviii, Chapter 138, 'Of Summary Convictions.'

7. Nothing herein contained shall authorize the erection of any Piers or Booms to be erected under the authority contained in the second Section of this Act, which will extend beyond the centre of the said river Nashwaak.

8. All the rights, powers and privileges hereinbefore by this Act given to and vested in the said Alexander Gibson, and all the duties and liabilities by this Act imposed upon the said Alexander Gibson, shall vest in and attach to his heirs and assigns, being the owners of the said Nashwaak Mills, as fully and effectually in all respects as the same are given to and vested in and attach to the said Alexander Gibson.

#### CAP. LIV.

An Act to provide for fencing certain Intervale Lands, and maintaining Roads through the same, in the County of Westmorland.

##### Section.

1. Public meeting of owners, how called; Commissioners, how appointed.
2. Duty of Commissioners.

##### Section.

3. Amount assessed by Commissioners, how expended.
4. Amount assessed and unpaid, how collected.

*Passed 8th June, 1865.*

WHEREAS there is a large quantity of Intervale Land situate at, upon, or near the head waters of the Scadouk River, in the Parish of Shediac, in the County of Westmorland, which is owned in small quantities by divers persons, and that the maintaining and repairing Roads to and through the same, as well as the fencing of the same, are now borne principally by a portion of said owners, and which of right should be borne equally among all the owners according to the number of acres owned by each;—

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

1. That it will be lawful for any three or more of said owners to call a public meeting of all the said owners of said Intervale Lands, by posting one month previously a notice in writing in three or more public places in the Parish where such lands are situate, which said notice shall state the time and place of holding such meeting; and at such meeting the said owners present may elect, by a majority of

votes, three persons who are owners of said lands, as Commissioners for the purposes hereinafter mentioned, which said Commissioners or their successors shall continue in office for one year, and until re-elected, and until new Commissioners are elected in their stead by any subsequent meeting or meetings which may be called at any time after the expiration of any one year after the last meeting holden in like manner as aforesaid.

2. That it will be the duty of said Commissioners, or their successors for the time being, to assess annually or as often as they may think necessary, each owner of said Intervale Lands, according to the number of acres owned by each owner jointly or severally, an amount pro rata in respect to the whole amount to be so assessed upon all the owners, which they may deem necessary and requisite for fencing said Intervale Lands, and for making and maintaining Roads to and through the same; which amount so assessed against each owner shall be paid by said owner either in cash, work, or materials; if in cash, the same must be paid to said Commissioners, or their successors as aforesaid, at a time appointed by them for such payment; or if by work or materials, the same is to be performed or delivered at such time and place as the said Commissioners, or their successors as aforesaid, may appoint, and to their satisfaction and under their superintendence.

3. That said amount so assessed and paid shall be expended by said Commissioners for the time being in fencing said lands, and in making and maintaining in repair Roads to and through said Intervale Lands, as said Commissioners may deem most for the benefit of all the owners; which Roads said Commissioners may lay out through said Intervale Lands, in any direction they may deem beneficial for all the owners.

4. That should any amount so assessed remain unpaid for the space of one month after the same shall be demanded from said party so assessed by said Commissioners for the time being, or either of them, the same may be prosecuted and recovered, with costs, in an action of debt, before any one of Her Majesty's Justices of the Peace for the said County, to be brought in the name of said Commissioners against said party so assessed, as being a debt due and owing

from said party so assessed to said Commissioners, in like manner as debts are prosecuted and recovered, with costs, before Justices of the Peace, pursuant to the Acts of the General Assembly in such case made and provided.

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#### CAP. LV.

An Act to establish additional Circuit Courts in the Counties of Westmorland and Kent.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, there shall be an additional Circuit Court for the County of Westmorland, to be held on the second Tuesday in January in each and every year; and also an additional Circuit Court for the County of Kent, to be held on the second Tuesday in March in each and every year.

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#### CAP. LVI.

An Act to enable the Dorchester Union Freestone Company of New York to hold property in this Province.

Section.

1. Company may hold property.

Section.

2. Office of Company, where kept.

*Passed 8th June, 1865.*

WHEREAS certain persons in the State of New York, in the United States of America, have formed themselves, with their associates, successors, and assigns, into a Joint Stock Company, by the name of "The Dorchester Union Freestone Company," to quarry and manufacture Stone in this Province, and are desirous of being enabled to hold real and personal property in this Province, as such Company;—

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

1. The Dorchester Union Freestone Company of New York, in the State of New York aforesaid, and their successors, shall and may by that name have full power and lawful right and authority to have, hold, own and enjoy in any way, real estate and lands of all kinds in this Province, whether in fee simple or by lease, or in any other way, and to have and to hold personal estate of all kinds in this Province in any way, and to alienate, encumber, lease, sell or deal with the same in any manner; provided always, that the real



estate so owned by the said Company shall not at any one time exceed in value the sum of sixty thousand dollars.

2. The said Company shall keep an Office in Dorchester, in the County of Westmorland, in this Province, and an Agent there, for the transaction of business connected with the Company in this Province, service upon whom of all processes, notices, and other documents, shall be deemed sufficient service upon the said Company.

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#### CAP. LVII.

An Act to incorporate the Sussex Vale Mechanics Institute.

*Passed 8th June, 1865.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That there shall be established and located at Sussex Vale, in King's County, an association by the name of "The Sussex Vale Mechanics Institute," for the purpose of instructing Mechanics and others in popular and useful science; and Nelson Arnold, George H. White, O. R. Arnold, E. B. Beed, George H. Wallace, J. H. Littlehale, and such other persons as are or may become Members of the said Institute, shall be and they are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed three thousand dollars.

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#### CAP. LVIII.

An Act to repeal the Act for changing the Shire Town of King's County from Kingston to Sussex.

*Passed 8th June, 1865.*

WHEREAS the proposed removal of the Shire Town of King's County from Kingston to Sussex is not in accordance with the wishes of a large proportion of the inhabitants of the said County;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to establish the Shire Town of*

*King's County, and to provide for the procuring a site for, and the erection of the Public Buildings in the Parish of Sussex within the same, be and the same is hereby repealed.*

### CAP. LIX.

An Act to facilitate the construction of a Branch Railway to Woodstock, in the County of Carleton.

#### Section.

1. Loan, how raised; amount.
2. Municipality may loan money to Company.
3. Amount Municipality may give to Company.
4. Debentures may be issued.

#### Section.

5. Issue not to exceed forty thousand dollars.
6. Sinking fund, how formed.
7. Money, how raised.
8. Debentures to be signed by Warden, &c.; Registry of same to be kept by Registrar of Deeds.

*Passed 8th June, 1865.*

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

1. The Municipality of the County of Carleton is hereby authorized to contract a Loan on the credit of the County, for an amount not exceeding forty thousand dollars, for the purpose of aiding, by loan or otherwise, in the construction of a Branch Line of Railway from the Line of the Saint Andrews and Quebec Railway to the River Saint John in the said County.

2. The said Municipality are hereby authorized to loan to any Company who may agree to construct the said Branch Line of Railway, a sum not exceeding forty thousand dollars, to be secured by mortgage or otherwise, or on the property real or personal thereof, as the Council of said Municipality by any bye law to be made by them for that purpose may direct.

3. The said Municipality may donate to any Company who shall build a Branch Line of Railway from the Line of the Saint Andrews and Quebec Railway to the River Saint John, in the said County, a sum not exceeding thirty thousand dollars.

4. Certificates of debt to be called Debentures, payable in current money of this Province, to be numbered consecutively commencing with number one, with coupons annexed bearing interest at six per cent. payable semi-annually at such place as shall be specified therein, may be issued from time to time as the Railway proceeds, in such form, verified

and authenticated in such manner, payable at such periods, in such amounts and on such conditions as the Municipality may prescribe. The principal of such Debentures to be paid in full at a period not exceeding twenty years, to the holder thereof.

5. The several amounts that shall be issued under the requirements of this Act shall not exceed the sum of forty thousand dollars.

6. In case the said Council of said Municipality shall borrow any money under any of the provisions of this Act, they are authorized and required to form a sinking fund of one dollar and fifty cents per centum on the amount issued, in aid of the redemption of the Debentures issued under the provisions of this Act and the interest accruing thereon; the amount arising therefrom to be annually invested in Provincial Debentures, together with all interest arising from said fund.

7. All sums of money authorized to be raised, borrowed or loaned under any of the provisions of this Act, shall be assessed, levied and collected in the same manner in all respects as other County and Parish rates, and shall be paid to such parties, and in such way, and to such uses for the purposes of the objects of this Act, as the Council of said Municipality may direct by any bye law.

8. All Debentures issued under the provisions of this Act, to be signed by the Warden of the Municipality, also countersigned by the Secretary Treasurer of the Municipality. The Governor in Council is hereby authorized and required to give effect to the provisions of this Act, so far as relates to the issue of Debentures. The number, date and amount of all Debentures issued under this Act to be entered on the Minutes of the Municipality, and also recorded in a book to be kept for that purpose by the Registrar of Deeds and Wills for the County of Carleton.

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#### CAP. LX.

An Act to authorize the County of Carleton to issue Debentures to a certain amount.

Section.

1. Debentures, by whom issued.

Section.

2. Form of Debentures.

*Passed 8th June, 1865.*

---

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

1. That the Municipality of the County of Carleton are hereby authorized to issue certificates of debt in the form of Debentures, under the seal of the Municipality, and signature of the Warden, and countersigned by the Secretary Treasurer, for a sum not exceeding twelve hundred dollars, to meet the contingent expenses and liabilities of said County, to be repaid by assessment made and levied as by law provided for levying and collecting assessments.

2. The form of Debentures to be issued under the provisions of this Act, shall be as follows:—

Debenture No.

[Seal.]

*Date.*

A. B. has this day loaned to the Municipality of the County of Carleton the sum of        dollars, which is payable to him or bearer in        with interest at the rate of six per centum per annum payable semi-annually.

Countersigned,

H. M'L.,

*Secretary Treasurer.*

J. R. H.,

*Warden.*

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**28° VICTORIÆ, A. D. 1865.**

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