



ACTS  
OF  
THE GENERAL ASSEMBLY  
OF  
HER MAJESTY'S PROVINCE  
OF  
NEW BRUNSWICK,  
PASSED IN  
MARCH AND APRIL 1858.

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FREDERICTON:  
J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1858.



## TITLES OF THE ACTS.

### ANNO VICESIMO PRIMO VICTORIÆ REGINÆ.

CAP.	PAGE
1. An Act to provide for defraying certain expenses of the Civil Government of the Province, -	9
2. An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services, - - - - -	10
3. An Act to compel the attendance of Witnesses under Commissions from other Countries, and in further amendment of the Law of Evidence, -	13
4. An Act in amendment of an Act relating to the Public Debt of the City of Saint John, - -	15
5. An Act to enable the Corporation of the City of Saint John to meet their liabilities incurred in erecting Wharves at or near Reed's Point, in the City of Saint John, - - -	17
6. An Act in addition to and amendment of an Act intituled <i>An Act to authorize that part of the City of Saint John, called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing</i> , - - - - -	19
7. An Act authorizing the Commissioners under an Act to provide for an improved system of Water Supply and Sewerage of the City of Saint John and Parish of Portland, to increase the amount of issue of Debentures, and making other provisions for the better carrying out the objects of that Act, - - - - -	29
8. An Act to amend the Act for the Incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick, - -	32
9. An Act relating to Parish Schools, - - -	33
10. An Act to amend Chapter 40, of Title IV, of the Revised Statutes, "Of the Post Office," -	44
11. An Act to amend Chapter 28, Title III, of the Revised Statutes, "Of Warehousing Goods," -	45

CAP.	PAGE
12. An Act to repeal an Act intituled <i>An Act to amend Title III, Chapter 20, of the Revised Statutes, "Of the Regulation of Light Houses,"</i> and make other provisions, - - - -	46
13. An Act to compel Vessels navigating the Bay of Fundy to carry Lights, - - - -	47
14. An Act to encourage the destruction of Wolves in this Province, - - - -	48
15. An Act to prevent the use of Poisons in the destruction of Foxes and other animals, - -	50
16. An Act to alter the times for holding the Circuit Courts in the Counties of Westmorland and Albert, - - - -	51
17. An Act to amend the Law for the relief of Insolvent Debtors, - - - -	51
18. An Act for the regulation of Railways, - -	59
19. An Act relating to Co-Partnerships, - -	65
20. An Act to amend the Practice of the Law, -	68
21. An Act relating to the Action of Ejectment, -	69
22. An Act in amendment of the Criminal Law, -	74
23. An Act to amend and explain Chapter 126, of Title XXXIV, of the Revised Statutes, "Of Landlord and Tenant, and Replevin," - -	75
24. An Act in addition to Chapter 113, of Title XXX, of the Revised Statutes, "Of Judgments, Executions, and Proceedings thereon," - -	76
25. An Act relating to Dower, - - - -	76
26. An Act to amend the Act relating to Intestate Estates, - - - -	78
27. An Act to continue and amend an Act relating to Steam Navigation in this Province, - -	78
28. An Act for the more effectual preservation of the Peace within the boundaries of the New Brunswick and Canada Railway and Land Company, -	80
29. An Act in addition to Chapter 64, Title VIII, of the Revised Statutes, "Of the local government of Counties, Towns and Parishes, - -	80
30. An Act to alter and amend an Act intituled <i>An Act relating to Highways,</i> - - - -	81
31. An Act to authorize the establishment of a Great Road leading from the Mouth of the Gaspereaux River, in Queen's County, to the South West Bridge, on the River Miramichi, - -	83

CAP.	PAGE
32. An Act to amend Chapter 101, of Title XXII, of the Revised Statutes, "Of the Sea and River Fisheries," - - - - -	83
33. An Act in amendment of Act 18 Victoria, Chapter 37, intituled <i>An Act to regulate the election of Members to serve in the General Assembly</i> , -	84
34. An Act appointing a Polling place in Queen's County, - - - - -	85
35. An Act to suspend the Grant to King's College, -	86
36. An Act to divide the Parish of Carleton, in the City of Saint John, and to erect a separate Parish for Ecclesiastical purposes, - - - -	86
37. An Act to extend the provisions of Section 21, of Chapter 67, Title X, of the Revised Statutes, "Of Sewers," to the Parish of Westmorland, in the County of Westmorland, - -	88
38. An Act to explain Chapter 69, of Title X, of the Revised Statutes, "Of the Commissioners of Sewers for the Parish of Sackville," - - -	89
39. An Act to divide the Parish of Studholm into two separate and distinct Parishes, - -	89
40. An Act to authorize the division of the Parish of Upham into two Parishes, - - -	90
41. An Act to authorize the General Sessions of the Peace for the County of Westmorland to convey the Public Wharf at the Bend, in the Town of Moncton, to Her Majesty the Queen, for Railway purposes, - - - - -	91
42. An Act to revive and continue an Act intituled <i>An Act to continue and amend an Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland</i> , -	92
43. An Act to enable the Corporation of the City of Saint John to effect certain improvements on the Streets in the said City, - - -	92
44. An Act to continue certain Acts for the support of the Police of the City of Saint John, and for other purposes, - - - - -	94
45. An Act to provide for the appointment of a Deputy Harbour Master for the Port and Harbour of Saint John, - - - - -	95
46. An Act to further amend an Act intituled <i>An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John</i> , - - - - -	96

CAP.	PAGE
47. An Act to authorize and provide for the opening of Mount Pleasant Street at "Crouchville," in the Parish of Simonds, in the County of Saint John,	98
48. An Act to authorize investigation in cases of Fire in the City of Saint John and Parish of Portland in the County of Saint John, - -	101
49. An Act to regulate the Public Slip near Portland Point, - - - - -	102
50. An Act relating to certain public lands in the Parish of Saint Martins, in the County of Saint John, -	103
51. An Act to amend and continue an Act intituled <i>An Act to establish a Board of Health in the City and County of Saint John</i> , - - -	105
52. An Act relating to the administration of Justice in the County of York, - - - -	106
53. An Act to authorize the Justices of the Peace for the County of Northumberland to assess the said County for the erection of Market Houses in the Towns of Newcastle and Chatham, -	108
54. An Act to authorize the Justices of the Peace for the County of Northumberland to lease certain Lands bequeathed to them in trust, - -	108
55. An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of West Isles and Campo Bello, in the County of Charlotte, - - - -	109
56. An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of an Alms House therein, and to provide a site for the same, and for making rules and regulations for the management thereof, -	110
57. An Act to enable the Trustees of the Mount Allison Wesleyan Academy to establish a College, -	112
58. An Act to authorize the Rector, Church Wardens and Vestry of Saint Paul's Church, Chatham, in the County of Northumberland, to sell and dispose of certain Ferries in, upon and over the River Miramichi, and to reinvest the proceeds thereof for the use of the Rector or Minister of the said Corporation for the time being, -	114
59. An Act to authorize the Rector, Church Wardens and Vestry of Saint Ann's Church, in Sackville, to sell or lease a Site on Grindstone Island for Light House purposes, - - - -	116

CAP.	PAGE
60. An Act to amend an Act intituled <i>An Act to authorize and empower the Church Wardens and Vestry of Trinity Church, in Springfield, in King's County, to sell certain Glebe Lands in said Parish, and vest the proceeds in other Lands,</i> - - - -	116
61. An Act to enable the Members of "The Society of Underwriters" of the City of Saint John, to sue and be sued in the name of their Secretary for the time being, - - - -	117
62. An Act to incorporate certain persons into a Joint Stock Company, for the purpose of building a Dry Dock in the City of Saint John, - -	121
63. An Act to incorporate the Saint John Forge Company, - - - -	122
64. An Act to incorporate the Saint Andrews Mechanics' Institute, - - - -	127
65. An Act to incorporate the Middle Bridge Company at Saint Stephen, - - - -	127
66. An Act to incorporate the Milltown Lower Dam Company in the Parish of Saint Stephen, -	129
67. An Act to incorporate the Saint Stephen Water Company of Milltown, - - - -	130
68. An Act to continue the several Acts relating to the Arestook Boom Company, - - - -	131
69. An Act to amend the Act to incorporate the Nar-kawickac Boom Company, - - - -	131
70. An Act to amend the Act to incorporate the Albert Freestone Company, - - - -	132
71. An Act further to amend the Act to incorporate the Nashwaak Boom Company, - - - -	133



ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO PRIMO.

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

ACTS  
OF  
THE GENERAL ASSEMBLY.

21° VICTORIÆ, A. D. 1858.

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CAP. I.

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

Section.

1. Moneys granted.

Section.

2. How to be drawn.

*Passed 12th March 1858.*

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 five thousand nine hundred and eighty pounds to provide for the Officers and Contingent expenses of the Legislature, including the Library, Printing, and expenses of holding Elections.

A sum not exceeding one hundred and ten pounds to provide for the Clerk of the Crown and Usher of the Supreme Court.

A sum not exceeding six thousand six hundred and seventy two pounds to defray the expense of the collection and protection of the Revenue, and of the Controller's Department.

A sum not exceeding three thousand four hundred and three pounds two shillings and six pence to provide for certain Educational purposes.

A sum not exceeding one hundred pounds to provide for the protection of the Fisheries.

A sum not exceeding four thousand pounds to provide for the expenses of the Lunatic Asylum.

A sum not exceeding seven hundred pounds to provide for the maintenance of the Tracadie Lazaretto.

A sum not exceeding one hundred and eighty pounds to provide the usual allowance for certain old Soldiers of the Revolutionary War and their Widows, and others.

A sum not exceeding three hundred pounds for the relief of Indians.

A sum not exceeding one thousand five hundred pounds to provide for the Provincial Penitentiary.

A sum not exceeding four hundred pounds for the encouragement of Emigration.

A sum not exceeding four hundred pounds towards the erection of a Jail in the County of Carleton, when a similar amount is first assessed and collected for the same purpose.

A sum not exceeding one thousand pounds to meet certain unforeseen expenses during the current year.

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

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## CAP. II.

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

### Section.

1. Moneys granted.
2. By whom and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Money, how to be drawn.

### Section.

5. Compensations.
6. Money, where to be expended ; and
7. On what roads.
8. Bonds to be given.

*Passed 12th March 1858.*

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

1. There shall be granted to His Excellency the Lieutenant Governor, a sum not exceeding thirty four thousand three hundred and fifty pounds, to provide for the repairs of the Great and Bye Roads of the Province and the Bridges thereon, for the repairs of the Public Buildings, and the improvement of the Navigation of the Rivers Saint John and Miramichi, and for Steam Navigation.

2. The said several sums 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 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 or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done; which notice 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 said Commissioners to agree with fit and proper persons to perform the same by days' labour, provided that in no case shall more than one quarter part of any grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers of such payments, and render an account thereof in duplicate, upon oath, (which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer,) one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other

copy to be filed in the office of the Clerk of the Peace in their respective Counties for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges are issued to such 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 before mentioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of the Governor in Council.

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

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

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

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

## CAP. III.

An Act to compel the attendance of Witnesses under Commissions from other Countries, and in further amendment of the Law of Evidence.

Section.	Section.
1. Authority for order to attend and produce papers.	5. Authentication of acts done by Mayors, &c. of Cities.
2. Summons to shew cause for neglect to appear.	6. Testimony, when admissible from a Judge's Notes.
3. Attachment on failure to shew good cause.	7. Copies, without proof of official character of the Certifier, admissible in evidence.
4. Certain Acts of State extended to Acts of Legislature.	

*Passed 12th March 1858.*

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

1. Whenever any Commission or Commissions shall be issued from any Court of any other Province, State, or Kingdom, for the examination of any Witness or Witnesses in this Province, by any Commissioner or Commissioners named in such Commission, it shall be lawful for such Commissioner or Commissioners to make an order for the attendance of such Witness or Witnesses, with such books, papers, documents, or writings of any kind as may be in the custody, power or possession of such Witness or Witnesses, to be mentioned in such order, at such time and place as such Commissioner or Commissioners shall appoint.

2. If after any such order shall have been served on any such Witness or Witnesses, and reasonable expenses tendered in the manner prescribed by Law or the practice of the Supreme Court of this Province, for the service of subpoenas in actions depending in the said Court, such Witness or Witnesses shall not attend in obedience to such order, and produce and give in evidence such books, papers, documents, or writings, or having attended shall without sufficient cause neglect or refuse to give evidence of the matters in question, such Commissioner or Commissioners, or any of them, or the Attorney or Agent of any of the parties to the action, proceeding or suit in which such Commission shall be issued, may apply to a Judge of the said Supreme Court, who shall forthwith, upon an affidavit of such service, refusal, or default, order such Witness or Witnesses to appear before him at such time and place as he shall appoint, to shew cause why an attachment should not be issued against him or them for such neglect, refusal, or default.

3. Such Judge shall have full power and authority to issue such attachment, and is hereby required to issue the same, unless good and sufficient cause be shewn to the contrary, and to make such further order in the matter with reference to such Witness or Witnesses and such examination, and the costs and expenses thereof, and of such neglect, refusal, or default, as he may deem proper, and may order such Witness or Witnesses to pay all costs and expenses incurred by such neglect, refusal, or default, and enforce such payment by attachment.

4. All Acts of State of any Foreign State or British Colony, mentioned in the fifth Section of the Act of Assembly passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*, shall be held to extend to all Acts or Statutes of any Legislature, or other governing body of such Foreign State or British Colony, and to all written enactments or Laws of the same; and all the provisions of the said fifth Section of the said Act shall be applicable to this Section as fully as if the same were hereby re-enacted.

5. Whenever it may be necessary to authenticate any act done by any Mayor or Chief Magistrate of a City, under the Corporate Seal of such City, whether to be used as evidence in any Court, or for the purposes of Registry in any Registry of Deeds in this Province, or otherwise, the Seal of the Mayor of the said City, or Chief Magistrate, shall be a sufficient authentication of such act, unless the act done be a corporate act.

6. On the trial of any cause, the testimony of any Witness given on a former trial thereof, may be given in evidence between the same parties from the Judge's notes, if the Judge on the subsequent trial shall be satisfied that the Witness is dead, or out of the Province, or from sickness or infirmity is unable to attend, subject to all legal exceptions: Whenever such notes shall be required on any trial, notice thereof shall be given to the Judge who took the same, and the said Judge may produce and read the same in Court, or transmit them to the presiding Judge, to be read by him on such subsequent trial.

7. A copy of any record, document, writing, or any part thereof, filed or deposited in any public office in this Province,

certified by the officer having charge thereof, or his deputy, to have been carefully compared with the original and to be a true copy, shall without proof of his official character or hand writing, be evidence in any Court of Law in lieu of the original, or an exemplification, or an examined copy of the same.

#### CAP. IV.

#### An Act in amendment of an Act relating to the Public Debt of the City of Saint John.

##### Section.

1. Act 17 V. cap. 39, repealed.
2. New Bonds or Debentures may be issued for the Corporate Debt; and
3. Loans may be taken to pay it off;
4. Amount limited.
5. Negotiability of the Bonds and Coupons.
6. The form of the Bonds, &c. to be agreed on; interest not to exceed 6 per cent.

##### Section.

7. Bonds, &c., on what chargeable.
8. Loan to pay off debt, secured on lands on western side of the harbour.
9. Cancelling of the old Bonds.
10. Corporation rents payable in due Coupons.

Passed 12<sup>th</sup> March 1858.

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

1. That an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act relating to the Public Debt of the City of Saint John*, be and is hereby repealed, except in so far as relates or as may be necessary to give effect to any matter or thing heretofore had, done, or made, or now pending, in progress and undetermined by virtue of its provisions, or either of them.

2. The Mayor, Aldermen, and Commonalty of the City of Saint John are hereby authorized, notwithstanding any Law to the contrary now in force, to issue new Bonds or Debentures with or without Coupons for interest attached, to any holder or assignee of any Bond, Note, or evidence of debt of the Public Debt of the City of Saint John, amounting to the sum of one hundred and fifteen thousand three hundred and sixty six pounds, as established and declared by the Act made and passed in the ninth year of Her Majesty's Reign, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, and also such further sum as the arrears of interest due thereon may amount to.

3. The Mayor, Aldermen, and Commonalty of the City of Saint John are also hereby authorized to take a loan or loans



of money from any person or persons, and to issue Debentures with or without Coupons for interest, to the lender or lenders, as security for the same ; the money so to be borrowed shall be applied to the payment of the said Public Debt, and to no other purpose whatsoever.

4. Such Bonds or Debentures, whether issued in exchange for existing securities, or for money, shall not in the whole exceed the amount of the aforesaid Public Debt, and arrears of interest as aforesaid.

5. The Bonds or Debentures so to be issued, as also the Coupons, shall be negotiable in the same manner as promissory notes payable to bearer.

6. The Bonds or Debentures, with the Coupons so to be issued, may be in such form and upon such conditions, whether as respects rate of interest, time of payment, or otherwise, as may be agreed upon between the Corporation and the holders of any such Bonds, Notes, or evidences of debt, or the person or persons from whom money may be borrowed as aforesaid ; the rate of interest not in any case to exceed six per cent. per annum.

7. Such Bonds or Debentures shall be held and taken in all Courts of Law or Equity as secured and charged upon the Estate, real and personal, of the said Corporation, to the same extent in every respect as the said bonds, notes, or securities for which they may be taken, or as any bond, note, or evidence of debt which was secured by, mentioned or contained in a certain Trust Deed made by the said Mayor, Aldermen, and Commonalty, bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two.

8. The said Mayor, Aldermen, and Commonalty of the City of Saint John are hereby authorized to negotiate such loan or loans of money as may be necessary to pay off that part of the Debt of the City of Saint John and interest, payable by and secured on the Lands on the western side of the Harbour, arising out of Debts secured in the Trust Deed, on such terms as may from time to time be agreed upon by the Common Council, any Law to the contrary at present existing notwithstanding.

9. Any old Bonds or evidences of debt delivered up under this Act, shall be lodged with the Chamberlain, and shall be

destroyed by him on an order of the Common Council, to be entered in the Minutes for that purpose, such order showing the dates, amounts, obligees, and holders of such Bonds or evidences of debt to be destroyed, and the dates, amounts, and obligees of the new Bonds given in substitution thereof; or if paid by money borrowed under new Bonds or Debentures, to state the same.

10. Any of the Coupons for interest, when due, shall be received by the Chamberlain of the said Corporation, and be a legal tender in payment of any rents due by any person to the said Corporation.

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### CAP. V.

An Act to enable the Corporation of the City of Saint John to meet their liabilities incurred in erecting Wharves at or near Reed's Point, in the City of Saint John.

#### Section.

- Preamble; 17 V. c. 62.  
 1. Authority to borrow £1,750.  
 2. Debentures, number, record, and execution of.

#### Section.

3. Money, how receivable and payable.  
 4. Assessment authorized;  
 5. To pay interest and the principal on notice by the Chamberlain.

*Passed 12th March 1858.*

WHEREAS the Mayor, Aldermen, and Commonalty of the City of Saint John, have incurred a liability for the works at Reed's Point, exceeding the amount for which they are authorized to make an assessment by an Act made and passed in the seventeenth year of Her present Majesty's Reign, intituled *An Act in addition to an Act intituled "An Act to provide for the erection and making of certain Wharves and improvements in the Harbour of Saint John,"* and it is deemed expedient to provide for the said liabilities;—

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

1. It shall and may be lawful for the said Mayor, Aldermen, and Commonalty, and they are hereby authorized to borrow such a sum or sums of money, in loans of not less than one hundred pounds each, not exceeding in the whole the sum of one thousand seven hundred and fifty pounds, as may be necessary to discharge the said liabilities, and to finish and perfect the said Wharves and erections; and to issue Deben-

tures with or without Coupons for interest at a rate not to exceed six per cent. per annum, to the lenders thereof, in such form as they may deem expedient; which Debentures and Coupons shall be respectively negotiable in the same manner as promissory notes payable to bearer.

2. The said Debentures shall be sealed with the common seal of the said Corporation, and signed by the Mayor and Common Clerk, and shall be consecutively numbered as a third series, according to the time at which the same shall be issued, and a record of the same shall be entered by the Clerk in the Minutes of the Common Council.

3. All moneys loaned to the said Corporation under this Act shall be paid by the lenders to the Chamberlain of the said City, and by him paid out to the Contractors for the Wharves, works, or erections, or to the workmen employed to finish the same as aforesaid, on the order of the Common Council; and the Chamberlain shall annually, and oftener if required, render a true account of all moneys received and paid on this account, separate from other accounts.

4. The said Mayor, Aldermen and Commonalty are hereby authorized to make and levy a rate or assessment on the eastern side of the Harbour of the said City, of a sum not exceeding two hundred and fifty pounds in the present, and of a like sum in every succeeding year, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any County rates for public charges, and when collected, shall be paid into the hands of the Chamberlain for the purposes of this Act.

5. The moneys so assessed, shall from time to time be applied, after discharging the interest due on the several principal sums mentioned in such Debentures, in payment of the said Debentures in due order, according to the numbers, beginning with the number one; and the Chamberlain shall, when and so often as he may be directed by the Common Council so to do, give one calendar month's public notice by advertisement in one or more of the Newspapers of the City, for calling in such and so many of the Debentures as the Com-

mon Council are prepared to pay off, specifying the number in such advertisement, and the same, by and under such order aforesaid, shall pay off accordingly, and from and after the expiration of such notice, the interest on such Debentures shall cease.

### CAP. VI.

An Act in addition to and amendment of an Act intituled *An Act to authorize that part of the City of Saint John, called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen, and Commonalty of the said City, to issue Scrip to defray the expenses of so doing.*

#### Section.

- Preamble; 18 V. c. 6.
1. Salary of Commissioners.
2. Two Commissioners may act.
3. Adoption of plans, and prosecution of works.
4. Sewers with branches, construction and assessment.
5. Act not to affect existing Contracts.
6. Superintendent of works and other officers, appointment of.
7. Damages, payment and ascertainment of.
8. Execution upon judgments against the Commissioners.
9. Style and title for suits, &c.
10. Fuel, materials, salaries, &c. whence payable.
11. Assessments for what, on whom, and when to commence.
12. Rates and assessments, levy and collection of.
13. Assessments to bind property: recovery.

#### Section.

14. In lieu of a Sale, a Memorial of Assessment may be registered.
15. Books of Accounts; detailed statements; and audit.
16. Compensation of Auditors.
17. Water charges, regulation of.
18. Water charges to be paid to the City Chamberlain, to meet interest.
19. Sale of Carleton Water Scrip by the City Corporation.
20. Property in, and injury to works.
21. Protection in exercise of office.
22. Liability of the Commissioners.
- 23, 24. Accounts by subordinate officers; dismissal, and other remedies.
25. Arrest of officers about to abscond.
26. Certain parts of 18 V. c. 6, repealed.
27. Commissioners may make bye laws.
28. Assessment for the payment of the Water Scrip.

*Passed 12th March 185d.*

WHEREAS an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to authorize that part of the City of Saint John, called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen, and Commonalty of the said City, to issue Scrip to defray the expenses of so doing*, has been found defective and insufficient for the purposes for which the same was designed and passed; for remedy thereof,—

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

1. The Commissioners appointed under the said Act shall be paid for their services as such, a salary not exceeding one hundred pounds currency each per annum.

2. All and singular the rights, powers, authorities, privileges and functions of the said Commissioners, under and by virtue of the said recited Act, shall and may at any time be exercised and discharged by the joint assent and authority of the said three Commissioners, or of any two of them; and every order, direction, warrant, contract, agreement, document, or other instrument in writing, relating to the doing of any matter or thing whatsoever within the scope of the authority and within the intent and meaning of the said recited Act, of the said Commissioners, shall be valid and effectual to all intents and purposes, if signed with the names and in the respective proper hand-writing of any two or more of such Commissioners.

3. The Commissioners are hereby authorized and empowered, with all convenient speed to adopt and carry into effect all such plans, operations, measures and works, for supplying the inhabitants of Carleton aforesaid with water, as they may deem meet and advisable; the extent to which such plans, operations and works shall be carried out, and the specific area or portion of the whole extent of Carleton aforesaid, in, over or through which such works and operations shall be carried on at any one time, or within any given period of time, being wholly in the discretion of the said Commissioners, not exceeding in cost the sum of twenty five thousand pounds, as provided for in the said recited Act, and to be from time to time determined upon, as to them may seem meet and expedient.

4. The Commissioners shall, as soon as they may deem it practicable and expedient, construct and lay down through and along the several Streets of Carleton aforesaid, good and sufficient sewers, with proper branch drains and pipes for such houses as they may from time to time deem fit to receive the same; and all such branch drains shall be laid down and fitted at the public expense from the main sewer to the line of the street, or in case of back sewerage, to the rear line of each dwelling or tenement, but it shall not be compulsory on the said Commissioners to expend or lay out any part or portion of the funds or moneys raised or to be raised under and by virtue of the said recited Act, or of this Act, or for the constructing or laying down of any such sewers, branch drains or

pipes ; provided, however, that when and as often as the inhabitants, or owners of property (or a majority thereof) of or in any particular street, alley or square in Carleton aforesaid, shall petition or request the said Commissioners to lay down and construct any such sewer and sewerage works as aforesaid, the said Commissioners shall forthwith proceed to lay down and construct such works, and shall make an assessment upon all the inhabitants of, or owners of property in or upon such street, alley or square, and upon all the real and personal estate situated, or lying in or upon, or fronting upon such street, alley or square, in such proportions as the Commissioners shall deem just, for the whole amount of the costs, charges and expenses of, and in anywise incidental to, the constructing and completing such works ; and every such assessment shall be made, levied, collected, payable and receivable in the same manner as any other City taxes are made, levied and collected ; provided always, that it shall be in the discretion of the Commissioners to require any such assessment to be paid by the respective parties assessed, either in one payment or by such instalments as the Commissioners may direct.

5. Nothing in this Act shall in anywise affect, or impair, or decide, or determine the validity of any contract, covenant, engagement or agreement heretofore made and entered into by the said original Commissioners before their resignation of office, but every such contract, covenant, engagement or agreement shall be and remain as if this Act had not been passed.

6. The Commissioners may from time to time, at their discretion, and as they may deem requisite, appoint, dismiss, re-appoint and employ a Superintendent of works, and such other officers, servants, and agents as may be required, and fix, allow, and pay to all such officers, servants, and agents respectively, such salaries, wages or compensation as to the said Commissioners may appear reasonable and proper ; and may also settle, pay and discharge all such claims and accounts of the Commissioners first appointed under the said recited Act, and of any other persons, for services or otherwise, rendered, performed, or incurred under and by virtue of the said recited Act, and before the passing of this Act, as to the said Commissioners may seem just and reasonable.

7. In the event of any damage, direct or indirect, as well present as future, being done to the owner or owners of any lands, mills, or manufacturing establishments, or to the owner or owners of any water courses or water rights, or caused in or by the execution of any of the works contemplated by this Act, or by the said recited Act to which this Act is an amendment, the Commissioners shall forthwith on demand pay to the party or parties aggrieved, such amount of compensation or sum of money as may be mutually agreed upon by and between the said Commissioners and other parties respectively; and in case the said parties and Commissioners shall not agree, the amount of said damage and compensation may be ascertained and awarded by two disinterested arbitrators, one of whom shall be chosen and nominated by the said Commissioners, and the other by the said party or parties aggrieved; and in case of disagreement between the said arbitrators, they the said two arbitrators shall choose and appoint a third; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor in Council for the time being, upon the application of the said party or parties aggrieved, to appoint the third arbitrator; and the decision and award in writing of the said arbitrators, or of any two of them, under their hands and seals, shall be final and conclusive, and binding on all parties concerned, provided their award be made and delivered to the parties within the period of sixty days from the time of their appointment; and in case the said arbitrators should not make their award within the time above specified, other arbitrators may be appointed in like manner, until an award shall be made; and in case the said Commissioners shall neglect or refuse to appoint an arbitrator as aforesaid, for the space of ten days after being requested by the opposite party so to do, or in case any arbitrator appointed by the said Commissioners shall neglect or refuse for the space of ten days after notification of his appointment to act in the said arbitration, the arbitrator appointed by such opposite party shall alone proceed with such arbitration, and his decision and award shall in such case be final, conclusive, and binding on all parties; and all sums of money so agreed upon or awarded, shall be paid in Carleton Water Scrip at par.

8. Upon any judgment recovered against such Commissioners (as such), execution may be issued against and levied upon all moneys, funds and assets of the said Commissioners (as such), in whosoever hands or custody the same or any of them may be; provided that the persons and private property or estate of the said Commissioners, or any of them, shall in no case be liable to, or affected by, any such judgment, and shall not be levied upon or taken in execution, under or by virtue thereof.

9. All suits, actions and proceedings, whether at law or in equity, for the recovery, maintenance or defence of any moneys, dues, debts, damages, liabilities, rights, privileges, penalties, claims or demands whatsoever due or owing to, or by, or claimed or demanded by, or on account of, or from or against, or in anywise affecting or concerning the said Commissioners, as such Commissioners, shall be brought, commenced, instituted and carried on by or against the said Commissioners for the time being, by the collective name, style and title of "The Commissioners of Water supply and sewerage for Carleton," notwithstanding the cause or causes of action, or ground or grounds of defence, may have arisen or accrued previously to the appointment of such Commissioners, or either of them; and no such action, suit, or proceeding at law, brought by or against the said Commissioners, shall abate by reason of the death, removal or appointment of any such Commissioners after the commencement thereof; and service of any process made on any one of said Commissioners, or their Secretary or Clerk, shall be deemed a good service on all of the said Commissioners.

10. The Commissioners shall provide and furnish all such fuel, furniture, materials, and all things of every description, as in their judgment may be necessary for the office of the said Commissioners, and for the due and efficient maintenance and business thereof; and the costs and expenses of all such matters and things as are above mentioned in this Section, as well as the salaries, wages and compensation of the Commissioners, their officers, servants and agents, and all other payments which may be made or allowed by the said Commissioners, under and by virtue of the sixth Section of this Act, shall be paid by the said Commissioners out of the



moneys realized by the sale of the said Carleton Water Scrip, for the purpose of this and the said recited Act.

11. From and after the completion of any works now in progress, under and by virtue of any authority derived from the said recited Act, to which this Act is an amendment, or from and after the rescinding or annulling of any existing contract for executing any such works, or whenever any good and sufficient mains for the supply of water to dwellings or other houses or establishments, shall be laid down and ready for the use of such dwellings, houses, or establishments within Carleton aforesaid, or in any part or portion thereof, and also from time to time when and as such good and sufficient mains shall be extended, laid down and ready as aforesaid, in and through other and more extensive portions of Carleton aforesaid, the inhabitants in general of, and all persons, whether resident or non-resident, being owners of real and personal estate in Carleton aforesaid, or in any part or portion thereof, shall be assessed by the said Commissioners for the same in each year, for a sum sufficient to defray the cost of managing and keeping the same in good order and repair, on a scale to be fixed and determined by them, due regard being had to the value, local situation, and mode of occupation of all the several and respective premises, and to the proportionate benefit that may probably accrue to the several and respective inhabitants and persons or their property liable to such assessment, and also to the probable consumption of water in each case, in such districts or localities wherein such good and sufficient mains shall have been laid down as aforesaid; and a copy of every such assessment shall be filed by the Commissioners in the office of the Common Clerk of the City of Saint John, within ten days after the making out of the same; and if any person shall consider himself aggrieved by reason of such assessment, it shall be lawful for him to appeal to the Common Council of the said City, provided that such appeal be made within thirty days after demand of payment of the amount assessed upon the party so appealing, and the decision of the Common Council on any such appeal shall be final, and such assessment shall thereupon be amended by the Commissioners, or be ratified and confirmed, as the said Common Council may order and direct.

12. All rates and assessments whatsoever made by the said Commissioners, under and by virtue of the authority of this Act, or of the said recited Act to which this Act is an amendment, and also all sums of money which may be payable under any agreement to be made by the Commissioners with any person for the use of the said water without the limits of the City, shall be levied and collected in the manner mentioned and provided in and by the fourth Section of this Act.

13. All assessments legally made by the said Commissioners shall, from the time of levying the same, be binding upon all and singular the goods and chattels, lands and tenements of the respective persons or parties so assessed, whether such persons or parties be resident or non-resident in Carleton aforesaid, and the same shall be recovered, with all incidental charges and expenses, by distress and sale of any goods and chattels belonging to such parties respectively, wherever the same may be found; and in case of any deficiency of goods and chattels to satisfy the same, the Commissioners may give public notice of any such assessment in any Newspaper published in the City and County of Saint John, such notice to be published for four consecutive weeks, if the party is a resident in the said City or County, and for twelve consecutive weeks if non-resident therein; and if after such notice duly published, the amount of such assessment, and all incidental costs and charges be not paid, any two Justices of the Peace, on the application of the said Commissioners, or any two of them, shall issue their warrant to the Sheriff of the said City and County, for the sale of so much of the real estate of the defaulting party as may be sufficient to pay and satisfy the same, with the costs of such execution and sale; and such Sheriff shall thereupon execute such warrant according to the exigencies thereof, and shall execute a Deed to the purchaser of the property so sold by virtue of such warrant; provided always, that no distress shall be made or levied on any goods or chattels as aforesaid, until thirty days after demand and refusal or neglect of payment of any such assessment.

14. It shall be in the option and at the discretion of the Commissioners in every case, in lieu of proceeding forthwith to authorize a sale of any real estate as aforesaid, to file or register a memorial of the amount or balance of any such

assessment, costs and expenses, which may not have been levied or realized by distress and sale of goods and chattels; and such memorial being registered in the office of the Registrar of Deeds for the City and County of Saint John, shall have the same force and effect, and shall bind the lands and tenements of the defaulting party named therein, in the same manner as any registered memorial of a judgment recovered in the Supreme Court; provided always, that no such memorial shall be so filed or registered until after the expiration of the time herein before mentioned and required for advertising the assessment, and every such memorial shall set forth and state on oath the facts and particulars of such assessment having been made, of the deficiency of goods and chattels to satisfy the same, and of the due publication or advertising of the same as aforesaid.

15. The Commissioners shall keep regular books of account, in which shall be entered all moneys received and all disbursements made by them from time to time under the authority of this Act, or of the Act to which this Act is an amendment, and a detailed statement of all such accounts shall be annually made up by the Commissioners to the first day of January in each year, and by them submitted with all proper vouchers to two or more Auditors to be appointed by the Common Council of the City of Saint John, by and with the consent of the majority of the said members of Common Council elected in and for Carleton, which said Auditors shall report thereon to the said Common Council, and furnish a copy of such report to the Commissioners, who shall publish an abstract thereof for the public information on or before the first day of March in each year; and the report so furnished to the Common Council shall be filed in the office of the Common Clerk of the said City.

16. The Auditors appointed under the fifteenth Section of this Act shall be paid by the Commissioners such remuneration as a majority of the said Members of Common Council may determine, not exceeding twenty shillings per day for each day's actual employment in the duty assigned to them.

17. The Commissioners shall at all times regulate the price, rents or rates to be charged or assessed for the use of the water supplied by the works contemplated by this Act, or by

the said recited Act, of which this Act is an amendment, any thing in the said recited Act to the contrary notwithstanding.

18. The Commissioners shall pay the moneys from time to time collected for the use of the water aforesaid, into the hands of the Chamberlain of the said City, who shall keep a separate account of said moneys, to be applied to the payment of the interest on the said Carleton Water Scrip.

19. When any Carleton Water Scrip is issued under the fifth Section of the said recited Act, the said Mayor, Aldermen and Commonalty shall sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes of this Act, or the said recited Act, on such terms and conditions as the Commissioners shall judge best, and the proceeds shall be paid over to the Commissioners.

20. All mains, hydrants, service pipes, main and branch drains, sewers, and other works, whether connected with sewerage or water supply of Carleton aforesaid, shall be deemed and taken to be the property of the Commissioners for all legal purposes, and every wilful or malicious injury to the same or any of them shall be deemed and held to be felony, and any person convicted thereof shall be imprisoned for a period not exceeding six months, but no part or portion whatsoever of the works or property mentioned in this Section shall in any case be liable to be, or be levied upon, or taken in execution.

21. The Commissioners and their officers and servants shall have the like protection in the exercise of their respective offices, and in the execution of their duties, as Justices of the Peace now have under the laws of this Province.

22. 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, or the said recited Act, the whole real and personal estate of such Commissioner, within the Province, shall be liable for the same from the time of issuing a Writ of Extent, as hereinafter mentioned, 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 Administrator of

the Government of the Province for the time being, by the Mayor of the City of Saint John, he may order a Writ of Extent to be thereon issued.

23. Every officer or servant employed by the Commissioners, shall, upon request by them so to do, account to them for all moneys received, and all disbursements made by such officer or servant, on pain of immediate dismissal from his employment, and such other remedies and penalties as may be legally pursued and enforced against him.

24. If any officer or servant of the Commissioners shall refuse to account with them, and to produce and deliver up any vouchers, receipts, books, papers, goods, chattels, or moneys in his possession or power, touching or concerning the said Commissioners, or any of their works, moneys, affairs or business, it shall be lawful for any Police Magistrate, or any two Justices of the Peace for the said City and County of Saint John, on complaint thereof made, to summon such offender to appear before him or them, and if he shall disobey such summons, or if after obeying such summons he shall refuse or neglect to obey any order or judgment made or pronounced by such Police Magistrate or Justices, and which he shall be required to obey, the said Magistrate or Justices shall and may in either of such cases commit such offender to the common gaol of the said City and County, there to remain until he shall have fully obeyed such order or judgment, or accounted for and delivered up such property as aforesaid, or until discharged by such Magistrate or Justices.

25. If any one of the Commissioners, or any person acting on their behalf, shall make oath before any Justice of the Peace of the said City and County, that he has reason to believe and does believe, that any officer or servant of the Commissioners is about to abscond for the purpose of evading such accounting as aforesaid, such Justice shall immediately thereupon issue his warrant for bringing such officer or servant before any Police Magistrate or Justices as aforesaid, who shall proceed thereon as is provided by the twenty fourth Section of this Act; provided that the person executing such warrant shall not keep such officer or servant in custody longer than thirty six hours before bringing him before such Police Magistrate or Justices as aforesaid.

26. The third, fourth, and seventh Sections of the said recited Act to which this Act is an amendment, and also all other parts or portions and provisions of the said recited Act in anywise inconsistent with or repugnant to any or either of the provisions of this Act, shall be and the same are hereby repealed.

27. The said Commissioners are hereby authorized and empowered to make such bye laws as they may deem necessary for the management of the said Water Works or Sewerage, not inconsistent with this Act, or the said recited Act, and any person convicted of a breach of said bye laws, shall be subject to a fine not exceeding forty shillings for each offence.

28. The said Mayor, Aldermen, and Commonalty of the City of Saint John aforesaid, are hereby authorized and empowered from time to time, when and as they may deem necessary and expedient, to assess the property, real and personal, of the inhabitants of that part of the said City called Carleton, for such sum or sums of money as they may deem best, to provide for the ultimate redemption and payment of the said Carleton Water Scrip.

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## CAP. VII.

An Act authorizing the Commissioners under an Act to provide for an improved system of Water Supply and Sewerage of the City of Saint John and Parish of Portland, to increase the amount of issue of Debentures, and making other provisions for the better carrying out the objects of that Act.

### Section.

1. Authority for further issue of Debentures.
2. Fire Hydrants, placing and cost of; assessment for.
3. Authority to make regulations.
4. Service of demand under 18 V. c. 38, s. 22.

### Section.

5. Assessment Roll, preparation of; relief of tenants.
6. Parish of Simonds included under 18 V. c. 38, s. 14 and 15.
7. Repugnant provisions repealed.

*Passed 12th March 1858.*

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

1. That for the purpose of completing the system of Water supply contemplated under an Act of the Legislature of the Province made and passed in the eighteenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to*

*provide for an improved system of Water Supply and Sewerage of part of the City of Saint John, and Parish of Portland in the County of Saint John*, the Commissioners are hereby authorized and empowered to make a further issue of Debentures to an amount not exceeding the sum of twenty five thousand pounds, in addition to the amount authorized by the provisions of the said Act, to be charged, paid, and redeemed in the same manner as the Debentures and the interest thereof issued under the said recited Act.

2. That the Commissioners shall be and are hereby authorized and required, whenever good and sufficient main pipes for Water supply in the Parish of Portland, or any part thereof, are laid and ready for use, to provide and place near said main pipe, such number of fire hydrants as they may think necessary and expedient; the cost of said fire hydrants, together with the expense of placing them and keeping them in good order, shall be chargeable on the said Parish of Portland; and the Commissioners shall prepare an estimate in each year of the sum or sums of money expended or required for these purposes, and shall, on or before the thirty first day of March, send a requisition in writing, under their hands or any two of them, to the Assessors of rates and taxes for the said Parish of Portland, to assess the same on the said Parish in like manner as other rates and taxes; and it shall be the duty of the said Assessors, and they are hereby required forthwith to comply with such requisition, and to proceed thereon in the same manner as upon ordinary warrants of assessments; and the amount so assessed shall be levied and collected in like manner as other City and County taxes, and paid over by the several Collectors to the Commissioners.

3. The Commissioners shall have authority to make bye laws and ordinances, and establish rules and regulations for the care and protection of fire hydrants, free hydrants, service pipes, meters and fixtures, within or without premises supplied, or ready to be supplied; to prevent any unnecessary waste, or thing prejudicial to the general Water supply or works of the Commissioners, and regulate by meters, if necessary, the consumption of water on premises supplied, or to be supplied, and for shutting off water from any vessel, place or premises, for a violation of any bye law or ordinance, rules

or regulations, made by the Commissioners; and the said Commissioners are hereby empowered to enforce said bye laws, ordinances, rules and regulations, impose and recover fines and penalties not exceeding forty shillings for any one offence, and levy and collect the same with costs, by Warrants of Distress, to be issued upon the order of the Commissioners, and signed by the Chairman, or two of the Commissioners, against the goods and chattels of the offender; provided always, that all such bye laws, ordinances, rules or regulations shall be transmitted on the making thereof to the Governor; and it shall and may be lawful for the Governor in Council, within thirty days after the receipt of such ordinances, bye laws, rules or regulations, to disallow the same or any part thereof, which disallowance shall be signified to the said Commissioners, and thereupon the same or any part thereof so disallowed shall be void.

4. That any demand to be made under the twenty second Section of the said recited Act, may be left with any person upon the premises, and if the premises are unoccupied or vacant, may be posted or affixed upon the same; and in any Warrant to be issued under the provisions of the said Act, for recovering rates and assessments, it shall be sufficient to state that a demand has been made of the amount of the rate; and any demand may be signed by the Chairman or Secretary of the Board, or person authorized by them to sign such demand.

5. The annual assessment roll shall be prepared and completed by the Commissioners, or under their direction, in each year, on or before the thirtieth day of September, based on the requirements of each successive year, and shall be so levied and collected; a copy of which assessment roll shall be kept for inspection at the office of the Commissioners; and any tenant, occupant, or other person, whose goods and chattels may have been distrained upon for the assessment upon the premises in which they may reside, shall be entitled to recover the same from the owner in fee, or leaseholder for renewable terms of the said premises, together with the costs and expenses that may have been incurred thereon, unless it can be shown that some agreement to the contrary had been made between the parties.



6. Sections fourteen and fifteen of the above recited Act shall include the Parish of Simonds in the County of Saint John, for all the purposes of the works of the Commissioners.

7. That so much of the provisions of the above recited Act as shall be repugnant to the provisions of this Act is hereby repealed.

### CAP. VIII.

An Act to amend the Act for the Incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick.

#### Section.

- Preamble.  
1. Certain corporate powers and property transferred.  
2. Validity of appointments, &c. not in New Brunswick.

#### Section.

3. Evidence of Conference acts.  
4. Affidavits, how sworn.  
5. "Rules and usages," interpretation of.

*Passed 12th March 1858.*

WHEREAS since the passing of the Act for the Incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick, the Ministers of the Wesleyan Methodist Church in Nova Scotia, New Brunswick, Newfoundland, Prince Edward's Island, and Bermuda, have, by the authority of the British Conference, been organized and constituted a Conference, by the name and style of "The Conference of the Wesleyan Methodist Church or Connexion in Eastern British America," and it is necessary to confer upon the said Conference all power which it was contemplated by the said Act to confer upon a Conference in this Province, and to amend the Act in other respects ;—

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

1. The power and authority conferred by the ninth Section of the said Act upon a Conference in this Province, shall be vested in "The Conference of the Wesleyan Methodist Church or Connexion in Eastern British America," and the lands, tenements, moneys, or other property held by the District Meeting or District Meetings referred to in the said recited Act, shall become the property of and be vested in the Conference of the Wesleyan Methodist Church or Connexion in Eastern British America aforesaid, for the same use and benefit for which they shall have been previously received and held by any such District Meeting.

2. Any appointment made, or other act done, or order, judgment, or resolution of the said Conference passed or determined at any meeting held at any place in either of the Provinces of Nova Scotia, Newfoundland, Prince Edward's Island, or Bermuda, shall be as binding and obligatory in this Province as if passed within this Province, when certified under the hand of the President and Secretary of the Conference, or any persons acting in their stead.

3. A copy of any such minute of appointment, act done, order, judgment, or resolution, certified and signed by the President, or acting President, Secretary, or acting Secretary, verified by an affidavit of a credible person that it was signed in his presence, or that, being acquainted with the handwriting of such President and Secretary, he verily believes the signature to be their proper hand writing respectively, and also that the persons signing are the President and Secretary respectively, or were acting as such, shall be evidence of such appointment, act, order, judgment, or resolution of the Conference in any proceeding whatever, and in any Court in this Province.

4. Affidavits may be sworn before a Commissioner of the Supreme Court, or Justice of the Peace.

5. For the purposes of the said recited Act, and this Act, the words "rules and usages" shall be held to refer to such rules and usages as have been or may hereafter be sanctioned by the Conference of the Wesleyan Methodist Church or Connexion in Eastern British America.

## CAP. IX.

### An Act relating to Parish Schools.

#### Section.

1. Chief Superintendent and Clerk, appointment and pay of.
2. Board of Education, constitution of.
3. Inspectors, appointment and pay.
4. Of the Board of Education.
5. Of the Superintendent.
6. Of the Trustees.
7. Of the Committee of School Districts.
8. Teachers, their duties and qualifications.
9. Superior Schools, provision for.
10. Libraries.
11. Assessments, how levied.
12. Assessment bye laws, by Municipalities.
13. Amount receivable under Assessment principle.

#### Section.

14. Parish or District Assessments, how made.
15. Warrant to Assessors on affirmative resolution.
16. Assessors and Collectors, proceedings by;
17. Penalties and allowances.
18. County Assessments, proceedings towards;
19. If ordered, Sessions to determine the amount; and
20. To apportion the money raised.
21. Money to be paid to County Treasurer.
22. Relief of assessed Districts when the County is assessed.
23. Assessment principle, how annulled.

## Section.

24. Schools supported by Assessments to be free.  
 25. Evidence of bounds of School Districts.  
 26. Salary of Training School Teachers.  
 27. Warrants on Treasury for allowances voted.

## Section.

28. Penalty for misapplying money.  
 29. False reports, registers, &c., penalty for.  
 30. Tenure of Lands for School purposes.  
 31. Rate-payers defined.  
 32. Act 21 V. c. 5, repeated.  
 33. Commencement of Act.

*Passed 6th April 1858.*

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

1. The Governor in Council may appoint a Chief Superintendent of Schools, who shall perform the duties of Secretary to the Board, and fix his salary not exceeding three hundred pounds per year, besides travelling charges and contingencies of office, and a Clerk or assistant, whose salary shall not exceed one hundred and fifty pounds per year.

2. The Governor and Council with the Superintendent of Schools, shall constitute a Provincial Board of Education. The Governor with three other members and the Superintendent shall be a quorum.

3. The Governor in Council shall from time to time divide the Province into four Districts, and appoint an Inspector of Schools for each District, and fix his salary not exceeding two hundred and fifty pounds per year, including travelling expenses.

## BOARD OF EDUCATION.

4. The Board of Education shall have power to establish a Training School, or continue any one now in operation, and a Model School connected therewith, appoint a Teacher of such Training School, and a Male and Female Teacher of the Model School.

To make rules and regulations for the government of such Training School ; to prescribe the terms on which Students shall be received and instructed therein ; and to make such allowance for the expense of Teachers attending the School as shall be deemed necessary, not exceeding six pounds to any Teacher.

To make regulations for the organization, government, and discipline of Parish Schools, and the examination, classification, and mode of licensing Teachers, and the mode of certifying the time taught and of paying them.

To appoint examiners of Teachers, and to grant and cancel Licences.

To hear and determine all appeals from the decision of Trustees.

To prescribe the duties of Inspectors of Schools.

To apportion all moneys granted by the Legislature for the support of such Schools among the several Parishes, in proportion to the number and classes of Schools reported to have been efficiently conducted for the preceding year, not exceeding an average of two hundred and fifty pounds to each Parish in any one County, nor three hundred and twenty five pounds to any one Parish therein.

To provide for the establishment, regulation, and government of School Libraries, and the selection of Books to be used therein; but no works of a licentious, vicious, or immoral tendency, or hostile to the christian religion, or works on controversial theology, shall be admitted.

To make regulations for the construction and ventilation of School Houses, and the furniture and apparatus to be provided and used therein.

To make such other regulations as may be deemed necessary to carry into effect this Act.

To apply all balances of money arising from the sale of books, maps, and apparatus purchased for the use of Parish Schools, in procuring other books, maps, and apparatus therefor, and to appoint persons in each County to sell the same under their direction.

To divide the City of Saint John into two Parishes for the purposes of this Act.

#### SUPERINTENDENT.

5. The Superintendent shall have a general supervision and direction of the Inspectors, the Training and Model Schools, and the Parish Schools, subject to the order of the Board of Education.

He shall enforce and give effect to all the regulations made by the Board.

He shall collect information on Education, and hold public meetings in different parts of the Province, to which he shall invite the attendance of the Inspector, Teachers, and Inhabitants, and address such meetings on the subject of Education, using all legitimate means to excite an interest therein.

He shall cause copies of this Act, with the Regulations of the Board of Education, together with all necessary forms and instructions, to be printed and furnished to the Inspectors, Trustees, School Committees, and Teachers.

He shall adopt the necessary measures to promote the establishment of School Libraries.

He shall provide the necessary plans for the construction of School Houses, and recommend the proper furniture and appendages for the same, and the improvement and embellishment of the grounds on which they are situate.

He shall have power to sue for books, maps and apparatus, purchased for the use of Parish Schools, and for all moneys due on the sale thereof; and every such action shall be brought and prosecuted by him in his name of office, and shall not abate by reason of any vacancy or change of officer.

He shall annually prepare a Report upon the condition of the Schools and School Libraries, with such other information upon the system and state of Education generally, and the amount expended in promoting it, with such suggestions as he may deem necessary, accompanied with a return of the moneys received from the sale of books and apparatus, which shall be laid before the Legislature within ten days after the opening thereof.

#### TRUSTEES.

6. Three Trustees of Schools shall be annually elected in each Town and Parish, at the time and in the same manner as other Town or Parish officers, who shall be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties as other Town and Parish officers; and when any Town or Parish fails to elect, the Sessions shall appoint as in other cases: in incorporated Towns, Cities or Counties, the Council shall appoint the Trustees; but the Trustees in office at the time of the passing of this Act shall continue to act until others are appointed in their stead.

It shall be the duty of Trustees to divide their respective Parishes into convenient School Districts, and from time to time to reconstruct them, and to define in writing the boundaries of each District, and file a description thereof with the Clerk of the Peace, and in incorporated Counties with the

Secretary Treasurer, and a copy thereof with the Town Clerk.

They shall give any licenced Teacher authority in writing to open a School in a District where the inhabitants have provided a sufficient School House, secured the necessary salary, and with their assent agree with such Teacher.

They may suspend or displace any Teacher for incapacity, or any improper or immoral conduct, and shall forthwith transmit a copy of their proceedings to the Superintendent for the decision of the Board.

They shall immediately after ratifying the engagement of a Teacher, and annually thereafter, call a meeting of the Rate-payers of the District for the purpose of electing a School Committee to consist of three persons, giving seven days notice, to be posted on the School House, specifying the time, place and object of such meeting.

The Trustees, when convenient, shall accompany the Inspector in the examination and inspection of the Schools in their respective Parishes.

They shall at least once a year examine all the Schools in their respective Parishes, pursuing as near as may be the mode of examination adopted by the Inspector.

In any Town, Village, or populous District, the Trustees may authorize such number of Schools as the wants of the population may require; and when they deem it necessary, authorize the employment of an assistant licenced Teacher in any large School.

Wherever a convenient District can be laid off so as to include a portion of two Parishes, the Trustees of the two Parishes may lay off such District with the consent of a majority of the inhabitants thereof.

The Trustees shall apportion among the School Districts in their respective Parishes, any money raised by County or Parish assessment for the support and maintenance of the Schools therein, in such manner as they shall deem just and equitable.

Any Parish or District adopting the principle of assessment, and the sum required for the Teacher being assessed and paid, shall for every year such assessment is so made and paid, receive from the Province Treasurer ten per cent. over the

allowance to Schools of the same class in Parishes or Districts not so assessed, to be apportioned and paid the Teachers therein.

COMMITTEE.

7. The inhabitants of the School District being rate-payers, shall at the meeting called by the Trustees as aforesaid, elect by a majority of votes three persons who shall constitute a School Committee for that District, and shall continue in office for one year or until others are elected in their stead.

The School Committee shall have the immediate charge of the School House, with the furniture, apparatus and grounds.

They shall, when necessary, call meetings of the inhabitants of the District for the purpose of providing a School house, books, maps, apparatus, School furniture and fuel, and for the support of the School and the comfort of the scholars.

They shall have the immediate control of any Library provided by the District, and may appoint a Librarian, Secretary, and Treasurer.

They shall receive and appropriate any money raised in the District for the purpose of providing a Library or increasing the same.

The School Committee may admit so many free scholars, and also children at reduced rates, being the children of poor and indigent parents, as they may deem prudent and just; and they may apply the amount so received to the support of the School.

DUTIES AND QUALIFICATION OF TEACHERS.

8. The Teachers, male and female, shall be divided into three classes, qualified as follows :—

Male Teachers of the first class to teach spelling, reading, writing, arithmetic, English grammar, geography, history, book-keeping, geometry, mensuration, land-surveying, navigation and algebra ;—of the second class, spelling, reading, writing, arithmetic, English grammar, geography, history and book-keeping ;—of the third class, spelling, reading, writing, and arithmetic.

Every Teacher of the first and second class shall be qualified and enjoined to impart to his pupils a knowledge of the geography, history, and resources of the Province of New Brunswick, and of the adjoining North American Colonies.

Female Teachers of the first class to teach spelling, reading, writing, arithmetic, English grammar, geography, history, and common needle work ;—of the second class, spelling, reading, writing, arithmetic, English grammar, geography, and common needle work ;—of the third class, spelling, reading, writing, arithmetic, and common needle work.

Every Teacher shall keep a daily register of the scholars, which shall be open for inspection at all times ; a Visitor's book, and enter therein the visits of the Inspectors, Trustees, and School Committee respectively ; maintain proper order and discipline, and carry out the regulations made for his guidance.

Every Teacher shall take diligent care, and exert his best endeavours to impress on the minds of the children committed to his care, the principles of christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity and a universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society ; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians ; and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in Parish Schools—and the Bible, when read in Parish Schools by Roman Catholic children shall, if required by their parents or guardians, be the Douay version, without note or comment.

The Teachers shall be entitled to receive from the Treasury according to the following rates :—Male Teachers of the first class, thirty seven pounds ten shillings ; of the second class, thirty pounds ; of the third class, twenty two pounds ten shillings : Female Teachers of the first class, twenty seven pounds ten shillings ; of the second class, twenty two pounds ten shillings ; of the third class, seventeen pounds ten shillings.

No Teacher shall be paid for a less period than six months without the sanction of the Board, nor in any case unless the inhabitants shall have raised by assessment, or paid for his support, an amount equal to the Provincial allowance, or shall have furnished him with board, washing, and suitable accommodation during his engagement.



## SUPERIOR SCHOOLS.

9. When the inhabitants of any School District shall raise by assessment or otherwise, for the support of a Superior School, the sum of fifty pounds or upwards, and shall have engaged, with the consent of the Trustees, a competent Teacher, they shall receive from the Province a sum equal to the amount so raised, not exceeding the rate of seventy five pounds per annum, to be paid to the Teacher upon the Certificate of the Inspector that the School has been taught to his satisfaction, and the payment made to the said Teacher at the rate of fifty pounds per annum by the inhabitants, but not more than one such School shall be allowed in one Parish.

## LIBRARIES.

10. Whenever any School District shall raise a sum of money for the purpose of establishing a Library, or increasing any one already established, they shall be entitled to receive from the Province Treasury a sum equal to half the amount so raised, to be expended in the purchase of Books therefor, not to exceed five pounds in any one year.

## ASSESSMENT.

11. Whenever any County, Parish, District, or Municipality, determines to provide for the support of the Schools therein by assessment, such assessment shall be levied and collected in the same manner in all respects as other County or Parish rates.

12. If the Council of any Municipality determines to support their Schools by assessment, they shall have power to make such bye laws as they shall deem necessary to levy and collect such assessment.

13. Every County or Municipality adopting the assessment principle, shall receive a sum equal to the amount so raised, if it shall not exceed the average of two hundred and fifty pounds to each Parish, but the whole shall be expended in the payment of salaries of Teachers.

14. A public meeting of the rateable inhabitants of any Parish or District may be called by the Trustees on the written application of twenty or more resident freeholders or householders in any Parish, or three or more resident freeholders or householders in any School District, by notice adver-

tised at least fifteen days in a Newspaper published in the Parish or District, if any, and in five or more of the most public places of the Parish, or two of the District, for the purpose of determining upon the propriety of raising the necessary amount of money required for School purposes by assessment ; at which meeting the senior Trustee present, or in case of his absence, such person as the majority of the rate-payers present may appoint, shall preside ; and it shall be the duty of the Chairman to take the sense of the meeting upon the question of assessment, if it is decided in the affirmative, then on the amount to be raised, and the object.

15. If a majority of the rate-payers present agree to raise a sum by assessment either for the support of the Teacher, the purchase of land whereon to erect a School House or other buildings for School purposes, the purchase or maintenance of a library, the building or repairing of any School House, the supplying the School with fuel, light, and other necessities, the purchase of books, maps or apparatus for the use of any such School, or for any of such purposes, the Chairman shall transmit the vote or resolution specifying the sum to be raised, to the Assessors of rates for the Parish, in one of the forms following :—

If the Assessment be made upon the Parish, the following shall be the Form :—

To Assessors of the Parish of

You are required to levy and assess the sum of        in and upon the Parish of        being the amount voted at a Parish Meeting for the purpose of [*here specify the object*] and cause the same to be collected according to Law, and paid to        the Trustees of Schools for the said Parish.

Dated this        day of        A. D. 18

C. D., *Chairman.*

If the Assessment be made upon a District of the Parish, the following shall be the Form :—

To Assessors of the Parish of

You are required to levy and assess the sum of        pounds in and upon School District number        in the Parish of        being the amount voted at a meeting of the said District for the purpose [*here specify the object*] and cause the

same to be collected according to Law, and paid to the School Committee for the said District.

Dated this            day of            A. D. 18

C. D., *Chairman.*

16. The Assessors shall, without delay, make out the Assessment list as near as may be in the form prescribed for County or Parish rates, and deliver the list to the Collector of rates, with a precept endorsed thereon in the form prescribed for County or Parish rates; if the Parish have been divided into several Districts, with a District Collector for each, they shall furnish each Collector with a separate list, for the purpose of assessing the whole Parish; but if only a School District be assessed, they shall deliver the list to the nearest Collector, and in every case file a duplicate thereof with the Clerk of the Peace; and such proceedings shall be had and taken thereon for the levying and collecting the same, as are provided in other cases of County or Parish rates; and the money, when collected, shall be paid over to the Trustees, if the assessment be made for the whole Parish, and to the School Committee, if for a School District, to be appropriated for the purpose previously determined by the rate-payers.

17. The Assessors and Collectors shall perform their duties under the same pains and penalties as in all other cases, and receive the same fees and allowances.

18. Whenever a written application shall be made to the Clerk of the Peace of any County not incorporated one month before the time of holding the annual election for the Town and Parish officers, signed by at least fifty freeholders or householders of the said County, requesting him to ascertain whether the rate-payers will adopt the principle of assessment for the support of Schools, he shall notify the Town Clerk of each Town or Parish thereof, whose duty it shall be to give notice, with the notice of the annual election of Town or Parish officers, that the question will be put to the vote of the rate-payers at such annual meeting, and the Chairman shall put that question to the meeting, and take the vote of those voting in the affirmative and negative, and certify the number so voting to the Clerk of the Peace, with the list of Town or Parish officers elected, and the Clerk of the Peace shall lay the return before the Sessions at their next meeting.

19. If a majority of the whole voting at such meeting have voted in the affirmative, the Sessions shall determine the amount to be raised upon the County for School purposes, and cause the same to be levied, assessed, and collected as other County rates, and paid into the County Treasury.

20. The Sessions shall apportion the money raised by assessment among the respective Parishes in such manner as they shall deem equitable, having regard to their population and requirements.

21. The money so apportioned shall be paid to the County Treasurer to the credit of the respective Parishes.

22. When a County shall adopt the principle of assessment, any Parish or District therein having been previously assessed for the same year shall not be liable to such County assessment, nor be entitled to receive any part thereof; and when a Parish shall adopt such principle, no District in such Parish having been previously assessed shall be liable for such Parish assessment, or entitled to receive any part thereof; but such exemption shall not extend beyond the first year in which such County or Parish assessment shall be levied.

23. The assessment principle, when adopted, shall continue until reversed in the same manner as provided for its adoption.

24. Any District School supported by assessment shall be free to all the children residing therein.

25. A copy of the memorandum mentioned in Section 6, and of any plan therein referred to, if any, certified by the Clerk of the Peace with whom filed, shall be evidence of the laying off of such District by the Trustees and the bounds thereof.

26. The salary of the Teacher of the Training School shall not exceed two hundred and fifty pounds per annum; the salary of the Male Teacher of the Model School shall not exceed one hundred and twenty five pounds per annum; and the salary of the Female Teacher shall not exceed seventy five pounds.

27. The Governor in Council shall issue Warrants on the Province Treasury for the payment of the several allowances and salaries provided in this Act.

28. Any Trustee or Member of the School Committee, who shall not expend the moneys received by him under any of the

provisions of this Act, or who shall misapply the same, shall pay a sum not exceeding twenty pounds for each offence, which, when recovered, shall be applied for the benefit of the Schools of the Parish or District.

29. Any Trustee who shall knowingly sign a false report; any Teacher who shall keep a false register, or make a false entry or returns; or any Inspector who shall make a false report, shall for each offence pay ten pounds; when recovered it shall be paid to the Trustees of Schools for the Parish, to be applied by them for the benefit of Parish Schools.

30. Lands for sites of School Houses or other School purposes may be conveyed to and held by the Sessions; and in Incorporated Towns, Cities or Counties, by the Municipality.

31. Rate-payers in this Act shall mean Rate-payers upon real or personal property or income.

32. An Act made and passed in the twenty first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to revive and continue Chapters 48, 49, 50, and 51, Title vii, of the Revised Statutes, "Of Parish Schools," and the Act in amendment thereof*, be and the same are hereby repealed.

33. This Act shall not come into operation or be in force until the fifteenth day of April in the present year of our Lord one thousand eight hundred and fifty eight.

## CAP. X.

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

#### Section.

1. Declaration provided by Chap. 40, Revised Statutes.
2. Authority to take declaration.
3. Penalty on Master of Vessel neglecting.

#### Section.

4. Certificate to be given by Postmaster;
5. Deliverable to Deputy Treasurer;
6. To be transmitted to Auditor General.

*Passed 6th April 1858.*

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

1. The declaration provided by Section 20, of Chapter 40, Title iv, of the Revised Statutes, to be made by the Masters of Vessels inward bound, shall be made before the Postmaster or Way Office Keeper at the port of entry and at the Post Office where the letters brought by such Masters are by law to be delivered.

1. Section 7 of Chapter 28, Title iii, of the Revised Statutes, "Of Warehousing Goods," is hereby repealed.

2. When the whole of the goods warehoused under any entry shall be cleared from the warehouse, and the same or any part thereof have been entered for exportation, or for removal to another port in the Province, the Bond given for the duties on such goods shall not be cancelled unless the certificate of the due entry of such goods shall be produced within a reasonable time, signed by the principal officer of Revenue or Excise of the port or place at which such goods shall be entered, and countersigned by the British Consul if entered in a foreign country.

3. No drawback shall be allowed on exportation of any goods on which duties shall have been paid as provided in and by the fifteenth Section of Chapter 28, Title iii, unless a certificate of the due entry of such goods be produced, signed and countersigned as required in and by Section 2 of this Act.

4. The Governor in Council is hereby authorized and empowered to make such rules and regulations for the exporting of goods by land, either for drawback or in bond, as regards the port or place from whence they may be exported, and the routes by which they may be transported, as he may deem expedient; and no bond shall be cancelled nor drawback allowed unless such rules and regulations shall be strictly complied with.

## CAP XII.

An Act to repeal an Act intituled *An Act to amend Title III, Chapter 20, of the Revised Statutes, "Of the Regulation of Light Houses,"* and make other provisions.

### Section.

1. Acts 18 V. c. 28, and Chap. 20, Revised Statutes, in part repealed.
2. Duty for Lights in Gulf of St. Lawrence.

### Section.

3. Coasters, definition of and duty for.
4. Force of receipts to Coasters.

*Passed 6th April 1858.*

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to amend Title iii, Chapter 20, of the Revised Statutes, "Of the Regulation of Light Houses;"* also the eleventh and twelfth

Sections of Chapter 20, of Title iii, of the Revised Statutes, "Of the Regulation of Light Houses," are hereby repealed.

2. That from and after the passing of this Act, there be paid a duty of three pence per ton on all registered vessels (Fishing vessels and Coasters excepted) arriving at any Port in the Gulf of Saint Lawrence, for the support of Light Houses and Light Establishments therein.

3. Coasters shall include vessels belonging to Canada, Nova Scotia, Prince Edward Island, or New Brunswick; and Fishing vessels shall include vessels belonging to the same or Newfoundland; which Coasters and Fishing vessels shall pay annually, when under thirty five tons, ten shillings; from thirty five tons to fifty tons, seventeen shillings and six pence; and from fifty to seventy five tons, twenty two shillings and six pence; and for all over seventy five tons, twenty seven shillings and six pence; provided that no such Coasting or Fishing vessel shall be required to pay more than once in any one year.

4. All Coasting and Fishing vessels arriving at any Port in the said Gulf, and paying the annual duty under this Chapter, shall thereupon receive from the proper officer a coasting receipt, which shall free the said vessel from further duty to the end of the year.

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### CAP. XIII.

An Act to compel Vessels navigating the Bay of Fundy to carry Lights.

Signal Lights to be shown.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That all Vessels navigating the Bay of Fundy and the inlets thereof, shall and are hereby required, while so sailing, plying, floating, or lying at anchor during the night season—that is between sun-set and sun-rise—to keep a good signal light at the foremast head in fore and aft vessels, and at the bowsprit end in square rigged vessels, under the penalty of five pounds for each and every neglect, to be paid by the master, owner or person in charge of such vessel, to be recovered and applied as penalties imposed by an Act



passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act relating to Steam Navigation in this Province.*

#### CAP. XIV.

### An Act to encourage the destruction of Wolves in this Province.

#### Section.

1. Bounty for each Wolf killed.
2. Money wherewith to pay, to be lodged with Clerks of the Peace.
3. Proceedings to obtain the bounty.

#### Section.

4. Clerks to pay on presentation of documents.
5. Attested accounts to be rendered.
6. Limitation of Act.

*Passed 6th April 1858.*

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

1. 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 Wolf such inhabitant or inhabitants shall kill or destroy within the limit of the same.

2. It shall and may be lawful for His Excellency the Lieutenant Governor in Council, on application of 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 to the Bounty mentioned in the first Section of this Act, he shall bring the skin of every Wolf, 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 nearest to the place where the said Wolf has been killed, and shall take and subscribe the following Oath, that is to say :—

I (or we) do swear that I (or we) did on the \_\_\_\_\_ day of \_\_\_\_\_ kill (or assist to kill) a Wolf (or \_\_\_\_\_ Wolves) at [describe the place as near as may be] in the Province of New Brunswick, and that the skin now produced is the skin (or skins) of the Wolf (or Wolves) so killed, for which the bounty granted

by law is claimed, and that no other person has received the bounty for the same.

A. B.

Sworn to at                      in the  
County of      this      day of  
A. D. 18      before me,  
C. D., J. P.      }

I hereby certify that I believe the facts stated in the above affidavit to be true, and that I have cut off the nose of the Wolf (*or* Wolves) so killed, and destroyed the same.

C. D., J. P.

Which Oath such Justice is authorized and required to administer without fee, and to cut off the nose of the Wolf or Wolves so killed from the skin so produced before him, and burn or destroy the same, and shall also certify under his hand at the foot of such affidavit, that he believes the statement therein made 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 within 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 Wolf 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 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 October 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 names 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. 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 sixty two.

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### CAP. XV.

#### An Act to prevent the use of Poisons in the destruction of Foxes and other animals.

##### Section.

1. Penalty for placing Poison ; recovery and application.

##### Section.

2. Penalty not to prevent other remedy for loss.

*Passed 6th April 1858.*

WHEREAS much and serious evil has arisen from the practice of placing and leaving poison for the destruction of wild animals in the woods and fields, and on other property, whereby valuable domestic animals have been destroyed, and other losses have accrued ;—

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

1. Whosoever shall wilfully place or leave strychnine or other poison of any kind on any public or private property, or on any public road or street, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to pay a fine of not less than two pounds nor more than ten pounds, which penalty when recovered shall be applied as follows, viz :—One half part thereof, after paying all the necessary expenses of recovery, shall be paid to the informer or informers upon whose information such conviction may be obtained, and the remaining half to the Overseers of the Poor for the Parish where the offence was committed, for the use of the Poor thereof ; in default of payment of said fine, the party convicted as aforesaid shall be committed to the gaol of the said County

for a period not exceeding ten days nor less than two days, in the discretion of the Court.

2. Any fine or imprisonment imposed by virtue of this Act, shall not prevent any prosecution or other legal remedy for loss or damage sustained by any party by means of such poison.

### CAP. XVI.

#### An Act to alter the times for holding the Circuit Courts in the Counties of Westmorland and Albert.

Time of holding Circuit Courts in Westmorland and Albert.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, the time for holding the Circuit Courts for the Counties of Westmorland and Albert shall be held at the following periods, instead of the times now appointed:—

In the County of Westmorland, on the third Tuesday in July in each year.

In the County of Albert, on the second Tuesday in July in each year.

### CAP. XVII.

#### An Act to amend the Law for the relief of Insolvent Debtors.

##### Section.

1. Insolvent may apply specifically to the Clerk of Peace.
2. Clerk of the Peace to call meeting of Creditors.
3. Payments after notice to other than the Assignees deemed fraudulent.
4. Clerk of the Peace to preside at meeting; examination of debtor.
5. Creditors may be required to prove debts.
6. Clerk of the Peace may compel attendance of witnesses, &c.
7. Debtor, if a prisoner, may be brought up.
8. Debtor may offer a composition.
9. If composition be not accepted, Assignees may be chosen.
10. Assignees to give notice of their appointment, and receive assignment of debtor's effects;
11. To be sworn, collect debts, &c. and distribute proceeds;
12. To be under direction of Supreme Court; to receive commission.

##### Section.

13. Debtor may apply to Judge for discharge after composition or assignment.
  14. Judge to discharge debtor from his debts unless cause be shewn.
  15. Order for discharge, and other proceedings, to be registered.
  16. Debtor, if a prisoner, to be discharged.
  17. Creditor omitted by debtor, to participate on proof of debt.
  18. Debtor may retain effects to the value of £15.
  19. Fraudulent preferences to be void.
  20. Bond to secure composition may be put in suit.
  21. Copy of Bond and of Judge's order to be evidence.
  22. Penalty for false statement of affairs.
  23. Act not to apply to Crown debts and distress for rent.
  24. Fees and Forms.
  25. Limitation of Act.
- Schedule: Forms and Table of Fees.

*Passed 6th April 1858.*

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

1. When any debtor shall be owing debts to the amount of one hundred pounds, or upwards, and unable to pay the same, he may apply, by petition, to the Clerk of the Peace of the County in which he resides, setting forth, upon oath, in his application, a full statement of his real and personal property, assets and liabilities, the names and residences of his creditors, and the sums due to each of them, the nature of each debt, and whether founded on written security or otherwise.

2. The Clerk of the Peace, on such petition being filed, shall call a meeting of the creditors of such debtor, by giving three months public notice thereof (A) in a Newspaper published in the County where the debtor resides, if any be there published, if not, in the Royal Gazette, of the time and place and object of such meeting ; and copies of such notice shall also be posted up for thirty days before the meeting in the offices of said Clerk, the Sheriff, and Registrar of Deeds respectively, of the said County.

3. If any person indebted to, or having the possession or control of any property of such debtor, shall, after publication of such notice as aforesaid, pay any debt, or deliver or dispose of any such property to any person but the assignees to be appointed as hereinafter provided, such payment or transfer shall be deemed fraudulent, and such person shall be liable for the same, or the value thereof, to the assignees ; and all sales or conveyances of property, and all assignments of debts or rights of action by the debtor, after such publication, shall be void, but sales and levies made under any execution issued out of any Court after such publication, shall not be affected by this Act ; but the provisions of this Section shall not extend or apply to any case where the composition offered by the debtor shall be accepted as hereinafter mentioned, or where no assignment shall be made as provided by the ninth Section of this Act.

4. The Clerk of the Peace shall preside at the meeting of the creditors, and after proof of the notice required by the second Section of this Act, shall exhibit to the creditors the petition filed by the debtor, who may then be examined under oath, by any creditor, his agent or attorney, or person inte-

rested, as to the subject matter of such application, and the state of his affairs ; which examination, as also that of any creditor or witness produced, shall be taken down in writing by the said Clerk, and filed in his office, and the minutes of the proceedings shall be entered in a book kept by him for that purpose : such meeting may be adjourned from time to time as often as occasion requires.

5. Any person named in the petition filed by the debtor, or claiming to be a creditor, may be required to prove his debt : Debts not due at the time of the meeting may be treated as payable upon a rebate or discount of interest.

6. The Clerk of the Peace may on the application of the debtor, or any creditor or person interested, issue an order for the attendance of any witness, or the production of any books or papers before him, which order the party served therewith, on being paid or tendered his reasonable expenses, shall obey on pain of attachment (B), to be issued by the Judge of the Supreme Court on affidavit of the facts.

7. If the debtor shall be a prisoner confined in gaol at the time appointed for the meeting, the Clerk of the Peace may make an order, directed to the officer in whose custody the debtor may be, to bring such debtor before him, and such officer shall not be liable to any action for obeying such order, and such debtor shall be remanded forthwith by the order of the Clerk of the Peace.

8. The debtor may at such meeting offer a composition to his creditors, and if such composition be accepted by a majority in number and amount of the creditors then present, (whose debts have been proved or allowed,) or their agents duly authorized, a deed or instrument in writing setting forth the terms and conditions of such composition, shall then and there be entered into between such debtor and the said creditors ; such composition shall be paid within one year, and shall be secured by the bond (C) of the debtor with one or more sureties to the satisfaction of the Clerk of the Peace, with whom such bond shall be filed.

9. If the composition be not accepted as provided in the preceding Section, a majority of such creditors present at the meeting may choose two or more persons to be assignees of the estate of the debtor ; and if no such choice be made the Clerk

of the Peace shall appoint the assignees, and shall thereupon adjourn the meeting for seven days; if at such adjourned meeting the assignees so appointed shall not express in writing their acceptance of the trust, other assignees may be appointed in the manner before directed.

10. The assignees on their appointment shall forthwith give public notice thereof (D) in a Newspaper published in the County, if any, otherwise in the Royal Gazette; and upon such publication the debtor shall by deed assign to the said assignees, all his real and personal estate, (except as hereinafter excepted,) with all his deeds, books and papers relating thereto, which assignment shall vest in the said assignees all the property of the debtor, real and personal, and all debts due to the debtor, and the evidence thereof, and all liens and securities therefor, and all his rights of action; and such assignees may sue for and recover in their own names all the said estate, debts and effects.

11. The assignees shall be sworn before the Clerk of the Peace to the faithful discharge of their duty, and shall without delay convert the estate of the debtor into money, collect the debts, and distribute the proceeds thereof (after deducting all necessary expenses) among the creditors, in proportion to their respective debts: they shall enter in a book an account of all their transactions, which book shall be open at all times to the inspection of a creditor or person interested.

12. The assignees shall be subject to the orders and directions of the Supreme Court in the performance of their duties under this Act: they shall be entitled to receive a commission of five per cent. on all moneys collected by them and paid over, and shall on the performance of their trust file with the Clerk of the Peace a full account of their proceedings, verified by affidavit.

13. Upon the execution of the composition deed, or the appointment of the assignees, as the case may be, the debtor may apply to a Judge of the Supreme Court, who shall on production of a copy of the proceedings of the meeting, certified by the Clerk of the Peace, make an order, that unless cause be shown on a certain day, the said debtor will be discharged from all his debts contracted before the said meeting, except the said composition; which order shall be published in the Royal Gazette for two successive weeks previous to the day appointed therein for showing cause.

14. It shall be the duty of the said Judge, unless sufficient cause be shown to the contrary by any of the creditors of such debtor, such as fraud, undue preference, insufficient proof of any claims, want of full disclosure of his estate, or of due publication of notice of the meeting of creditors, or other substantial irregularity, to make an order under his hand and seal discharging such debtor from all his debts contracted before the said meeting of creditors, except the said composition, (in cases where a composition has been accepted as provided by the eighth Section of this Act ;) provided that no such order shall be made without the production of a certificate from the Clerk of the Peace, that all fees due him on account of the proceedings, and the expenses of advertising the meeting, have been paid or satisfied.

15. The order for discharge shall be registered at full length by the Clerk of the Peace, with the other proceedings, and a certified or examined copy thereof shall be evidence of such order and of the proceedings of such meeting, in all Courts.

16. If at the time of obtaining such order for discharge, the debtor shall be in custody under process issued in any civil suit, the officer in whose custody he may be shall, on the production of such Judge's order, forthwith discharge such debtor.

17. If the name of any creditor shall be omitted from the statement filed, as provided by the first Section of this Act, such creditor may, at any time within six months after the first publication of notice of the meeting, give to the assignees the particulars of his debt, with notice of his intention, on a day to be therein named, to prove the same before the Clerk of the Peace; and if such debt shall be proved to the satisfaction of the Clerk of the Peace, such party shall be entitled to participate with the other creditors under the composition or assignment, as the case may be; and in no case shall the Clerk of the Peace or the assignees distribute the estate among the creditors until after the expiration of six months from the first publication of such notice as aforesaid.

18. Any debtor may retain wearing apparel, household furniture, and the tools or implements of his trade or calling, to the value of fifteen pounds in the whole, and the same shall not pass by the deed assignment.



19. If any debtor, in contemplation of insolvency, shall before the execution of the deed of assignment, as provided in the tenth Section of this Act, make any payment or transfer, to give a fraudulent preference to any creditor, such payment or transfer shall, as to his other creditors, be void, and the assignees may recover from the person so preferred the amount of such payment, or the value of property so transferred, or the property itself; provided such person, when accepting such preference, had reasonable cause to believe the said debtor made such payment or transfer with intent to give a fraudulent preference.

20. Any creditor may apply to a Judge of the Supreme Court, who, upon sufficient cause shewn, may make an order to put in suit the bond given to secure the payment of the composition agreed upon, which order shall vest in the creditor a right to bring an action on the bond in his own name, and recovery may be had to the amount of the composition secured to such creditor: such bond may be put in suit at the instance of any other creditors as often as is necessary; provided that the several amounts to be recovered shall not exceed the penalty of the said bond: the successful party shall be entitled to costs.

21. A certified copy of the bond, and of the Judge's order, certified by the Clerk of the Peace, shall be evidence of such bond and order respectively in all Courts.

22. If any debtor shall wilfully make a false statement of his affairs in his petition filed with the Clerk of the Peace, or in his examination at the meeting of creditors, or shall fraudulently conceal or dispose of any property or debts, with intent to defraud his creditors, or to give an undue preference, he shall be guilty of a misdemeanor, and shall also be deprived of all benefit and relief under this Act.

23. This Act shall not apply to debts due to the Crown, nor restrain any landlord from distraining for arrears of rent, not exceeding one year's.

24. The Clerk of the Peace and Sheriff shall be entitled to receive, for his services under this Act, the Fees mentioned in the Schedule; and the several Forms in the Schedule contained, or Forms to the like effect, shall be sufficient.

25. This Act shall continue and be in force till the first day of May one thousand eight hundred and sixty.

## SCHEDULE.

(A)

In the matter of A. B. an Insolvent Debtor.

Notice is hereby given, that on the application of A. B., of  
in the County of                      made to me, pursuant to  
the directions of the Act of Assembly, 21st Victoria, Cap.  
I appoint                      the                      day of                      next, at                      in  
at                      o'clock in the forenoon, as the time and place for a  
meeting of the creditors of the said A. B., for the purpose of  
examining into the state of his affairs, and considering the  
terms of a compromise to be offered by him under the said Act.

Dated the                      day of                      185

C. D., Clerk of the Peace.

(B)

Victoria, by the Grace of God, &c. To the Sheriff of the  
County of                      Greeting:

Attach                      and bring him before me to answer for  
a contempt in disobeying an order of the Clerk of the Peace  
of the County of                      requiring the said                      to give  
evidence (*or produce papers, as the case may be*) on the exami-  
nation of A. B. an insolvent debtor.

Dated this                      day of                      18

[Judge's signature.]

(C)

Know all men by these presents, that we  
are jointly and severally bound to the Clerk of the Peace for  
the County of                      in the sum of [*double the amount of the*  
*composition*] to be paid to him, for which payment we bind  
ourselves jointly and severally, our heirs, executors, and admi-  
nistrators, by these presents. Sealed with our seals. Dated  
the                      day of                      in the year of our Lord one thousand  
eight hundred and

The condition of this obligation is such, that if the above  
bounden [*debtor*] shall pay to the said Clerk of the Peace for  
the time being, or his assigns, on or before the                      day  
of                      next [*the time for paying the composition*] the sum  
of                      being the amount mentioned in a composition deed  
between the said                      [*debtor*] and his creditors, dated  
the                      day of                      and entered into at a meeting of

the said creditors held pursuant to the Act of Assembly, 21 Victoria, Cap. according to the terms and conditions of the said composition, then this obligation shall be void, otherwise to remain in full force.

Sealed and delivered }  
in presence of }

## ( D )

Notice is hereby given, that the undersigned have been appointed assignees of the estate and effects of A. B., an insolvent debtor, and have been duly sworn according to the directions of the Act of Assembly, 21 Viet. Cap. All persons indebted to the said A. B. are required to pay to us forthwith all sums of money due from them, and to deliver to us the said property and effects; and all creditors of the said A. B. are required to deliver to us, on or before the day of next, [*six months from the first publication of the notice of meeting of creditors*] their respective claims and accounts against the said A. B.

Dated this day of

C. D. }  
E. F. } Assignees.  
G. H. }

## TABLE OF FEES.

Filing application for meeting, - - -	£0	1	0
Notice of meeting and copies, - - -	0	10	0
Presiding at the meeting and taking minutes, -	1	3	4
For every additional sitting, - - -	1	3	4
Order for witnesses' attendance, - - -	0	2	6
Each copy, - - -	0	1	0
Order to bring up debtor, - - -	0	2	6
Bond to secure composition, - - -	0	5	0
Assigning bond, - - -	0	2	6
Entering proceedings in book, per folio, -	0	1	0
Copies of all proceedings, when required, per folio,	0	0	6
Every certificate, - - -	0	1	0

## SHERIFF'S FEES.

For bringing up debtor on order, - - -	0	5	0
Each day's attendance, - - -	0	10	0

## CAP. XVIII.

## An Act for the regulation of Railways.

## Section.

1. Penalty for obstructing the setting out or construction of the European and North American Railway.
2. Penalty for trespassing, injuring the fences, &c.
3. Penalty for going, riding, &c. on any portion of the Railway.
4. Penalty in case of animals found on the Railway.
5. Penalty for travelling without payment of fare; annoying passengers, &c.;
6. Aid against such offenders.
7. Penalty for sending dangerous goods without sufficient marks.
8. Penalty for damaging carriages, or getting into or off train in motion.

## Section.

9. Penalty for placing obstructions, &c. so as to upset carriages.
10. Seizure of engine drivers, &c. found drunk or neglecting duty; penalty.
11. Appointment, &c. of Police Magistrates and Stipendiary Constables.
12. Certain Sections of 11 V. c. 12, extended to the Police District.
13. Committal on non-payment of a fine.
14. Costs may be awarded.
15. Record by Police Magistrates.
16. Lock-up houses, establishment of.
17. Parts of this Act extended to line of the Canada and New Brunswick Railway and Land Company.

*Passed 6th April 1858.*

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

1. If any person shall wilfully obstruct the Commissioners for the management and construction of Railways under 19 Victoria, Cap. 15, or any Engineer, officer, or person acting under authority from the said Commissioners, in the lawful exercise of their power in setting out the line of the European and North American Railway, or shall pull up or remove any poles, pegs or stakes driven into the ground for the purpose of so setting out the line of the Railway, or shall deface or destroy any pegs or marks put down or made for the same purpose, or shall wilfully obstruct any of the Contractors, or their servants or workmen, while employed in the construction of the Railway, he shall forfeit a sum not exceeding five pounds for every such offence.

2. If any person shall wilfully obstruct or impede any Engineer, officer or person acting with authority from the said Commissioners, in the execution of his duties upon the Railway, or upon or in any of the Stations or other works or premises connected therewith; or if any person shall wilfully trespass upon the Railway, or any of the Stations or other works connected therewith, and shall refuse to quit the same upon request made to him by any officer, servant or agent of the Commissioners; or shall wilfully disturb, break down, injure or destroy any of the fences of the Railway, or remove the same or any part thereof; or shall blot out or deface any regulations put up upon the line, or pull down or injure the boards

upon which such regulations are affixed, every such person so offending, and all others aiding or assisting therein, shall severally forfeit a sum not exceeding twenty five pounds for every such offence.

3. If any person, after the Railroad or any section thereof shall be opened for use, shall himself go thereon, or shall ride, drive or lead any animal thereon, he shall for every such offence forfeit a sum not exceeding forty shillings; but nothing in this regulation shall prevent the passing across the Railroad where the same is crossed by any other road on a level therewith.

4. If any animal shall be found going at large within the limits of the Railroad, or any section thereof, after the same shall be open for use, the owner thereof, and the person through whose default or neglect the same shall occur, shall for every such offence severally forfeit a sum not exceeding forty shillings, provided that the Railroad shall have on the sides thereof where it shall not cross some other road on the same level a fence approved of by the Commissioners.

5. If any person shall travel, or attempt to travel, in any carriage belonging to the Railroad, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such carriage, or if any person, while in such carriage, shall offend or annoy the other passengers therein by riotous conduct, or by indecent or profane language, or shall disobey the lawful directions of the conductor or officer, or shall persist in smoking after a request from the conductor to desist, every such person shall for every such offence forfeit a sum not exceeding five pounds.

6. If any person be discovered either in or after committing or attempting to commit any such offence as in the preceding regulation mentioned, all officers and servants of the Commissioners and such other persons as they may call to their aid, and all constables, gaolers, and peace officers, may law-

fully apprehend and detain such person until he can conveniently be taken before some Justice, or until he can be otherwise discharged in due course of law.

7. If any person shall send by the Railway any aquafortis, oil of vitriol, gunpowder, lucifer matches, or other goods of a dangerous character, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice to the book-keeper or other servant of the Commissioners with whom the same are left, at the time of so sending, he shall forfeit for every such offence a sum not exceeding twenty pounds.

8. If any passenger shall wilfully cut the lining, or remove or damage any part of the carriage, or shall get into or get off of any train when in motion, or at any other place than the passengers' platforms, or attempt to do so, every such person shall for every such offence forfeit and pay a sum not exceeding forty shillings.

9. If any person shall wilfully and maliciously put, place, cast or throw upon or across any Railway, any wood, stone or other matter or thing, or shall wilfully or maliciously take up, remove or displace any rail, sleeper, or other matter or thing belonging to any Railway, or shall wilfully and maliciously turn, move or divert any points or other machinery belonging to any Railway, or shall wilfully and maliciously make or show, hide or remove any signal or light upon or near to any Railway, or shall wilfully and maliciously do or cause to be done any other matter or thing with intent in any of the cases aforesaid, to obstruct, upset, overthrow, injure or destroy any engine, tender, carriage, truck, using such Railway, or to endanger the safety of any person travelling or being upon any such Railway, every such offender shall be guilty of felony, and be imprisoned for a term not exceeding seven years.

10. It shall be lawful for any officer or agent of the Railway Commissioners, or for any special constable duly appointed, and all such persons as they may call to their assistance, to seize and detain any conductor, engine driver, porter, or other servant in the employ of such Commissioners, who shall be found drunk while employed upon the Railway, or commit any offence against any of the bye laws, rules or regulations of such Commissioners ; or shall wilfully, maliciously, or negli-

gently do or omit to do any act whereby the life or limb of any person passing along, or being upon the Railway, or the works thereof respectively, shall be or might be injured or endangered, or whereby the passage of any of the engines, carriages or trains shall be or might be obstructed or impeded, and to convey such conductor, engine driver, porter, or other servant so offending, or any person counselling, aiding, or assisting in such offence, with all convenient dispatch before some Police Magistrate for the place within which such offence shall be committed, without any other warrant or authority than this Act; and every such person so offending, and every person counselling, aiding, or assisting therein as aforesaid, shall, when convicted before such Justice as aforesaid, (who is hereby authorized and required upon complaint to him made upon oath, without information in writing, to take cognizance thereof and to act summarily in the premises,) in the discretion of such Justice, be imprisoned with or without hard labour for any term not exceeding two calendar months, or in the like discretion of such Justice shall for every such offence forfeit any sum not exceeding ten pounds, and in default of payment thereof, shall be imprisoned with or without hard labour as aforesaid, for such period, not exceeding two calendar months, as such Justice shall appoint, such commitment to be determined on payment of the amount of the penalty.

11. The Lieutenant Governor in Council is hereby authorized to appoint fit and proper persons to be Police Magistrates along the line of the European and North American Railway, each of which Police Magistrates shall have authority to act by himself in all cases in which two Justices of the Peace may now act, and in the adjudication of all summary cases under this Act; and the jurisdiction of such Police Magistrates may extend along the whole line of the European and North American Railway, its branches and extensions, and within five miles on each side thereof, through all or any of the Counties within which the said line of Railway, its branches or extensions, may pass, according as the Lieutenant Governor in Council may appoint and direct, and may be described in all proceedings as "The Police District of the European and North American Railway;" and such Police Magistrates are hereby authorized

and empowered to appoint, subject to the approval of the said Commissioners, such and so many stipendiary constables on the said line of Railway as they may deem necessary for the preservation of peace or good order, and to displace the same and appoint others whenever requisite, which constables shall be under the direction and control of such Police Magistrates; and such Magistrates and Constables shall have all the powers, authority and privileges incident to the office of the Police Magistrates and Constables by the provisions of an Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, within the district for which they are severally appointed.

12. The tenth, fifteenth, sixteenth, eighteenth, nineteenth, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, thirty fifth, (together with Schedules A and B therein referred to *mutatis mutandis*.) and thirty sixth Sections of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to and be in force in the said District to all intents and purposes; and all and every of the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in the said several Sections respectively, shall be created, incurred, and be observed, practised and put in execution in the said Police District, as fully and effectually to all intents and purposes as if the said offences, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things were severally, particularly and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed and taken to belong to this Act, in like manner as if the same had been enacted therein.

13. In every case on the adjudication of a pecuniary penalty under this Act, and non-payment thereof, it shall be lawful for the Police Magistrate to commit the offender to the common gaol or to the Penitentiary for a term not exceeding three



months, the imprisonment to cease on payment of the sum due on such conviction.

14. It shall be lawful for such Magistrate who shall hear and determine any such charge or complaint, to award such costs to be paid to or by either of the parties to the said charge or complaint, the said costs to be according to the Table of Fees in the said Portland Police Act hereinbefore referred to.

15. The said Police Magistrates, and each of them, shall keep a book in which shall be regularly entered an account, in detail, of all sums of money, whether arising from fines, penalties, convictions, costs or fees received or expended by such Magistrate, in connection with or on account of such Police establishment, and shall pay over all such moneys so received at the end of each month to the Provincial Treasurer, and the same shall form part of the Railway Fund.

16. The Commissioners of Railways are hereby empowered to appoint and establish one or more buildings or places to be lock-up houses in and for the said district, and the same shall be to all intents and purposes a lawful place of committal and confinement of persons charged with offences against this Act, during the time of proceeding and until final judgment for such offence, at the discretion of the Magistrate.

17. Whereas it is desirable that all the Sections of this Act applicable to the New Brunswick and Canada Railway and Land Company, shall be in full force: And whereas in this Act the words following, that is to say, 'the Commissioners for the management and construction of Railways under Act 19 Victoria, Chapter 15, or any Engineer, officer or person acting under authority from the said Commissioners,' are used; be it therefore enacted as follows—The term 'Commissioner, Manager, Engineer, or any officer or person acting under their authority,' shall have the same meaning and effect as respects the New Brunswick and Canada Railway and Land Company, as the term hereinfore mentioned has with respect to the European and North American Railway Company; and offences committed under this Act along the line of the New Brunswick and Canada Railway and Land Company may be tried, in the absence of a Police Magistrate, by any Justice of the Peace in any County where any such offence may be committed; and all the provisions of the Sections of this Act from

one to ten inclusive, and also the thirteenth and sixteenth Sections, shall be and are hereby extended to the said New Brunswick and Canada Railway and Land Company as fully as if the same were enacted in the Act or Acts passed relating thereto.

## CAP. XIX.

### An Act relating to Co-Partnerships.

#### Section.

1. Certificates of names of existing Co-Partnerships, with names and residences of members, to be made.
2. Similar certificate of future Co-Partnerships before commencing business.
3. Proof and acknowledgment of signatures and registry of certificates.
4. Certificate in case of dissolution or change.
5. Registrars of Deeds to file and record certificates.

#### Section.

6. Certificates to be published in Royal Gazette.
7. Penalty for omission to file, &c.
8. Recovery and application of penalties.
9. Act not to prejudice rights of third parties.
10. Certificates of dissolution, &c. to involve same penalties as original certificates.
11. Copy from Registry to be *prima facie* evidence.

*Passed 6th April 1858.*

WHEREAS it would promote and secure greater confidence in dealings with Co-Partnerships, and greatly facilitate the recovery of debts, if the names of the different persons composing the firms were at all times accessible;—

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

1. That all persons now carrying on business together in Co-Partnership in this Province as general partners, do and shall within six months after the passing of this Act severally make and sign a certificate, which certificate shall contain the name or firm of the Co-Partnership, and the names and respective places of residence of the different partners.

2. That in all general Co-Partnerships hereafter to be formed, or that shall at any time carry on business in this Province, the different members thereof do and shall previous to entering upon the joint business, or to establishing the same in this Province, severally make and sign a certificate containing the same particulars as mentioned in the first Section of this Act.

3. That the signatures to all certificates made and signed under the provisions of this Act, shall be acknowledged or proved in the same manner and before the same persons as

deeds or conveyances are required to be acknowledged by the Acts of Assembly now in force in this Province regulating the registry of conveyances relating to lands; and all such certificates being so made, signed, and acknowledged, shall be forthwith filed in the office of the Registrar of Deeds for the respective County or Counties where the Co-Partnership business is carried on.

4. That on the occasion of a dissolution, or any change or changes in any Co-Partnership, a certificate shall be made and signed by the retiring, incoming, and other partner or partners, which certificate shall state the name of the retiring partner or partners, and the names and respective places of residence of the incoming partners, and which certificate shall be forthwith acknowledged and filed as hereinbefore mentioned.

5. That the several Registrars of Deeds in and for the different Counties in this Province are hereby required to receive and file all certificates produced to them, and duly acknowledged or proved according to the provisions of this Act, and that each Registrar of Deeds respectively shall keep a Book in which he shall enter the different Co-Partnership names or styles, and the names of the different members composing each Co-Partnership; and for filing and entering each certificate he shall be entitled to receive and take a fee of one shilling and three pence, and that such Book shall at all times be open to inspection on payment of a fee of one shilling for each inspection.

6. That a copy of all such certificates shall, as soon as the same are filed, be published in the Royal Gazette for two consecutive weeks next following the filing thereof.

7. That any person or persons engaged or hereafter to be engaged in business as general partners in this Province, neglecting or refusing to make, sign, acknowledge, file or publish such certificate as aforesaid, shall forfeit and pay the sum of fifteen pounds, and shall also forfeit and pay the further sum of two pounds ten shillings per day for each and every day that such person shall so neglect or refuse after notice so to do from any creditor or creditors of such firm, or from any person or persons having dealings or transactions therewith.

8. That the penalties imposed in and by the last Section shall and may be recovered by action of debt, to be brought in

the name of the Clerk of the Peace in and for the County in which such certificate should be filed, against the Co-Partnership by its joint style, name or firm, and that in any such action judgment may be signed against such Co-Partnership by its joint name, style, or firm, and execution issued thereupon against the persons or goods, chattels, lands and tenements of the firm; which executions may be levied respectively upon the bodies of such members thereof as are known, or upon their property; and all penalties recovered under this Act shall be paid to the County Treasurer of the County, for the uses and purposes of the said County where such certificate should have been filed.

9. Provided always, that nothing herein contained shall be construed or held as in any way to prejudice or affect the rights of third parties against any Co-Partnership, or to limit or restrain the liability of the different members thereof.

10. In case of dissolution, addition, or alteration in the name of the firm, or of the parties composing any Co-Partnership, whose certificate has been filed in accordance with this Act, it shall be imperative that a certificate of such dissolution, addition, or alteration, shall be within thirty days after such dissolution, addition, or alteration, be (without any notice required to be given to the said parties or any of them,) filed, registered, and published as hereinbefore set forth for the filing of certificate of Co-Partnerships, and subject to the same penalties and forfeitures as for non-compliance with the filing of the original certificate in this Act set forth.

11. When a party may be desirous of giving evidence in any suit in a Court of Law or Equity a certificate which may have been duly registered, and be relevant to the matter in question, he may produce in evidence a copy of the registry of such certificate, certified by the Registrar of the County where the same is registered, which copy shall be *prima facie* evidence of the fact; provided always, that nothing herein contained shall prevent the parties from proving the Partnership in the usual way.

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## CAP. XX.

## An Act to amend the Practice of the Law.

## Section.

1. Writs may bear teste on the day of issue.
2. Bill of York abolished.
3. Appearance; judgment by default; special bail.

## Section.

4. Common bail pieces unnecessary; sufficient appearance, what.
5. Declaration in trespass, or trespass on the case.
6. Signing Judgment in summary cases.

*Passed 6th April 1858.*

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

1. That from and after the passing of this Act, all Writs to be issued from any of the Courts in this Province, may bear teste on the day on which such Writs shall be issued, any law, usage or custom to the contrary thereof in any wise notwithstanding.

2. That writs of *capias*, bailable or non-bailable, may issue and take effect in the County of York in like manner as in other Counties; and the Bill of York is hereby abolished.

3. That the defendant in all cases shall have thirty days to appear to a non-bailable process, and to enter special bail to a bailable process, from the return day of such process; and in summary actions, if the defendant do not enter his appearance and plead within the time aforesaid, judgment may be entered against him by default; or, if the case be bailable, and the defendant should fail to enter special bail within thirty days after the return day of the writ, the plaintiff may proceed against the Sheriff, or on the bail bond, as in ordinary cases.

4. That common bail pieces shall not be necessary in any case, nor shall any costs be taxed for the same; that notice of appearance served on the plaintiff's attorney, and a copy of the same filed in the office of the Clerk of the Court out of which the process issued, for which copy to be filed a charge of six pence only shall be allowed, shall be deemed a sufficient appearance.

5. That in all actions of trespass and trespass on the case, the declaration shall be equally good and valid to all intents and purposes, whether the same shall be in form a declaration in trespass, or trespass on the case.

6. That the party in whose favour the verdict may be given in summary actions, shall be entitled to sign judgment thereon

immediately after the verdict, any thing in the Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the more convenient administration of Justice in the Supreme Court*, to the contrary notwithstanding.

## CAP. XXI.

### An Act relating to the Action of Ejectment.

#### Section.

1. Present mode of proceeding abolished.
2. Proceedings to commence by summons; form and service.
3. Form of declaration in ejectment.
4. Mesne profits, when recoverable.
5. Leave by a Judge to defend, though not named in the Writ.
6. Defence may be limited to a part of the property.
7. Description of property in declaration may be amended.
8. Appearances and defences by persons not in possession.
9. Plaintiff to recover if no appearance is entered or defence is limited;
10. Special case by consent.
11. Plea by defendant, and question at trial.
12. Judge may order trial to be had in other County than where venue is laid.

#### Section.

13. Judgment and execution for either party.
14. Action and defence by joint tenants, &c.; ouster an additional question.
15. One of several plaintiffs may discontinue.
16. Plaintiff may discontinue as to one or more of the defendants.
17. Effect of judgment to be as heretofore.
18. Tenants having knowledge of Writ of Ejectment, to notify Landlord or Receiver.
19. Improvements may be set off against mesne profits.
20. Not necessary to prove right of entry, unless, &c.
21. Title obtained while another in possession, no preclusion.
22. Tenant not barred from defending.
23. Form of Execution in ejectment.

Schedule.

*Passed 6th April 1858.*

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

1. That the mode of proceeding in Ejectment as at present practised in this Province, be and the same is hereby abolished; provided always, that nothing herein contained shall extend or be construed to extend to actions of Ejectment now pending, but the same may be prosecuted in all respects as if this Act had not been passed, any thing herein contained to the contrary thereof in any wise notwithstanding.

2. In the action of Ejectment the proceedings shall be commenced by a writ of summons as given in the Schedule of this Act and numbered 1, which shall be made returnable and served as other writs, but in cases of vacant possession it shall be served by posting a copy thereof upon the door of the dwelling house or other conspicuous part of the property, and by publishing a copy of the same for at least one month in some Newspaper published in the County where the property is situate, and if no Newspaper be published in such County, then for a like space of time in the Royal Gazette.

3. The declaration in Ejectment shall be in the form as given in number 2 in the said Schedule, and the general proceedings to judgment shall be the same as near as may be as in other actions, subject only to the provisions hereinafter mentioned.

4. The plaintiff may in the action of Ejectment, in addition to the property, recover for the mesne profits, which shall include the value of any lumber or other valuable article taken from the land ; and if the plaintiff make no claim at the trial for mesne profits, or after interlocutory judgment proceed to final judgment without issuing a writ of enquiry to assess damages therefor, he shall be barred from recovering the same ; and the particulars of mesne profits, when claimed, shall be annexed to the declaration, and copy served.

5. Any person not named in the writ may, by leave of a Judge, appear and defend, on filing an affidavit, shewing that he is in possession of the land either by himself or his tenant ; and when he appears to defend as landlord when in possession of property only by his tenant, shall state in his appearance that he appears as landlord, and shall set up no other matters of defence than a landlord in an Ejectment has heretofore been allowed.

6. Any person appearing to the action, may limit his defence to a part only of the property mentioned in the declaration, describing the same with reasonable certainty in the plea.

7. A Judge may at any time, on the application of either party, amend the description of the property in the declaration or plea, upon such terms as he may direct ; and want of reasonable certainty in the description of the property, or mesne profits in the declaration or bill of particulars annexed mentioned or in the plea, shall be a ground only for an application to a Judge for better particulars of the land claimed or defended, or of the mesne profits, an order for which a Judge may make.

8. A Judge may strike out or confine appearances and defences set up by persons not in possession by themselves or their tenants.

9. If no appearance be entered in time, or if an appearance be entered and the defence be limited to part only, the plaintiff shall be entitled to judgment and recover possession of the land, or of the part thereof to which the defence does not

apply; if there be no appearance, and the plaintiff claims mesne profits, he shall proceed by writ of enquiry to assess the same.

10. By consent of the parties and leave of a Judge, a special case may be stated according to the practice heretofore used.

11. The defendant shall be restricted to one plea as given in the said Schedule number 3, and the plaintiff, if no special case be agreed to, may proceed to trial upon the issue in the same manner as in other actions; and the question at the trial shall, except as heretofore mentioned, be whether the plaintiff's title be good or not, and if good whether to the whole or part, and if to part, then to which part, and also whether he be entitled to mesne profits or not, and the amount of the same, and the postea shall be according to facts.

12. A Judge may on the application of either party order that the trial shall take place in any County other than where the said venue is laid, and such order being suggested on the Record the trial may be had accordingly.

13. The judgment for either party may be signed pursuant to the finding of the Jury, and execution issue accordingly with costs.

14. On an action brought by some or one of several persons entitled as joint tenants, tenants in common, or co-parceners, any of them in possession may with the plea give notice that he defends as such, admitting the right of the plaintiff to an undivided share of the property, stating what share, but denying any actual ouster by him; and upon the trial of the issue the additional question of an actual ouster of the plaintiff shall be put to the Jury, and if it be proved that the defendant is joint tenant, tenant in common, or co-parcener with the plaintiff, and that there has been no actual ouster, the defendant shall have judgment and costs; but if it be found either that the defendant is not such joint tenant, tenant in common, or co-parcener, or that an actual ouster shall have taken place, the plaintiff shall have judgment for the recovery of possession and costs.

15. If one of several plaintiffs desire to discontinue, he may apply to a Judge to have his name struck out of the proceedings, who may make an order to that effect, upon such terms as he may direct, and the action shall proceed at the suit of the other plaintiff.



16. The plaintiff may at any time discontinue the action as to one or more of the defendants, by giving the defendant notice thereof and on payment of costs.

17. The effect of a judgment in an action of Ejectment under this Act shall be the same as heretofore.

18. Every tenant to whom any writ in Ejectment shall be delivered, or to whose knowledge it shall come, shall forthwith give notice thereof to his landlord or receiver, or forfeit the value of three year's rent of the premises demised or holden in the possession of such tenant to the person of whom he holds, to be recovered in any Court of competent jurisdiction.

19. In an action for the recovery of land which shall have been occupied by the defendant with the knowledge of the plaintiff, the defendant shall be allowed to give evidence of the fair value of any improvements he may have made thereon, which shall be set off against the mesne profits, and for any excess a verdict may be given for either party, and judgment be rendered with costs, and execution issued accordingly.

20. On the trial of any action of Ejectment the plaintiff shall not be required to prove in addition to his title, any right of entry, unless it become necessary by some evidence of possession on the part of the defendant.

21. No person shall be precluded from recovering any land in Ejectment on the ground of his title having been obtained while some other person was in possession.

22. No tenant shall be barred from defending any action of Ejectment on the ground of his being such tenant, if at the time of the action brought he shall be clothed with the legal title.

23. The Execution in Ejectment shall be the Form in the Schedule to this Act numbered 4.

#### SCHEDULE.

##### Number 1.

To the Sheriff of                      County

[L. S.] You are commanded to summon C. D. to appear before us at Fredericton on [*here insert some return day*] to answer A. B. in Ejectment for Lands situate in the Parish of                      , in the County of                      , and also for mesne profits, and have then there this Writ.

Witness, J. C., Esquire, at Fredericton, the      day of      ,  
A. D. 18      . [date of issue.]

Clerk.

Number 2.

*Declaration in Ejectment.*

In the Supreme Court.      Of      Term, 18      .

York, to-wit : A. B. by G. H. his Attorney (*or in person*)  
sues C. D., for that A. B. is entitled to the possession of certain  
Lands, situate in the Parish of      , in the County of      ,  
and the defendant has possessed himself thereof, and the  
plaintiff claims to eject the defendant therefrom, and also  
claims £      according to the bill of particulars hereto  
annexed, for mesne profits.

L. M., *Plaintiff's Attorney.*

Number 3.

In the Supreme Court.      Of      Term, 18      .

C. D. } The defendant, by E. F. his Attorney, (*or in person*)  
ats } defends the action, and says that he denies the plain-  
A. B. } tiff's title to \* the land described in the plaintiff's de-  
claration, [*if to part only, down to asterisk describing the part,*  
*then "part of the land described in the plaintiff's declaration,"*]  
and puts himself upon the country.

E. F., *Defendant's Attorney.*

Number 4.

*Execution in Ejectment.*

Victoria, &c.

To the Sheriff of

[L.S.] We command you to put A. B. in immediate and  
peaceable possession of [*here describe the lands recov-*  
*ered in Ejectment, as set out in the Judgment,*] which A. B. has  
recovered in our Court in Ejectment against C. D., and you  
are also commanded to [*here insert "take the body," or*  
*"levy on the goods and chattels, lands and tenements,"*] of the  
said C. D. for      mesne profits, and      costs, *as*  
*the case may be,*] and make return of this Writ on  
[*some return day within a year from the day of issue.*]

Witness J. C., Esquire, at Fredericton, the      day of  
A. D. 18      [date of issue.]

Clerk.

## CAP. XXII.

## An Act in amendment of the Criminal Law.

## Section.

1. Punishment for assault with intent to commit offences, in Cap. 149, s. 7 and 8, Rev. Stat.
2. Jury to be allowed to separate, except in capital felonies.

## Section.

3. Refreshment for Jury in certain cases.
4. Prisoners in Provincial Penitentiary may be brought up as witnesses.
5. Bail and trial in case of larceny or receipt of stolen goods.

*Passed 6th April 1858.*

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

1. Whoever on the trial for any or either of the offences specified in Sections seven and eight of Chapter 149, Title xxxix, of the Revised Statutes, "Of Homicide and other offences against the person," shall be found guilty of an assault with intent to commit any or either of the said offences, shall be imprisoned in the Provincial Penitentiary for any term not exceeding fourteen years.

2. In all criminal cases, except capital felonies, the Jury may be allowed to separate during the progress of the trial, under the direction of the Judge, and in his discretion as to the mode and time.

3. When the Judge deems it necessary that the Jury shall be confined to the precincts of the Court House during the progress or until the completion of any long trial for a criminal offence, the Sheriff shall provide them necessary refreshment, the expense of which shall be paid by the County Treasurer, out of the funds of the County, on the order of the presiding Judge.

4. Any prisoner confined in the Provincial Penitentiary, who may be required as a witness on the part of the Crown, or against whom any indictment may have been found, may be brought from the Penitentiary to the Court, for the purpose of such trial, in the custody of the Sheriff or his Deputy, and kept in such custody until the completion of such trial, by an order of the Judge who presides, which order such Judge may grant at the instance of the prosecuting officer, and it shall have all the effect of a habeas corpus in all respects.

5. Any person charged with larceny, or of receiving stolen goods knowing them to be stolen, may, when the value of the property so taken or received shall not exceed five pounds, be admitted to bail by any Justice before whom the charge may

be made; but should such person be committed to gaol for want of bail, and there remain for forty eight hours, he may be tried before three Justices of the County where the offence was committed, and if convicted, may be imprisoned in the common gaol or Provincial Penitentiary for a term not exceeding nine months.

### CAP. XXIII.

An Act to amend and explain Chapter 126, of Title XXXIV, of the Revised Statutes, "Of Landlord and Tenant, and Replevin."

#### Section.

1. Interpretation of 'Justices' and 'Lessor,'  
in s. 27 and 26, of Cap. 126, Rev. Stat.

#### Section.

2. Costs in Fee Table.

*Passed 6th April 1858.*

WHEREAS it is enacted by the twenty seventh Section of Chapter 126, Title xxxiv, of the Revised Statutes, that when any tenant shall after the expiration of his tenancy refuse to deliver up the possession to the person entitled thereto, such person may apply to two Justices where the premises are situated; and it is doubtful whether the term "two Justices" used in the said Section mean Justices of the Peace, or Justices of the Common Pleas; and whereas the term "Lessor" in the twenty sixth Section, is used instead of the term "Lessee";—

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

1. That the terms "two Justices" used in the said Section, shall mean two Justices of the Peace, and that the Form of Summons (S) and the Form of Warrant (T) referred to in the said twenty seventh Section, shall conform thereto, and that the term "Lessor" in the said twenty sixth Section, shall be read Lessee.

2. That the costs of proceedings under the said Statute shall be according to the following Table of Fees:—

#### FEES.

Drawing affidavit of Landlord, -	-	-	-	£0	2	0
Administering oath, -	-	-	-	0	1	0
Signing affidavit, -	-	-	-	0	0	6
Summons, -	-	-	-	0	1	0
Copy do. -	-	-	-	0	0	6

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Copy of affidavit to annex to copy of summons, -	£0	1	0
Subpœna, each, -	0	1	0
Justices on hearing, each 11s. 8d., -	1	3	4
Swearing every witness, -	0	0	6
Warrant of possession, -	0	2	6
Counsel fee to the successful party, when counsel attend, a sum not to exceed -	2	6	8

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## CONSTABLE.

Travel on service of summons, each mile going and returning, -	0	0	3
Service of summons, copy and affidavit, -	0	2	0

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## CAP. XXIV.

An Act in addition to Chapter 113, of Title XXX, of the Revised Statutes, "Of Judgments, Executions, and Proceedings thereon."

How Registry of Memorial of Judgment to be cancelled, when judgment set aside.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That when any judgment of the Supreme Court, of which a memorial shall have been registered, shall be set aside, annulled or altered by any rule or order of the said Court, a copy of the said rule or order, certified under the hand of the Clerk of the Pleas, whose signature shall be proved by affidavit, to be made by any person who shall have seen him sign the same, before any Judge of the said Court or Commissioner for taking affidavits in the said Court, shall be registered in the same office where the memorial shall have been registered, and the Registrar shall in the margin of the entry of memorial make a memorandum referring to the book and page wherein the said rule or order may be registered, and the memorial shall have no other or greater effect as a charge on the lands than is allowed by such rule or order.

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## CAP. XXV.

An Act relating to Dower.

## Section.

1. Dower and arrears assignable.
2. Order for view, and return of Viewers as Jurors.
3. Interlocutory judgment and proceedings on non-appearance.

## Section.

4. Equity of dower to inure in a certain case.
5. Dower to inure where husband shall have had right of entry, &c.
6. Act not to extend to suits now pending.
7. Execution as in Action of Ejectment.

*Passed 6th April 1858.*

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

1. Dower and all arrears may be assigned and recovered in an action of ejectment with costs.

2. A Judge in case of defence shall make an order directing a view to be had, and the proceedings thereon shall be the same as heretofore had under a writ of view ; and the Sheriff upon request shall deliver to either party the names of the viewers, and shall also return such names attached to the order to the Clerk of Nisi Prius, who shall call them as Jurors upon the trial, which return shall be the panel in such cause.

3. If no appearance be entered, interlocutory judgment may be signed as in ordinary cases, and the plaintiff may proceed by writ (A).

4. Where a husband shall die beneficially entitled to any lands for an interest which shall not entitle his widow to dower out of the same at law, and such interest whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession (other than an estate in joint tenancy,) the widow shall be entitled in equity to dower out of the same land.

5. Where a husband shall have been entitled to a right of entry or action in any land, and his widow would have been entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same, although her husband shall not have recovered possession thereof, if such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

6. Nothing in this Act contained shall extend to actions or suits in dower now pending, but the same may be prosecuted in like manner as if this Act had not been passed.

7. The execution shall be in like manner as in the action of ejectment, as near as may be.

#### SCHEDULE.

( A )

Victoria, &c. To the Sheriff of

We command you, that you summon seven men of your County as a Jury of inquiry, to assign the Dower and to ascer-

tain the arrears thereof in the following action, [*here insert declaration*] and make return hereof and of the verdict of the Jury to us forthwith. Witness, &c.

### CAP. XXVI.

#### An Act to amend the Act relating to Intestate Estates.

##### Section.

1. Distribution of Estates of Intestates.
2. Force of Act limited.

##### Section.

3. Chap. 111, s. 1, Rev. Stat., repealed.

*Passed 6th April 1858.*

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

1. When any person shall die intestate, his estate shall be divided equally to and amongst his children or their legal representatives, including in the distribution children of the half blood; and in case there be no children of the intestate, then to the next of kindred in equal degree, and their representatives, but children advanced by settlement or portions not equal to the other shares, shall have so much of the surplusage as shall make the estate of all equal, reserving the widow's right of dower.

2. This Act shall not extend to the estate of any person who may have died before the passing thereof, nor to the estate of any person who at the time of the passing thereof was *non compos mentis*, and does so continue until his death.

3. Section 1, Chapter 111, Title xxx, of the Revised Statutes, "Of Intestate Estates," is hereby repealed.

### CAP. XXVII.

#### An Act to continue and amend an Act relating to Steam Navigation in this Province.

##### Section.

1. Act 17 V. c. 9, continued.
2. Pressure at inspection and for working.
3. Life Boats, construction of.
4. Life preservers, number of, regulated.

##### Section.

5. Lock up safety escape valve.
6. Act not to apply to H. M. Steamers.
7. Commencement of Act.

*Passed 6th April 1858.*

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

1. An Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act relating to*

*Steam Navigation in this Province*, is hereby continued, and shall, together with the amendments hereinafter made, be and remain in full force until the first day of May in the year of our Lord one thousand eight hundred and sixty.

2. The owner or master of every Steamer shall at the time of each and every inspection or examination of the boilers of such Steamer, 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 boilers 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.

3. The Life Boat to be carried by every sea-going Steamer shall be either of metal, as required in and by the first Section of the said recited Act, or of wood with air-tight metallic compartments at the ends and sides, according to the directions of the Inspector.

4. 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; of the registered tonnage of less than two hundred tons, with one life preserver for every five tons: Steamers 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 of less than two hundred tons registered tonnage, with not less than ten life preservers: the whole to be made of suitable material and approved of by the Inspector.

5. That every Steam Boat plying on the Rivers, Bays and Harbours within this Province, shall have a lock up safety escape valve; and it shall be the duty of the Inspector to establish the pressure, lock up the same, and place the key in the hands of the Captain, and that the Captain be responsible for the safe keeping of the same.

6. Nothing in this Act contained, nor in the Act to which this is an amendment, shall apply to Steamers the property of Her Majesty.

7. This Act shall not go into operation until the twentieth day of June next.



## CAP. XXVIII.

An Act for the more effectual preservation of the Peace within the boundaries of the New Brunswick and Canada Railway and Land Company.

Section.

Section.

Preamble.

- |   |                              |
|---|------------------------------|
| 1. Police Constables to be appointed by Sessions. | 2. Extent of Company's land. |
|---|------------------------------|

*Passed 6th April 1858.*

WHEREAS the New Brunswick and Canada Railway and Land Company are now constructing a Line of Railway from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, and it is found necessary for the security of life and property during the construction of the said line of Railway, to establish a special constabulary force within the boundaries of the said Company's lands and occupation ;—

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

1. The General Sessions, or any Special Sessions for the County of Charlotte to be summoned for that purpose upon the application of the New Brunswick and Canada Railway and Land Company, their Manager or Agent, shall appoint from time to time such and so many persons as they may deem necessary to be police constables within the limits of the said Company's land and occupation between Saint Andrews and Woodstock, who, upon being duly sworn, shall be invested with all the powers, privileges and authority incident to such office.

2. The boundaries of the Company's land shall comprise all the railroad track of one hundred feet in width, and the stations, depots, and yards thereunto belonging, and all lands which have been or may hereafter be granted to the said Company.

## CAP. XXIX.

An Act in addition to Chapter 64, Title VIII, of the Revised Statutes, "Of the local government of Counties, Towns and Parishes."

Authority to make regulations for the preservation of Bridges.

*Passed 6th April 1858.*

WHEREAS the powers given to the Justices in Sessions are found insufficient to prevent injuries to Bridges ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Justices of the Peace in General Sessions convened, and in incorporated Counties the Municipal Council are authorized and empowered to make such rules and regulations as they may deem necessary for the preservation of Bridges and preventing injuries thereto, under and subject to such penalties as are prescribed or authorized to be made in and by the said recited Chapter.

### CAP. XXX.

#### An Act to alter and amend an Act intituled *An Act relating to Highways.*

##### Section.

1. Act 18 V. c. 45, in part repealed.
2. Authority to lay out highways over unimproved lands.
3. Highways over improved lands, how effected when owners object.
4. Damages to be paid or waived before road be opened.
5. Fees of Justices, Jurors, &c.

##### Section.

6. General Sessions to order assessment for damages.
7. Authority to order snow to be hauled or shovelled.
8. Highways over improved land, when owners consent.
9. Assessment on females and minors may be paid in labour by substitutes.

*Passed 6th April 1858.*

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

1. That the fourteenth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, and also so much of the said Act as is inconsistent with this Act, be and the same are hereby repealed.

2. The Commissioners of Highways shall lay out such public highways over unimproved lands as they consider necessary for public accommodation.

3. When application shall be made to such Commissioners in writing by three freeholders to lay out a public highway over improved land, and the owner or owners of such improved land shall not consent thereto, as hereafter mentioned, such Commissioners shall apply to a Justice of the Peace for a Warrant, who is hereby required to grant the same, directed to any Sheriff or Constable within the County, commanding such Sheriff or Constable to summon five disinterested freeholders of the County not resident in the Parish where the proposed road is situate, at a certain time to be named in

such Warrant, to examine the proposed road so applied for ; the said Commissioners or any two of them to be present at the same time ; and if the said Jury, who are to be sworn by the Justice issuing such Warrant, find that such road is necessary, the said Commissioners or any two of them, if they approve of such finding, shall lay out the said road, immediately after which the said Jury shall be sworn to assess the damages, and shall proceed to assess the same.

4. No such road shall be opened, or deemed dedicated to the public, until the damages assessed be paid to the owner of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same.

5. The Justice, for issuing such summons and presiding, shall receive ten shillings ; each Juror summoned and attending as aforesaid, shall be entitled to five shillings, and the officer summoning them, to ten shillings ; the sum necessary to meet such expenses shall be paid by the parties applying for the road to the Commissioners previous to the issuing such Warrant : the Commissioner shall pay the Justice, Officer and the Jury their fees : if the Jury find such road necessary, such expenses and assessment of damages as aforesaid shall be laid by the said Commissioners before the next General Sessions for the County.

6. The General Sessions, when such assessment of damages shall be laid before them, shall during such Session make an order that the amount thereof, together with such expenses, shall be assessed upon the Parish in which such road is situate, and issue their warrant therefor, to be assessed, levied, and collected as County rates, and paid to the parties entitled thereto.

7. The Surveyors of Districts shall, in addition to the power given to them under the thirty first Section of the said Act, to summon the inhabitants to shovel roads and assist to break roads, have power to require such inhabitants, when attending, to haul or shovel snow on such parts of said roads as the Surveyor shall direct, subject to the like penalties for neglect or refusal as are prescribed by the said Section.

8. When the Commissioners shall deem it necessary to lay out any highway over improved lands, and the owner or owners thereof consent in writing that such highway may be

laid out and opened, the Commissioners shall proceed to lay out and open such road, and such consent in writing shall be filed by the said Commissioners with the return of such road.

9. That any assessment for Statute Labour on the property of females and minors may be paid for in labour by substitutes.

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### CAP. XXXI.

An Act to authorize the establishment of a Great Road leading from the Mouth of the Gaspereaux River, in Queen's County, to the South West Bridge, on the River Miramichi.

*Described Road placed on Great Road establishment.*

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, a Road beginning at the mouth of the Gaspereaux River, in Queen's County, crossing Cain's River and Muzroll Brook, so called, and connecting with the South West Bridge, on the River Miramichi, be placed upon the Great Road list, as one of the Great Roads of communication in this Province.

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### CAP. XXXII.

An Act to amend Chapter 101, of Title XXII, of the Revised Statutes "Of the Sea and River Fisheries."

*Additional penalty for violation of Sec. 15 of Cap. 101, Rev. Stat.*

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That every person violating the fifteenth Section of the said recited Chapter shall, in addition to the pains and penalties thereby incurred, forfeit and pay for each and every offence a fine of not less than five pounds nor more than twenty pounds, in the discretion of the Justices before whom tried, to be sued for and recovered before any two Justices of the County where the offence has been committed; the fines and penalties to be applied as is directed in and by the said recited Chapter.

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## CAP. XXXIII.

An Act in amendment of Act 18 Victoria, Chapter 37, intituled *An Act to regulate the election of Members to serve in the General Assembly.*

## Section.

1. Votes to be counted and certified at the close of the poll in each District.
2. Defective ballots to be destroyed.
3. At adjourned Court, Sheriff to ascertain state of poll, and return the Members.

## Section.

4. Parts of 18 V. c. 37, inconsistent with this Act, repealed.
5. Deposit of register of electors in incorporated Counties.

*Passed 6th April 1858.*

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

1. The forty first and forty third Sections of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the election of Members to serve in the General Assembly*, are hereby repealed ; and in lieu thereof,—At the close of the Poll in the different Districts, the Poll Clerk, under the direction and supervision of the presiding officer in every District, shall open the ballot box, and publicly count the ballots therein deposited, and make a check list thereof in the presence of the candidates, their agents or nominees, in open Court, and shall openly and publicly declare the number of votes which each candidate has received at such polling District, and shall make out and subscribe, then and there, in the presence of the said candidates, their agents or nominees, the said check list, and a written statement or declaration of the result of such poll, to which check list, and statement or declaration, the said candidates, agents, or nominees, may, if they so desire it, affix their names ; and the said poll clerk shall then and there enclose the said check list, and written statement or declaration, in an enclosure or envelope, and seal the same up and publicly deliver it to the presiding officer so enclosed and sealed, who shall give a receipt therefor, and such presiding officer shall forthwith deliver or transmit the same to the Sheriff, who shall receive and safely keep the same unopened until the reassembly of the Court at the Court House on the day to which it had been adjourned, and the poll clerk shall, after enclosing and sealing up such check list, and statement or declaration as aforesaid, forthwith in open Court, publicly destroy, in the presence of the said candidates, their agents or nominees, the ballots deposited at the said polling place.

2. That if in counting the ballots the names of other persons than the candidates, or more persons than can be elected are found on any ballot, or if any ballot should be found not to be single, the poll clerk shall forthwith, then and there, publicly in open Court destroy the same, and no double ballot shall be counted.

3. On the day to which the Court has been adjourned, the Sheriff shall publicly break the seals of the envelopes enclosing the check lists, and written statement or declaration sent him as aforesaid; shall open the said lists or statements or declarations, and separately announce the votes delivered to each candidate; shall add up from all the said lists, statements or declarations, the total number of votes given to each candidate; shall ascertain and declare the state of the poll, and return the Members chosen for the County or City for which such election was held.

4. That all parts of the said Act inconsistent with the provisions of this Act are hereby repealed.

5. In incorporated Counties, the register of electors when completed and signed by the Warden, shall be deposited with the Secretary Treasurer, and dealt with in all respects as is provided by the said recited Act.

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#### CAP. XXXIV.

#### An Act appointing a Polling place in Queen's County.

Polling place for Parish of Cambridge.

*Passed 6th April 1858.*

WHEREAS a place for taking the Poll at contested elections to be held for Members to serve in the General Assembly in this Province, for the Parish of Cambridge, in Queen's County, has not been provided;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That for the Parish of Cambridge, in Queen's County, "At or near Gilbert Dykeman's," in the said Parish, shall be and is hereby declared to be the place for taking the poll at all contested elections hereafter to be held for Members to serve in the General Assembly in this Province.

## CAP. XXXV.

## An Act to suspend the Grant to King's College.

Section.	Section.
1. Certain moneys discontinued after 1st February next;	3. Investment and appropriation of such moneys.
2. To be paid to the Provincial Treasurer.	4. Commencement of Act.

*Passed 6th April 1858.*

WHEREAS the large amount now payable to King's College from the Provincial funds is not expended so as to give satisfaction to the people of this Province;—

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

1. All sums of money payable to the Chancellor, President, and Scholars of King's College, Fredericton, and their successors, by any law or usage, from the Provincial funds, shall, from the first day of February next, be discontinued.

2. All sums of money now payable from the Provincial funds to the Chancellor, President, and Scholars of King's College, Fredericton, and their successors, by any law or usage, shall be paid to the Provincial Treasurer, to be known as "The College Fund."

3. All such sums of money so paid to the Provincial Treasurer, shall be invested in such securities and on such conditions as shall be prescribed by the Governor in Council, and may hereafter be appropriated for the purposes of Education as the Legislature may direct.

4. This Act shall not come into operation until the first day of February in the year of our Lord one thousand eight hundred and fifty nine.

## CAP. XXXVI.

## An Act to divide the Parish of Carleton, in the City of Saint John, and to erect a separate Parish for Ecclesiastical purposes.

Section.	Section.
Preamble; 5 G. 4, c. 19.	
1. Parish of Victoria erected for Ecclesiastical purposes.	3. Persons named to continue in office until the Church be erected and others elected.
2. Certain persons declared Church Wardens and Vestrymen; and Corporation of St. Jude's Church created.	4. Qualification of voters and officers.

*Passed 6th April 1858.*

WHEREAS in and by an Act made and passed in the fifth year of the Reign of His late Majesty King George the Fourth,

intituled *An Act for erecting a separate Parish in the City of Saint John*, that part of the City of Saint John lying on the western side of the Harbour, comprehending Guy's Ward and Brooks' Ward, was erected into a separate Parish for all matters and purposes Ecclesiastical or relating to the Established Church of England, by the name of "The Parish of Carleton, in the City of Saint John;" and whereas many of the inhabitants of that part of the said City have petitioned that the said Parish should be divided, and that that part of the said City so lying on the western side of the Harbour aforesaid, known and distinguished by the name of Brooks' Ward, should for all Ecclesiastical purposes be set off, constituted and established a separate and distinct Parish, by the name of "The Parish of Victoria," in order that a separate Rectory or Mission may be there appointed; and whereas it is deemed expedient that the same should be so divided;—

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

1. That from and after the first day of May in the present year, that part of the City of Saint John on the western side of the Harbour, comprehending, known, and distinguished by the name of Brooks' Ward, shall and the same is hereby declared to be a separate and distinct Parish within the said City of Saint John, for all matters and purposes Ecclesiastical or relating to the Church of England, by the name of "The Parish of Victoria, in the City of Saint John."

2. Joseph B. Whipple and James Stackhouse shall be and are hereby declared to be Church Wardens, and Stephen P. Wetmore, Joseph Coram, Robert Stackhouse, John C. Littlehale, Edwin J. Wetmore, William H. Olive, Joseph Beatteay, Charles Ketchum, James Lane, and Sergeant S. Littlehale, Vestrymen of the said Parish, and they are hereby constituted a body politic and corporate, and shall, together with the Rector for the time being, by the name of "The Rector, Church Wardens, and Vestry (according to the designation of the Church to be erected in the said Parish, to be agreed upon by the said Church Wardens and Vestry,) of Saint Jude's Church," in deed and in name be a body politic and corporate, and shall have succession for ever by the name of "The Rector, Church Wardens and Vestry of Saint Jude's Church, (accord-



ing to the designation of the Parish Church as aforesaid,) in the Parish of Victoria, in the City of Saint John," and shall have a common seal, and shall have power to purchase, lease, receive, hold and take lands for the purpose of building a Church thereon, and to build a Parish Church in the said Parish; and they are hereby invested with all the rights, powers, privileges and incidents which in and by Chapter 107, of the Revised Statutes of this Province, made and passed in the seventeenth year of the Reign of Her present Majesty, are given to the Rector, Church Wardens and Vestry of Parish Churches.

3. The Church Wardens and Vestrymen before named, shall continue in office until they shall have erected a Parish Church as aforesaid, and until other persons shall be elected in theirstead as hereafter provided : two Church Wardens, and not more than twelve Vestrymen for the said Parish Church shall be elected and chosen by ballot, on the first Easter Monday after the erection and consecration of the Church, and on the same period in each and every year thereafter, who shall continue in office until others are elected in their stead.

4. Owners or lessees for one year or longer of Pews in Saint Jude's Church, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and shall also be qualified and capable to be elected and chosen Church Wardens and Vestrymen of Saint Jude's Church, in the Parish of Victoria; provided that no person shall be eligible as a Church Warden or Vestryman unless he shall be a member of the Church of England, and shall have been for at least six months a stated hearer and attendant at the public worship of the same; and provided that the ownership or lease of a pew in the said Church shall not entitle more than one person to vote in respect of the said pew at any election.

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#### CAP. XXXVII.

An Act to extend the provisions of Section 21, of Chapter 67, Title X, of the Revised Statutes, "Of Sewers," to the Parish of Westmorland, in the County of Westmorland.

Provisions of Sec. 21, of Chap. 67, Rev. Stat. extended to Parish of Westmorland.

*Passed 6th April 1856.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the provisions of Section 21, of Chapter 67, Title x, of the Revised Statutes, “Of Sewers,” be applicable to and extend to the Parish of Westmorland, in the County of Westmorland.

### CAP. XXXVIII.

An Act to explain Chapter 69, of Title X, of the Revised Statutes, “Of the Commissioners of Sewers for the Parish of Sackville.”

Section.

1. Commissioners to be such for all the Districts.

Section.

2. When election shall not be void.

*Passed 6th April 1858.*

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

1. That the Commissioners for the several Districts are and shall be Commissioners for all the said Districts, and not for the Districts only by which they are respectively elected.

2. That in no case (while any of the said Districts continue under the jurisdiction of the Commissioners), shall the election of any Commissioner be deemed void, because a majority of the acres in the District has not been voted on at such election.

### CAP. XXXIX.

An Act to divide the Parish of Studholm into two separate and distinct Parishes.

Section.

1. Parish of Havelock erected ;  
2. With same privileges, &c. as other Parishes.

Section.

3. Act, commencement of ; not to interfere with rates ordered.

*Passed 6th April 1858.*

WHEREAS the Parish of Studholm, in King's County, is so extensive as to render the performance of the several Parochial duties required by law troublesome and inconvenient, consequently it is necessary to divide the same into two Parishes ;—

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

1. All that part of the Parish of Studholm which lies easterly of the line now established as the line between the two polling districts of the said Parish, shall be formed into a separate Parish, to be called "The Parish of Havelock," and all the remaining part of the said Parish of Studholm shall be and continue to remain the Parish of Studholm.

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

3. This Act shall not come into operation or be in force until the first day of February next; and it shall not interfere with or prevent the recovery of any assessment which may have been previously made or ordered, or with any fines, penalties or moneys which may have accrued to or become due, or with the discharge of the duties of any officers who may have been appointed for the year then running, but every such officer shall discharge his duty until the end of the year in the same manner as if the Parish of Studholm had not been divided.

### CAP. XL.

#### An Act to authorize the division of the Parish of Upham into two Parishes.

##### Section.

1. Parish of Hammond erected.
2. Officers to be elected or appointed as in Title viii, Rev. Stat.

##### Section.

3. Act not to prevent recovery of rates.

*Passed 6th April 1858.*

WHEREAS great inconvenience is found to exist in consequence of the extended bounds and increased population of the Parish of Upham, in the performance of the several Parochial duties in the manner by law required, and it is therefore deemed expedient that the same be divided into Towns or Parishes;—

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

1. From and after the first day of November next, all that part of the present Parish of Upham which lies north of a certain line commencing at the southeast corner of a lot owned by Samuel De Forest, near De Forest's Lake, so called, and running a south course until it strikes the Saint John

County line, be and the same is hereby erected into a separate Town or Parish, to be called the Town or Parish of Hammond.

2. The several Parish Officers for the said Town or Parish of Hammond, shall be elected or appointed in the manner provided for by Title viii, of the Revised Statutes, "Of the local government of Counties, Towns, and Parishes," and shall in all respects be subject to and come within the provisions of the said recited Title.

3. Any two Justices of the Peace for the said County shall and may appoint a fit and proper person residing within the limits of the said Parish of Hammond, as Clerk, for the election of Parish Officers, agreeably to the provisions of the said recited Title, for the first year after this Act comes into operation.

4. Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent the recovery of any Parish or other dues, assessments, taxes, penalties, fines or moneys whatsoever, which may be due, incurred, forfeited or unpaid when this Act shall go into operation, but the same shall and may be paid and recovered in like manner as if this Act had not been made.

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#### CAP. XLI.

An Act to authorize the General Sessions of the Peace for the County of Westmorland to convey the Public Wharf at the Bend, in the Town of Moncton, to Her Majesty the Queen, for Railway purposes.

*Conveyance of a Wharf to the Queen, authorized.*

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the General Sessions of the Peace for the County of Westmorland shall have power, and are hereby authorized to convey to Her Majesty the Queen, in fee simple, the Public Wharf at the Bend, in the Town of Moncton, in the County of Westmorland, for Railway purposes.

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## CAP. XLII.

An Act to revive and continue an Act intituled *An Act to continue and amend an Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland.*"

Act 18 V. c. 41, revived and continued.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland*, be and the same is hereby revived and continued until the first day of May in the year of our Lord one thousand eight hundred and sixty.

## CAP. XLIII.

An Act to enable the Corporation of the City of Saint John to effect certain improvements on the Streets in the said City.

## Section.

1. Authority to borrow money for purposes of this Act.
2. Debentures to be negotiable and bear interest.
3. Receipt and disbursement of the money borrowed.

## Section.

4. Authority to contract for, or employ persons in improving streets, &c.
5. Money borrowed, on what chargeable, and how to be paid off.

*Passed 6th April 1858.*

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

1. It shall be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby authorized, notwithstanding any thing contained in an Act of Assembly made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, or an Act made and passed in the seventeenth year of Her said Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*, to borrow such a sum of money as may be considered advisable for the purposes of this Act, not exceeding in the whole the sum of five thousand pounds, in loans of not less than one hundred pounds each, and to issue Debentures

to the lender or lenders thereof, with or without Coupons for interest, in such form as may by them be deemed expedient ; which Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, and consecutively numbered according to the times at which they shall be issued, and a record of the same shall be entered by the Common Clerk in the Minutes of the Common Council.

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

3. All moneys loaned to the Corporation under this Act shall be paid by the lenders thereof to the Chamberlain, and shall be paid out by him to the contractors or workmen who shall be employed agreeably to the provisions of this Act, upon the orders of the Common Council.

4. The Common Council may contract for the cutting down, raising, levelling, or improving of any street or streets in the City of Saint John on either side of the Harbour, or may employ any number of labourers and workmen upon any of the said streets, or in providing or preparing materials for the improvement thereof, who shall be paid out of the funds hereinbefore provided.

5. The moneys borrowed under the provisions of this Act shall be a charge upon the ordinary yearly assessments for streets provided for in and by the Act of Assembly made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the repair or the repairs of Streets in the City of Saint John*, on the east and west sides of the Harbour respectively, in proportion to the expenditure on either side, as follows, that is to say, such part or portion of the said street assessments as shall be necessary to pay the interest as it becomes due on the whole of the moneys borrowed under this Act, and five hundred pounds of the principal shall be set apart every year by the Common Council out of the said assessments *pro rata* according to amounts expended on the east and west sides respec-

tively, until the whole of the said principal money so borrowed, and interest, shall be fully paid, and shall be used and applied to such purpose and none other; and the Chamberlain shall, when and so often as he may be directed by the Common Council, give one calendar month's public notice, by advertisement in one or more of the Newspapers of the said City, for calling in such and so many of the Debentures as the Common Council are prepared to pay off, specifying the numbers in such advertisement, beginning with number one, and the same by and under such orders aforesaid shall pay off accordingly, and from and after the expiration of such notice, the interest on such Debentures shall cease.

#### CAP. XLIV.

An Act to continue certain Acts for the support of the Police of the City of Saint John, and for other purposes.

Section.

1. Act 11 V. c. 13, in part continued.
2. Act 12 V. c. 68, continued.

Section.

3. Jurisdiction of Police Magistrate extended to £5 debts due the City.

Passed 6th April 1858.

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

1. An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John*, except so much thereof as is repealed by the twelfth Section of an Act made and passed in the twelfth year of the same Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*, be and the same is hereby continued in full force till the first day of May one thousand eight hundred and sixty eight.

2. An Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, is hereby continued in full force till the first day of May one thousand eight hundred and sixty eight.

3. The Police Magistrate of the City of Saint John, or the sitting Magistrate at the Police office, shall have jurisdiction in all cases of debts not exceeding five pounds, in which the Mayor, Aldermen and Commonalty of the City of Saint John may be a party, and shall proceed in all such cases in the mode pointed out by the Revised Statutes, Title xxxvii, Chapter 137, "Of the Jurisdiction of Justices in Civil Suits," and by the Act passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to amend the Law to regulate proceedings before Justices of the Peace in Civil Suits, as relates to Corporations*, which latter Act is hereby declared to be in full force and effect, notwithstanding any thing repugnant thereto in the said Title xxxvii, Chapter 137, of the Revised Statutes.

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CAP. XLV.

An Act to provide for the appointment of a Deputy Harbour Master for the Port and Harbour of Saint John.

Section.

1. Harbour Master, with consent of Common Council, may appoint a Deputy.

Section.

2. Salary, whence payable, and amount.

*Passed 6th April 1858.*

WHEREAS the increased shipping and business of the Port and Harbour of Saint John render it necessary to provide an assistant to the Harbour Master ;—

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

1. The Harbour Master of the Port and Harbour of Saint John is hereby authorized and empowered from time to time, with the consent and approbation of the Common Council of the City of Saint John, to appoint a Deputy, who shall be under his direction, and shall have full power and authority to execute, do and perform all and whatsoever to the office of Harbour Master of the said Port and Harbour of Saint John shall or may belong or appertain.

2. The Deputy Harbour Master hereinbefore named shall be paid such an annual salary as the Common Council may direct, out of the revenues received for Harbour dues and anchorage collected at the Port of Saint John, such salary not to exceed the sum of two hundred pounds per annum.



## CAP. XLVI.

An Act to further amend an Act intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*.

## Section.

Preamble; 18 V. c. 10; 19 V. c. 54.

1. Sale of lands after default in payment, how effected.
2. Notice of sale by Sheriff, and deed of land.

## Section.

3. Recovery of money wrongfully paid.
4. Interest receivable.
5. Authority to assess for such interest.

*Passed 6th April 1858.*

WHEREAS the modes provided in and by the Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, of enforcing the payment of the respective sums or assessments directed to be paid to the Mayor, Aldermen and Commonalty of the City of Saint John, in and by virtue of the said Act, or of an Act made and passed in the nineteenth year of Her Majesty's Reign, intituled *An Act to amend an Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, have been found to be inadequate ;—

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

1. It shall be the duty of the Mayor of the City of Saint John—after demand of any sum of money, which, in and by the said recited Acts or either of them, is made or declared to be a lien or charge upon, or assessed upon, or made payable by the parties owning or interested in any lands, tenements, hereditaments and premises, made, by the person appointed by the Common Council to receive the same, upon the owner or owners, any or either of them, of such lands, tenements, hereditaments and premises, or from and after twenty days notice of the application to him by such receiver so to do, published in the Royal Gazette and one or more of the Newspapers published in the City of Saint John—by Warrant under his hand and seal, directed to the Sheriff of the City and County of Saint John, to cause the said lands, tenements, hereditaments and premises, or such portion thereof as may be deemed sufficient for that purpose, to be sold at public auction, and out of the proceeds thereof the amount of the assessment against the owner or

owners thereof, to be paid to such receiver, and the overplus, if any, arising from such sale, after deducting all just charges and expenses, to be paid to the owners or mortgagees of the lands, tenements, and hereditaments so sold as aforesaid, or person or persons entitled to receive the same, or if they cannot upon diligent enquiry be found or ascertained to the satisfaction of the said Mayor, then to be paid into the Equity side of the Supreme Court in this Province, to be secured, disposed of, or invested as the said Court may direct.

2. The Sheriff shall give sixty days notice of the time and place of such sale, in two or more of the Newspapers published in the City of Saint John, and shall execute a deed of the land so sold to the purchaser or purchasers, which shall be good and effectual to pass the title thereto as against the owner and all and every person and persons made liable to pay such sum of money in and by virtue of the said recited Acts or either of them.

3. The provisions of the Act first above recited, with respect to the recovery of money by a person or persons who shall have paid the same, or from whom it shall have been collected or recovered, when by agreement or law the same ought to have been paid by some other person or persons, shall be held to apply to moneys assessed or recovered under either or both of the Acts above recited, or of this Act.

4. When any sum of money has been awarded under either or both of the Acts above recited, and to any person or persons whose lands or property or any part thereof may have been taken away in carrying out the same, and such sum of money is yet remaining unpaid, the person or persons to whom the same may have been awarded shall be entitled to demand and receive from the Mayor, Aldermen and Commonalty of the City of Saint John, in addition to the sum so demanded, legal interest thereon from the first day of December one thousand eight hundred and fifty five to the day of payment.

5. It shall be the duty of the Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby empowered to assess and collect such interest on that part of the City of Saint John lying on the eastern side of the Harbour, in the same way as other rates and taxes.

## CAP. XLVII.

An Act to authorize and provide for the opening of Mount Pleasant Street at "Crouchville," in the Parish of Simonds, in the County of Saint John.

## Section.

Preamble.

1. Meeting for election of Commissioners:  
Oath of office.
2. Vacant Commissionerships, how supplied.
3. Authority to call for tenders, make contracts, and form street, &c.
4. Expense to be estimated and assessed.
5. Assessment to be published, and form a lien on the land until paid;

## Section.

6. If unpaid, Sheriff may be directed to levy, &c.
7. Accounts with vouchers to be kept, exhibited, and finally filed.
8. Expenditure of surplus money.
9. Liability of Commissioners.

*Passed 6th April 1858.*

WHEREAS it is desirable that the tract or space of land fifty feet wide, laid out and designed for a Street, and recorded and known as 'Mount Pleasant Street,' in Crouchville, so called, in the Parish of Simonds, in the County of Saint John, running from Little River Road in the same Parish in a northeasterly direction, between two rows or tiers of lots fronting thereon, should be opened up and completed as a good and sufficient public Street, with sidewalks the whole length thereof, for the benefit and at the expense of the proprietors of the said lots of land;—

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

1. That it shall be lawful for John Smith and Robert Stubs, being owners of lots fronting on the said Street, or for the survivor of them, by notice under his or their hand, made within thirty days after the passing of this Act, and published thereafter for one fortnight in two or more Newspapers in the City of Saint John, to call a general meeting of the owners and proprietors of the said lands at some convenient time and place mentioned in the said notice; at which meeting three Commissioners may be elected by a plurality of the votes of such of the said owners and proprietors as are present thereat; provided always, that at such meeting there shall be present a sufficient number of such owners and proprietors as in the whole to represent at least one hundred and twenty of the lots in said tract; which Commissioners, before they enter on the performance of their duties under this Act, shall severally take and subscribe an oath or affirmation before some Justice of the Peace in and for the City and County of Saint John, faithfully

to discharge such duties ; and any such Justice is hereby authorized and required to administer such oath or affirmation, and file the same forthwith in the office of the Clerk of the Peace for the City and County of Saint John ; and no Commissioner shall be competent to act until such oath or affirmation shall be taken and filed as aforesaid.

2. After such election, in case of the decease, or neglect or refusal to act of either of the said Commissioners, the other or others of them shall call another meeting of the same parties on one week's similar notice, at which meeting a substitute or substitutes shall be in like manner appointed ; and the Commissioners shall elect one of their number Chairman.

3. Immediately after the election the said Commissioners shall advertise for tenders for the opening up, levelling off, and completing as a good and sufficient public street or thoroughfare, with sidewalks, for all the purposes of passing and repassing, and of travel by and along the same, the said Street called 'Mount Pleasant Street,' throughout and along the whole length thereof, and for the construction of any Bridges or other works incidental to that purpose, in one or in more contracts as may seem best to the Commissioners, who shall accept such tenders, and enter into such contracts or agreements as they think necessary and judicious, or most expedient and beneficial for the purposes aforesaid ; and are hereby invested with full power and authority in their joint names to require and take any securities for the performance of any such contracts or agreements ; and to take such steps as may become necessary in the law to enforce the same ; and to cause the whole of the said Street to be made and finished effectually, as aforesaid, as soon as the same can reasonably be done.

4. As soon as the tenders have been opened the Commissioners shall make an estimate of the amount of money requisite for the finishing of the said Street as aforesaid, and all reasonable and necessary incidental expenses thereof ; and for the purpose of raising such money shall at once levy and declare an assessment upon each and all of the owners and proprietors of the lands bordering on the said Street on either side, in such way that each lot or tract of land shall bear a share of the said assessment, proportionate to the width or frontage on the said Street of such lot or tract of land respectively ; and

if such assessment shall be found insufficient, such other assessment or assessments shall be made from time to time as shall be found necessary.

5. As soon as any such assessment shall be made, a statement of the amount thereby declared to be assessed against each proprietor, shall be made out and left at the office of the Chairman for inspection ; which statement shall show expressly the number of feet width or frontage for which each proprietor shall be assessed ; and public notice thereof shall immediately be given by advertisement under the hands of the Commissioners, published for one month in two or more Newspapers in the said City, and from the first day of such publication the assessment shall be a lien and charge upon the lands assessed respectively until paid.

6. At the expiration of such one month's notice, if any proprietor shall not have paid to the Commissioners, or one of them, the amount that he or she may be assessed as aforesaid, the said Commissioners shall and may within ten days thereafter, by warrant under their hands and seals, order and direct the Sheriff of the City and County of Saint John to levy the said assessment by a sale of so much of the said land, or such of the said lot or lots of the party whose assessment shall be so in arrears, as the said Commissioners shall think sufficient for that purpose ; and the Sheriff is hereby authorized and required to proceed under any such warrant, which shall have in his hands, as against the land or lot or lots so mentioned, the same force and effect as any execution issued out of the Supreme Court ; and the sale thereunder shall be attended with the same formalities, and subject to the same rules and restrictions in every respect, except that the same shall be advertised for three months only instead of six ; and after deducting poundage and other lawful expenses, the Sheriff shall pay over the amount so to be levied to the Commissioners, and the balance to the party lawfully entitled thereto.

7. The Commissioners shall keep regular accounts and vouchers of and for all moneys received and disbursed by them under the provisions of this Act, and exhibit the same at all reasonable and seasonable times to any parties interested who may require to see the same ; and after the completion of the said work shall file the same with any other papers in their

possession connected with their duties under this Act, in the office of the Clerk of the Peace aforesaid.

8. Any of the said moneys that may chance to remain in the hands of the Commissioners over and above the cost of the said work, shall be expended by them in the repair of the said Street and the Bridges thereon, as may be necessary from time to time, and shall be accounted for after such expenditure in the same manner as in the last preceding Section required ; and the said Street and the Bridges thereon shall be thenceforth kept in repair at the expense of the owners for the time being of the said lands, to be assessed for, raised and applied as may be hereafter enacted in that behalf.

9. The Commissioners shall not be answerable the one for the other of them, nor for the fault or misdoing of each other ; and in case of any default, embezzlement or misapplication of the moneys received by any Commissioner by virtue of this Act, and in case after being required to do so by notice in writing from any party interested, any Commissioner shall neglect to render and file such accounts, vouchers and papers as hereinbefore required, such Commissioner shall be liable to the same pains and penalties as any Commissioner of Highways is now liable by law for similar neglect or refusal, default or embezzlement ; and any party aggrieved or injured by any unlawful exercise by the said Commissioners, or either of them, of the powers in them vested by this Act, may have his action on the case for damages against such Commissioner or Commissioners as the case may be, in any competent Court of Record in this Province, or wherever else the said Commissioner or Commissioners shall then reside.

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### CAP. XLVIII.

An Act to authorize investigation in cases of Fire in the City of Saint John and Parish of Portland in the County of Saint John.

Section.

1. & 2. Inquiry as to the origin of fires to be instituted.

Section.

3. Attendance and answering of witnesses, enforcement of.  
4. False swearing made perjury.

*Passed 6th April 1858.*

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

1. It shall be the duty of the Police Magistrates and Superintendents of Police for the City of Saint John and Parish of Portland respectively, when any fire shall occur whereby any house or building, vessel, ship, structure or property in such City or Parish respectively, shall be wholly or in part consumed, to institute an inquiry into the cause or origin of such fire, and for that purpose they are hereby authorized and required to summon and bring before them all persons whom they or either of them may deem capable of giving information or evidence touching or concerning such fires, and to examine such persons under oath, and to reduce their examinations to writing, and return the same to the Clerk of the Peace for the City and County of Saint John.

2. Such Police Magistrates and Superintendents of Police shall inquire into the cause or origin of the fire, and whether the same was kindled by design or was the result of accident or of negligence, and act accordingly.

3. If any person summoned to appear before the Police Magistrates and Superintendents of Police in virtue of this Act, shall neglect or refuse to appear at the time and place specified in the summons, or if any person appearing in obedience to any such summons shall refuse to be examined, or to answer any question that may be put to him in the course of his examination, it shall be lawful for such Police Magistrates and Superintendents to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as are used by them for such purposes in other cases.

4. Any person guilty of false swearing under this Act shall be guilty of perjury, and subject to all the pains and penalties therefor.

## CAP. XLIX.

### An Act to regulate the Public Slip near Portland Point.

#### Section.

1. Slip at foot of Simonds' Street to be under control of Commissioner of Highways.

#### Section.

2. Slip to be kept unencumbered.  
3. Penalty; recovery and application.

*Passed 6th April 1858.*

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

1. The Public Slip or Landing in the Parish of Portland, extending from the foot of Simonds' Street to low water mark, shall be under the control and direction of the Commissioner of Highways for the time being, in as full and ample a manner as the Public Streets and Highways are under his control and direction; and it shall be his duty to keep the said Public Slip clear of all obstructions of every nature and kind whatever, in order that the whole of the said Slip or Landing may be at all times available for public use as originally intended.

2. No ship, vessel, boat, scow or other craft shall be allowed to come into the said Public Slip except for the purposes of discharging or taking in freight, nor shall any raft of timber, logs, knees, deals, boards, spars, or poles, or any single pieces of timber, logs, knees, deals, boards, spars or poles be suffered to lie in the said Slip upon any pretence whatever, except so much thereof as may be required for immediate use in the adjacent parts of the Parish, and to be immediately hauled to such adjacent parts.

3. Any person or persons who shall bring into the said Slip any ship, vessel, boat, scow, or other craft, or any raft of timber, logs, knees, deals, boards, spars, or poles, or any single pieces of the above description of timber and lumber, contrary to the provisions of the next preceding Section of this Act, shall incur a penalty of two pounds, and a like sum for each and every day that any of the above descriptions of obstructions shall remain in the said Slip; all which penalties shall be recovered on complaint of the Commissioner of Highways, before the Police Magistrate in the Parish of Portland, together with costs; and the proceeds of such penalties shall be paid to the Commissioner of Highways, to be by him applied to the improvement of the said Slip or Highways.

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#### CAP. L.

### An Act relating to certain Public Lands in the Parish of Saint Martins, in the County of Saint John.

#### Section.

1. Authority to sell certain lands, and execute conveyances.
2. Purchase contract may be enforced.

#### Section.

3. Application and investment of proceeds.
4. Crown and private rights reserved.



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*Passed 6th April 1858.*

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WHEREAS the Justices of the General Sessions of the Peace for the City and County of Saint John have by their Petition prayed that an Act may pass, authorizing them to sell a certain tract of Land held by them in trust for public uses, situate in the Parish of Saint Martins of that County, by virtue of a Grant under the Great Seal, bearing date the eighteenth day of January in the year of our Lord one thousand eight hundred and thirty six, for the purpose of making the proceeds thereof more available for the benevolent objects intended by such Grant than the small amounts of rents which can be obtained therefor ;—

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

1. The Justices of the Peace for the City and County of Saint John, at any General or Special Sessions, shall have power to make sale from time to time of all or any portion of the said tract of Land in the said Grant described, by public sale, for the best price or prices that can be obtained for the same, and thereupon shall have power to make conveyances thereof to any purchaser or purchasers of such land, or any part thereof, under the Seal of the said Sessions, which shall be a good and sufficient transfer of the legal estate in such land, and a sufficient receipt for such price or prices.

2. The contract of any Committee appointed by the Justices at any such Sessions for the purpose of making or causing to be made any such sales, signed by the purchaser or purchasers of, or contractor or contractors for the land aforesaid, or any part thereof, or the contract of sale thereof by the Auctioneer employed by them, shall enable the Justices to sue for and compel the performance thereof, in any competent Court, by the name of “The Justices of the Peace for the City and County of Saint John.”

3. The net proceeds of all such sales of land, or arising out of any contract for a sale of the same, after payment of all expenses in effecting the objects of this Act, shall be disposed of by the said Justices at any such Sessions, for such public uses as they may deem most desirable ; and until the same shall be so disposed of, it shall be vested by them in such good securities as shall by them be deemed safe, and from time to

time available when required to be used for the purposes aforesaid.

4. All legal and equitable rights of the lessees, or of Her Majesty, Her Heirs and Successors, or of any person or persons whomsoever, are hereby expressly reserved; and no sale, contract or conveyance hereby authorized, shall affect such rights, unless by the consent of the parties interested.

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### CAP. LI.

An Act to amend and continue an Act intituled *An Act to establish a Board of Health in the City and County of Saint John*.

#### Section.

1. Act 18 V. c. 40, in part repealed.
2. Board, number, Chairman, and quorum.
3. Clerk, appointment and pay.
4. Physician, appointment, residence and authority.

#### Section.

5. No slaughter house allowed within the City. Board to regulate penalties.
6. Limitation of Act.
7. Act 20 V. c. 16, repealed.

*Passed 6th April 1858.*

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

1. The second, third, fourth, ninth and fourteenth Sections of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to establish a Board of Health in the City and County of Saint John*, be and the same are hereby repealed.

2. Such Board shall consist of not more than twelve Members, who shall be residents of the said City and County; the first person named in the Commission establishing the Board shall be Chairman thereof; in his absence, the second person named shall act as Chairman, and so on, in the successive order in which the members of the Board are named, any three of whom shall constitute a quorum for the transaction of business.

3. The Board may appoint a Clerk who shall be paid a sum not exceeding one hundred and fifty pounds per annum, the same to be paid by Warrant on the Provincial Treasury, and the orders and regulations of the Board signed by the Chairman and Clerk shall be valid.

4. The Board may appoint a Physician who shall reside upon Partridge Island, and shall have possession and entire

charge of all the Quarantine buildings and premises there, with authority to regulate and improve the same as may be necessary, subject to the orders of the Board.

5. No erection, building, or place within the said City, shall be used as a slaughter house or for the purpose of slaughtering animals, nor shall slaughter houses be permitted within the jurisdiction of the Board, except in such cases thereof outside the said City as they may designate; and the Board may regulate the penalties for the violation of this Section to any extent not exceeding fifty pounds, and enforce the same.

6. The said recited Act, except as hereby altered, and this Act, shall continue in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty one.

7. An Act passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act to establish a Board of Health in the City and County of Saint John*, is hereby repealed.

### CAP. LII.

#### An Act relating to the administration of Justice in the County of York.

##### Section.

1. Expenses of administering justice apportioned.
2. Record of trials to be kept by Mayor of Fredericton.
3. Warrants of commitment, to whom to be exhibited by the Gaoler.

##### Section.

4. Amount and payment of expenses of administering justice.
5. Jurisdiction as to fines, &c.
6. Acts inconsistent with this Act repealed.

*Passed 6th April 1858.*

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

1. That the expenses of administering Justice in the County of York shall be paid in the following proportion :—

The City of Fredericton shall pay all the Salaries of the City Officers and the expenses of committing and maintaining in gaol all persons criminally convicted under the provisions of the Revised Statutes, Chapter 138, “Of Summary Convictions,” for the breach of any Act of Assembly or Bye Law of the City committed within the limits of the City :

The Municipality of the County shall pay the Salaries of all the Municipal Officers, and the expenses of committing and

maintaining in gaol all persons committed or convicted for the breach of any Act of Assembly or Bye Law of the Municipality committed beyond the limits of the City of Fredericton :

The Salaries of the Sheriff, Clerk of the Peace, and Gaoler, and the Fees payable to Coroners out of the County Funds, the expenses of Constables attending the Courts, and all sums ordered to be paid under the provisions of the Revised Statutes, Title xl, Chapter 160, and the amount required to be raised for the erection of a Court House in the County of York under an Act passed in the sixteenth year of Her Majesty's Reign, intituled *An Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County*, shall be paid by the City of Fredericton and the Municipality jointly, in the proportion that the population of the City bears to that of the Country, according to the Census taken next before the making of any such appropriation.

2. The Mayor of the City of Fredericton shall keep a book, in which shall be entered a record of all complaints tried before him, the nature of the information or complaint, and the conviction ; which book shall at all times be open to the inspection of the Warden of the County, or any Committee of the City Council or of the Municipality.

3. The Gaoler of the County shall at all times when required, exhibit to the Mayor of Fredericton, the Warden of the County, or any Committee of the City Council or of the Municipality, the Warrants under which any person has been committed to or detained in gaol, and a statement of the time every such person has been imprisoned.

4. The City Council and the Municipality shall annually, in the month of January, agree upon the amount to be paid by the City towards the expense of administering Justice in the County, in pursuance of the first Section of this Act, and the City Treasurer shall annually pay over to the Secretary Treasurer of the County the amount that may be so determined upon within three months after such agreement.

5. All fines, penalties and sums of money collected within the limits of the City or Municipality respectively, for the breach of any Act of Assembly or Bye Law, shall belong exclusively to the jurisdiction within which the same may be collected.

6. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

### CAP. LIII.

An Act to authorize the Justices of the Peace for the County of Northumberland to assess the said County for the erection of Market Houses in the Towns of Newcastle and Chatham.

Section.

1. Authority to order assessment.
2. Authority to contract and pay for erections.

Section.

3. Assessments to be as in Cap. 53, Revised Statutes.

*Passed 6th April 1858.*

WHEREAS it is deemed advisable that a proper and sufficient Market House should be erected in each of the Towns of Newcastle and Chatham, in the County of Northumberland;—

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

1. The Sessions of the said County of Northumberland when they think it expedient, may order an assessment on the said County, not exceeding the sum of two hundred pounds, for erecting suitable buildings in the Towns of Newcastle and Chatham respectively, for the purpose of Market Houses.

2. The Sessions by the name of “The Justices for the County of Northumberland,” may contract with any person or persons for the erecting, securing, and repairing any such building, and apply the proceeds of any assessment made therefor to the performance of the contract or contracts.

3. All assessments ordered or made under or by virtue of this Act shall be assessed, collected and recovered according to the provisions of the Revised Statutes, Title viii, Chapter 53.

### CAP. LIV.

An Act to authorize the Justices of the Peace for the County of Northumberland to lease certain Lands bequeathed to them in trust.

Preamble.

Authority to lease the land and apply rents.

*Passed 6th April 1858.*

WHEREAS William Loch, late of Newcastle, in the County of Northumberland, deceased, in and by his last Will and Testa-

ment, devised and bequeathed to the Justices of the Peace for the County of Northumberland, until the said County is incorporated, and after the incorporation of the said County, to the Municipality of the said County of Northumberland, all that part of Strawberry Marsh situate above the Town or Village of Newcastle, which is situate to the eastward or below the highway running through the said Marsh, in trust for a free pasturage, in all time coming, for such poor persons belonging to the said Town as the said Justices, or the Warden or Councillors of the said County, may give permission to pasture their cattle there, and under such rules and regulations as the said Justices or Warden and Council may from time to time make concerning the same, with this reservation and condition, that it be used for no other purpose than a Pasture; and whereas the said Land so bequeathed is lying in a waste state, and cannot be made available for the benefit of the poor of the said Town, according to the intention of the Testator, until the same be fenced, and in order that the Justices of the Peace for the said County may be enabled to carry out the trusts declared in the said Will, it is necessary that they be authorized to lease the said Land, and to apply the rents first to the fencing the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Justices of the Peace for the County of Northumberland, at any General Session, are hereby authorized to lease the said land as a Pasture for any number of years not exceeding ten, at the best rent to be obtained therefor, and to apply the rents first to fence the said land, and reserve the balance, if any, and apply it from time to time for the repair of such fence.

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#### CAP. LV.

An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of West Isles and Campo Bello, in the County of Charlotte.

Section.

Section.

1. In lieu of labour performed, a money rate to be paid.

2. To be assessed, &c. as other rates.

*Passed 6th April 1858.*

WHEREAS the male inhabitants of the Parishes of West Isles and Campo Bello are mostly employed in fishing during

that period of the year within which Statute Labour is required by law to be performed;—

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

1. That all persons liable by law to perform Statute Labour on the Roads and Bridges in the Parishes of West Isles and Campo Bello, in the County of Charlotte, shall in lieu thereof pay the sum of one shilling and three pence for each and every day's work such persons are respectively liable to perform under the said Act relating to Highways.

2. The moneys required to be paid by virtue of this Act, shall be assessed, levied and collected in the same manner as any Parish or County rates are levied, assessed and collected by virtue of any law now in force, or hereafter to be in force for that purpose; and such moneys when collected shall be paid over by the Commissioners of Roads for the said Parishes of West Isles and Campo Bello respectively, to be expended for the Districts in which they are collected; provided that no person shall be assessed at the rate aforesaid for more than twenty days labour.

#### CAP. LVI.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of an Alms House therein, and to provide a site for the same, and for making rules and regulations for the management thereof.

##### Section.

1. Authority to contract for erection of Alms House, and assess for expenses.
2. Money to be assessed, &c. as County rates.
3. Control of Alms House vested in Commissioners.
4. Materials for work; residence of beggars, and binding out of apprentices.

##### Section.

5. Authority to make regulations for Alms House, &c.
6. Commissioners to account.
7. Profits of work to be accounted for.
8. No election of Commissioners till Alms House completed.

*Passed 6th April 1858.*

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

1. Her Majesty's Justices of the Peace for the said County of Charlotte, or the major part of them, at any General Sessions of the Peace, be and they are hereby authorized and empowered to contract and agree with proper and competent

parties for building and completing an Alms House in the said Parish of Saint Stephen, and agree for such sum or sums of money as to them may seem necessary to effect this object; and the said Justices or the major part of them at their General Sessions as aforesaid, are hereby authorized and empowered to make rate and assessment upon the inhabitants of the said Parish, for a sum not to exceed fifteen hundred pounds, for defraying the expense of the aforesaid building, and for providing, if it shall be deemed expedient by the said Justices, or the major part of them, a suitable site for the same, the title whereof, if acquired by purchase, shall be in the Commissioners appointed as hereinafter named, and their successors in office, in trust for the purposes contemplated by this Act.

2. That the said sum of fifteen hundred pounds or less, as may be, so to be assessed, shall be assessed, collected and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates.

3. That the superintendence, management and control of the said Alms House, and all matters relating thereto, shall be vested in a Board of Commissioners numbering not less than three or more than five, who shall be appointed in lieu of and as Overseers of the Poor now are in the said Parish, and be sworn to the faithful discharge of their duties; and for neglecting or refusing to qualify or perform the same, they shall be subject to the same fines and penalties as Parish Officers are by virtue of any Acts made or hereafter to be made for the appointment of Town and Parish Officers in the several Counties of this Province.

4. It shall and may be lawful for the Commissioners to be appointed in pursuance of this Act, from time to time to provide such materials and things as they shall judge necessary for the setting to work and employing such poor persons of what age or sex soever they be, who may apply for relief and shall be capable to work; and shall have power and authority at their discretion to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or also do or shall hereafter seek and receive alms of the said Parish, or who may stand in need of relief therefrom, to dwell, inhabit and to work in the said Alms House, and to do all such work as they shall think them able



and fit for; and shall have the same powers to bind out poor children apprentices as are by the Laws of this Province given to the Overseers of the Poor in the several Towns and Parishes.

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

6. The said Commissioners shall at the first General Sessions of the Peace to be holden for the said County annually, lay before the Justices in their said Sessions, an Account to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor of the said Alms House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the poor of the said House for the current year; which sum or sums of money shall be assessed, levied and raised in such manner and form as by the Laws of this Province is or shall be appointed and directed, and when raised shall be paid to the said Commissioners for the use aforesaid and for no other.

7. The profits of any work or labour to be performed under the direction of the said Commissioners shall be duly accounted for by them, and shall be applied towards the support and maintenance of the said Alms House and those therein.

8. That no appointment or election of Commissioners under this Act shall take place or be had until the said Alms House shall have been first erected.

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### CAP. LVII.

## An Act to enable the Trustees of the Mount Allison Wesleyan Academy to establish a College.

#### Section.

##### Preamble.

1. Authority to establish a Collegiate Institution at Sackville.

#### Section.

2. Board of Governors of the College, who; empowered to holds lands, &c.

## Section.

3. To appoint and remove Professors, &c.
4. President and Professors to constitute the Faculty.
5. College Board to consist of Faculty and Governors.

## Section.

6. College Board to prescribe course of study, &c.
7. Authority given to confer Degrees.

*Passed 6th April 1858.*

WHEREAS the Trustees of the Mount Allison Wesleyan Academy being "A Corporation for the purpose of supporting and maintaining the said Academy, and for carrying on, conducting and managing the same," have by petition applied for authority in their corporate capacity to establish and maintain a College; and whereas it is thought that the granting of such authority will facilitate their laudable efforts to extend the benefits of an education in the higher branches of science and classical literature to the youth of this Country;—

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

1. That the Trustees of the Mount Allison Wesleyan Academy be and are hereby authorized and empowered to found, establish, maintain and manage a Collegiate Institution at Sackville, to be designated and known as "The Mount Allison Wesleyan College."

2. The said Trustees and their successors in office shall be and constitute the Board of Governors of the said College for ever, and as such shall have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said College, lands, tenements and hereditaments; provided however, that the annual value of the lands, tenements and hereditaments which they may hold for such purposes shall not at any time exceed the sum of two thousand pounds.

3. The said Board of Governors shall from time to time appoint and remove the President, Professors and Tutors of the said College, and such other instructors, officers and servants as they may deem necessary for carrying on the financial, educational and other departments of the said College, prescribe their duties, and allow them such remuneration for the respective services as they may deem advisable.

4. The President and the Professors appointed according to the third Section of this Act shall constitute the Faculty of the said College.

5. The College Board shall consist of the Faculty and Board of Governors of the said College.

6. The College Board shall prescribe the requisites for matriculation, the course of study for under graduates, and regulate all other matters relating directly to the department of education.

7. Whenever the said Mount Allison Wesleyan College shall have a Faculty consisting of a President and two or more Professors, and ten or more regularly matriculated Students, it shall have full power and authority to confer upon properly qualified persons the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties, in the manner and upon the conditions which may be ordered by the College Board.

### CAP. LVIII.

An Act to authorize the Rector, Church Wardens and Vestry of Saint Paul's Church, Chatham, in the County of Northumberland, to sell and dispose of certain Ferries in, upon and over the River Miramichi, and to reinvest the proceeds thereof for the use of the Rector or Minister of the said Corporation for the time being.

#### Section.

##### Preamble.

1. Corporation of Saint Paul's Church, Chatham, authorized to dispose of certain Ferries.

#### Section.

2. Proceeds to be invested.

3. Justices authorized to hold the Ferries in trust.

*Passed 6th April 1858.*

WHEREAS the Rector, Church Wardens and Vestry of Saint Paul's Church, Chatham, in the County of Northumberland, are seized and possessed of certain Ferries in, upon and over the River Miramichi, in the County of Northumberland, under and by virtue of a Grant from the Crown bearing date the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty four, as follows, viz:—The Ferry known as the Newcastle Ferry, in, upon and over the River Miramichi, between the Parishes of Chatham and Newcastle, in the County of Northumberland, in our Province of New Brunswick, and opposite to the Court House of the said County, from side to side, and from either side to the other side of the said River there; and communicating with the highways upon the several shores or banks of the said River, and also the common Ferry in, upon and over the North West Branch of the said River Miramichi, in the Parish of Northesk,

in the County aforesaid, at and near Beaubear's Point, so called, and the shore opposite and nearly opposite thereto, from side to side and from either side to the other side of the said branch of the said River there, and communicating with the highways upon the several shores or banks of the said branch of the said River, in trust, for the use and benefit of the said Rector or Minister of the said Church for the time being, for ever; and whereas it is desirable that the said Rector, Church Wardens and Vestry should have power to dispose of the said Ferries, or either of them, and all their right and title thereto and interest therein, to the Justices of the Peace for the said County for the time being, and their successors, in trust, for the benefit of the inhabitants of said County;—

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

1. That the Rector, Church Wardens and Vestry of Saint Paul's Church, in the Parish of Chatham, for the time being, be and they are hereby authorized and empowered to sell, dispose of and convey to the Justices of the Peace for the said County of Northumberland, and their successors, all and singular their right and title to the said Ferries, or either of them, together with all rates, fares, tolls, rights, liberties, profits and advantages to the said Ferries or either of them belonging, or in any wise appertaining, as fully as the same were conveyed to the said Corporation by the said grant, and make, seal and execute a good, legal and sufficient conveyance of the said Ferries, or either of them, in fee, together with all rates, fares, tolls, rights, liberties, profits and advantages belonging to the said Ferries, or either of them, to the said Justices and their successors, in trust, for the benefit of the inhabitants of the said County, by and with the approbation of the Lord Bishop of the Diocese, signified by his being a party to any such conveyance and signing the same.

2. The proceeds arising from such sale or sales shall be invested in the purchase of other freehold property for the use and benefit of the said Rector or Minister of the said Church (or whatever Church may be the Parish Church of the Church of England in the said Parish) for the time being; to hold the same to the said Rector, Church Wardens and Vestry, and

their successors, for ever, in trust for the use and benefit of the said Rector or Minister of the said Church for the time being for ever.

3. The said Justices of the Peace in and for the said County, are hereby authorized and empowered to receive and hold in trust as aforesaid the said Ferries or either of them, with all the rights, privileges and advantages before enumerated or appertaining thereto, and to pay for the same out of the funds of the said County.

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### CAP. LIX.

An Act to authorize the Rector, Church Wardens and Vestry of Saint Ann's Church, in Sackville, to sell or lease a Site on Grindstone Island for Light House purposes.

Authority to sell or lease a Light House site on Grindstone Island.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Rector, Church Wardens and Vestry of Saint Ann's Church, in Sackville, be authorized to sell or lease such part of Grindstone Island, situate in the County of Albert, as may be necessary for the purposes of a Light House, for such price or rent as may be agreed upon, and to give a sufficient deed or lease thereof to such person or authority as the Government may direct.

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### CAP. LX.

An Act to amend an Act intituled *An Act to authorize and empower the Church Wardens and Vestry of Trinity Church, in Springfield, in King's County, to sell certain Glebe Lands in said Parish, and vest the proceeds in other Lands.*

Section.

1. Act 18 V. c. 61, s. 2, repealed.
2. Proceeds of sale to be invested.

Section.

3. Land to be held for a glebe.

*Passed 6th April 1858.*

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

1. That the second Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty,

intituled *An Act to authorize and empower the Church Wardens and Vestry of Trinity Church, in Springfield, in King's County, to sell certain Glebe Lands in said Parish, and vest the proceeds in other Lands*, be and the same is hereby repealed ; and in lieu thereof,—

2. The amount arising from the sale authorized by the first Section of the said recited Act shall be invested by the said Rector, Church Wardens and Vestry, in other good securities, until an eligible opportunity for purchasing a suitable lot of land may occur.

3. The said lot of land, when purchased, shall be held by the said Rector, Church Wardens and Vestry for a Glebe for the use of the Rector of said Church for the time being.

## CAP. LXI.

An Act to enable the Members of "The Society of Underwriters" of the City of Saint John, to sue and be sued in the name of their Secretary for the time being.

### Section.

#### Preamble.

1. Actions by 'The Society of Underwriters' to be in the name of the Secretary.
2. Actions against the Society.
3. Death, &c. of Secretary, not to prejudice any action.
4. Declaration and judgment, specialties of.
5. Judgment and execution, specialties of.

### Section.

6. Act not to incorporate the Society ;
  7. Nor prevent the alteration, &c. of rules.
  8. Proof of hand writing of Secretary to be *prima facie* evidence of appointment.
  9. Memorial of judgment against the Society, registry of, and its effect.
- Schedule.

*Passed 6th April 1858.*

WHEREAS certain Ship-owners, Merchants, and others, at the City of Saint John, have formed themselves into a Society called "The Society of Underwriters," and have subscribed certain rules and regulations for the management of individual and private underwriting of Marine Insurance on vessels, freights, moneys, goods, and effects ; and in cases of moneys lent upon Bottomry and Respondentia : and whereas the establishment of such Society under judicious management has been beneficial to trade, and has facilitated the operations of commerce at the Port of Saint John : and whereas owing to the number of individual subscribers or underwriters to each policy, inconvenience is likely to arise to the said Society, and much unnecessary expense will have to be incurred in suing and being sued whenever it may become necessary to

bring or defend actions or other proceedings at law or in equity; for remedy whereof, and in order to prevent the multiplicity of law suits,—

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

1. That from and after the passing of this Act, all actions and suits whatsoever at law or in equity which may be brought, instituted, or prosecuted against any person or persons, body corporate or politic, already indebted or who may hereafter be indebted to the said “Society of Underwriters,” for premiums of insurance, or as makers or indorsers of premium notes, or in any other manner whatsoever, whether such person or persons, or any of them, is or are or shall be a member or members of the said Society or not, shall and lawfully may be commenced, instituted, and prosecuted in the name of the Secretary of the said Society, at the time when any such action or suit shall be commenced or instituted, as the nominal plaintiff or complainant; and in any case when it may be deemed advisable to hold such person or persons to bail, it will be sufficient for the affidavit to set forth and shew the cause of action as due or accrued to the said Society of Underwriters, and an action or actions may thereupon be commenced or instituted in the name of such Secretary, and the writ or process issued thereon shall and may be indorsed for bail in the amount in such affidavit specified.

2. That from and after the passing of this Act, all actions, suits, and other proceedings at law or in equity, which may be commenced, instituted, or prosecuted on any policy or policies of insurance issued by the said Society, by any person or persons, or body or bodies politic or corporate, whether such person or persons, or such body or bodies politic, or any member or members thereof, is or are or shall be members of the said Society, or underwriter or underwriters on any such policy, shall be commenced, instituted, and prosecuted against the Secretary of the said Society at the time when any such suit or action or other proceedings shall be commenced or instituted, as the nominal defendant.

3. That the death, resignation, or removal, or any other act of such Secretary, shall not abate or prejudice any action, suit, or other proceeding in law or equity commenced or prose-

cutted under this Act, but the same may be continued, prosecuted, carried on or defended, as if such death, resignation, removal, or other act had not occurred or taken place; provided always, that if the office of Secretary of such Society shall or may at any time or times hereafter become vacant by death, resignation, removal, or otherwise, and shall be suffered and permitted to continue and remain vacant for the period of ten days, that then and from thenceforth until a Secretary is again appointed, all actions, suits, and other proceedings against the underwriters on any policy or policies of insurance issued by the said Society, shall and may be commenced, instituted, and prosecuted against such underwriters individually, this Act and any thing herein contained to the contrary notwithstanding.

4. That in any action, suit, or other proceeding on policies of insurance commenced and prosecuted under this Act, the declaration or bill of complaint in the cause shall set forth the policy or policies of insurance on which such action is brought, and also the names of the individual subscribers or underwriters thereto, with the different amounts underwritten by each respectively; and before any judgment is signed in such action, the damages payable by each underwriter in respect of his subscription to such policy or policies, shall be separately assessed, and execution therefor awarded; and a suggestion to that effect, specifying the respective amounts so assessed, and the names of the underwriters against whom executions are awarded, shall be made upon the roll.

5. That judgment in such cause shall thereupon be signed against such nominal defendant for the aggregate amount of damages recovered, and for costs; and execution shall and may be issued against the Secretary of the said Company for the time then being, in the form mentioned in Schedule A to this Act, and indorsed to levy the amount of such costs, and seven shillings and one penny for the execution, together with the Sheriff's poundage, officer's fees, and incidental expenses; and separate executions in the form mentioned in Schedule B, shall and may be issued against the individual underwriters on the policy and policies upon which such judgment shall have been so signed, for the respective amounts for which the same shall be so awarded against them as aforesaid, each of which





Province of New Brunswick, made and passed in the year of our Reign, intituled, &c. We therefore command you that [of the goods and chattels, lands and tenements of the said C. D. in your bailiwick, you cause to be made the said sum of £ (*the costs*) and that you have that money before us at Fredericton on, &c. to be rendered to the said A. B. for his costs aforesaid,] and have there then this writ. Witness, &c.

*Or if against the body, then omit the words between brackets and substitute the following :—*“ You take the said C. D. and him safely keep, so that you may have his body before us at Fredericton on, &c. to satisfy the said A. B. of £        for his said costs.

#### SCHEDULE B.

Victoria, &c. To our Sheriff of        greeting :

Whereas A. B., lately in our Court before us at Fredericton, recovered a judgment against C. D. as Secretary of “ The Society of Underwriters,” for £        damages and £        costs, in pursuance of an Act of the General Assembly of our Province of New Brunswick, made and passed in the year of our Reign, intituled, &c. And whereas our said Court have, in and by their said judgment, and in pursuance of the said Act of Assembly, awarded an execution to be issued against E. F. for the sum of £        , portion of the said damages : We therefore command you that [of the goods and chattels, lands and tenements of E. F., in your bailiwick, you cause to be made the said sum of £        ,] portion of the damages aforesaid, and have that money before us at Fredericton on, &c., to be rendered to the said A. B., and have there then this writ. Witness, &c.

*Or if against the body, omit the words between the brackets and substitute the following :—*“ You take the said E. F. and him safely keep, so that you may have his body before us at Fredericton on, &c., to satisfy the said A. B. of the said sum of £        .”

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#### CAP. LXII.

An Act to incorporate certain persons into a Joint Stock Company, for the purpose of building a Dry Dock in the City of Saint John.

## Section.

1. The Saint John Dry Dock Company incorporated.
2. First meeting of the Corporation, calling of.

## Section.

3. Capital and shares.
4. Responsibility for debts.
5. Act void if one fourth of capital be not paid within three years.

*Passed 6th April 1858.*

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

1. That James E. Simpson, James Olive, and John J. Wright, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of “The Saint John Dry Dock 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 purposes of docking and repairing vessels, and all other purposes for which a Dry Dock may be used.

2. The first meeting of the said Corporation shall be held at such time and place in the City of Saint John, as may be appointed by any two of the above named persons.

3. The capital stock of the said Company shall be thirty thousand pounds, divided into three thousand shares of ten pounds each.

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

5. Provided always, that unless one fourth part of the capital stock be paid in within three years from the passing of this Act, the same shall be of no force.

### CAP. LXIII.

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

## Section.

1. The Saint John Forge Company incorporated.
2. Capital and its division into shares.
3. First meeting, how called.
4. Membership and votes.
5. Liability of shareholders for calls or assessments.
6. Assessments, authority to make and proceedings to render effectual.
7. No vote in respect of shares in arrear for calls.
8. Company not bound to regard trusts affecting shares: whose receipt shall be sufficient.
9. Declaration in suits against shareholders for money due on calls;
10. Proof, what shall be sufficient.

## Section.

11. Register of shareholders to be *prima facie* evidence.
12. No dividend on shares in arrear.
13. Joint Stock alone responsible for debts.
14. Shares may be divided into classes A. and B.
15. Preferences may be granted to class A shares.
16. Property of Company may be charged to secure advantages to class A shares.
17. Class B shares may be granted to holders of class A shares.
18. Dividend to class A shareholders limited until class B receive 6 per cent.
19. Meetings, number and duties of Directors; servants, &c., may be regulated by bye laws.

*Passed 6th April 1858.*

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

1. That Thomas E. G. Tisdale, Henry Vaughan, Thomas Vaughan, Simon Vaughan, James Harris, Thomas Allan, James Smith, James Moran, Joseph J. Tucker, and Thomas Wright, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of “The Saint John Forge Company,” with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of the converting Pig into Wrought Iron, and for the general manufacture and working in all or any of their states and varieties of iron and steel, and for the leasing, purchasing, constructing, establishing and maintaining all such lands, wharves, buildings, erections, forges, engines, machinery, implements and things as shall or may be requisite, necessary or convenient for carrying on said business and operations, and such other works, business and operations as may be incidental thereto.

2. The capital stock of the said Corporation shall be five thousand pounds of current money of the Province of New Brunswick, divided into two hundred shares of twenty five pounds each ; provided however, that the said Corporation shall have power to increase the said capital stock to a sum not exceeding twenty five thousand pounds.

3. That the first meeting of the said Corporation, for the organization thereof, may be called by the said Thomas E. G. Tisdale, or in case of his death, neglect, or refusal, by any one of the parties named, at such time and place as he may appoint, by publishing notice of the same in two public Newspapers printed in the City of Saint John for ten days previous to the day of such meeting.

4. Each and every person owning a share in the capital stock of the said Company shall be a member thereof, and shall be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and may vote by proxy, such proxy being a stockholder and authorized in writing.

5. Each and every shareholder in the said Corporation shall be and be held liable to the said Company for each and every

call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

6. The Company or the Directors if empowered by the bye laws of the Corporation, shall have power from time to time to levy and collect assessments upon the shares or upon such of them on which the amount subscribed has not been paid up, of such sums of money as may be deemed necessary for carrying on the business, or for the purpose or operations of the said Company; and whenever any assessment shall be made as aforesaid, it shall be the duty of the Treasurer or Secretary of said Company to give notice thereof in a public Newspaper printed in the City of Saint John, requiring payment of the same within not less than thirty days, and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares, or any part of such amount, at the time in such notice prescribed, the same may either be sued for and recovered in the manner provided in the last preceding Section, or the Treasurer may advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, by publishing a notice thereof in some one public Newspaper published in the City aforesaid, and all shares on which the assessment or any part thereof is not paid, with interest from the time such assessment became due, may be sold to the highest bidder, and after retaining the amount due on such assessment and all interest due thereon, and all expenses of advertising and selling, the residue (if any) of the moneys for which such shares shall be sold, shall be paid over to the former owner thereof, and a new certificate or certificates of the shares so sold shall be made and delivered to the purchaser or purchasers thereof.

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

8. The said Company shall not be bound to see to the execution of any trust whatever, express, implied or constructive, to which any of the said shares may at any time be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of any one of the parties in whose name the same shall stand in the register of stockholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company shall have had notice of such trust, and notwithstanding the other owner or owners of such share or shares shall not have joined in such receipt, and that the said Company shall not be in any way bound to see to the application of the money paid upon such receipt.

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

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

11. The production of the Register of the Shareholders shall be *prima facie* evidence that the parties whose names are

therein entered as owners of shares are shareholders, and of the number and amount of their respective shares.

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

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

14. The said Company may at any meeting of shareholders set apart any number of the present or future shares of the said Company to be denominated "Class A shares," and all other shares may be designated "Class B shares."

15. The shareholders of the said Company, or a majority of them at any meeting, may from time to time grant to the holders of Class A shares a preferential interest or dividend not exceeding six per cent. per annum, on such terms and conditions as at any such meeting may be imposed.

16. The shareholders of the said Company, or a majority of them, may from time to time subject and charge in such manner as they see fit, the lands, goods and other property, incomes and profits, present and future, of the said Company, or such parts thereof as they may think fit, to secure the payment or other satisfaction to the holders of Class A shares of any interest or dividend aforesaid, not exceeding six per cent. as aforesaid.

17. The shareholders of the said Company, or a majority of them, may at any meeting or meetings of the said Company grant to the holders of paid up "Class A shares," or any of them, such number of "Class B shares" as the said shareholders or a majority of them may deem proper, and upon such terms and conditions as they may impose.

18. No greater dividend than six per cent. per annum shall be made to Class A shareholders, until Class B shareholders shall have received full six per cent. per annum interest or dividend on the amount of stock paid up by them, with interest on arrears of such dividends, if any.

19. The time and place of holding annual or semi-annual, and all special or other meetings of the said Corporation, as also the number, eligibility, duties and powers of Directors, officers and servants, their continuance in office, removal or

disqualification, the filling up of vacancies, the time and manner of election or appointment, and any and every other matter and thing whatsoever connected with the objects and purposes for which the said Company is incorporated, may be established or regulated by bye laws of the said Company, to be made at any meeting of the said Company, or adjournment thereof; which bye laws, not inconsistent with this Act of Incorporation, they are empowered to make.

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CAP. LXIV.

An Act to incorporate the Saint Andrews Mechanics' Institute.

Company incorporated with general powers of Corporations.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That George D. Street, Thomas Berry, Walter M. Buck, Benjamin R. Stevenson, Thomas Turner, Nathan N. Treadwell, John Watson, Donald Clark, Charles Stevenson, and such other persons as are or may become Members of an Institution founded in Saint Andrews, in the County of Charlotte, for the intellectual advancement of Mechanics and others, and the consequent improvement of society at large, by establishing a Library and such other sources of information as will be instrumental in promoting the circulation of popular and useful science, and a knowledge of its application to the arts and manufactures, shall be and they are hereby constituted a body corporate for the above purposes, and no others, by the name of “The Saint Andrews Mechanics’ Institute,” with all the general powers and privileges incident to Corporations by Act of Assembly in this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed eight hundred pounds.

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CAP. LXV.

An Act to incorporate the Middle Bridge Company at Saint Stephen.

Section.

1. Company incorporated, with general powers: bye laws, officers, and votes.
2. Bridge to remain in present position.
3. Tolls granted; rate.

Section.

4. First meeting, how called.
5. Penalty for pace faster than a walk.
6. Penalty for evading payment of toll.
7. Limitation of Act.



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*Passed 6th April 1858.*

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

1. That Henry T. Eaton, Joseph E. Eaton, Stephen H. Hitchings, L. H. M'Allister, Daniel Hill, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate, by the name of "The Middle Bridge Company," and by that name have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may make any bye laws for the management of their concerns, not repugnant to the laws of the Empire and of this Province; and may choose a Clerk, Treasurer, and any other officer proper for the management of the Corporate business, by a majority of votes present, allowing one vote to each share, provided that no individual be entitle to more than ten votes on his shares.

2. The said Bridge shall be established and continue where it now is, in the Parish of Saint Stephen, in the County of Charlotte, in this Province, that is to say, from the public highway running near the lower mills in Milltown Village, and near to and below these mills; and said Bridge shall be kept in good repair and condition for the convenience and safety of the passengers, and a passage-way for logs and lumber of at least seventy five feet wide.

3. A toll is hereby granted for the benefit of the said Corporation according to the following rates:—For each foot passenger, one penny; one person and horse, two pence half-penny; a horse and cart or waggon, four pence; a horse and sleigh or chaise, or other pleasure carriage drawn by one horse, four pence; cart teams, including cart, waggon, sled or sleigh drawn by two oxen, two pence, and for every additional beast one half-penny; four wheeled carriages with two horses, one shilling, for every additional horse, two pence half-penny; beasts of burthen exclusive of those rode upon or in carriages, two pence; sheep and swine one half-penny each; and to each team one person only shall be allowed as driver to pass free of toll: and at all times when the toll-keeper shall not attend to his duty the gate or gates shall be left open, and the toll shall be collected in such manner as may be prescribed by the said

Corporation, and as the tolls are collected the rates of toll and all others which may be granted shall be fairly and legibly printed in large letters and kept constantly exposed to the view of passengers; provided however, that after ten years from the time when this Act shall come into operation, the rates of toll shall be subject to the further regulation of the Legislature.

4. Either of the persons named in the first Section of this Act may call the first meeting of the said Corporation, by posting up a notification thereof in two public places in the Parish of Saint Stephen, at least seven days before such meeting, and specifying in such notice the time and place of meeting, which meeting shall be holden in the said Parish of Saint Stephen.

5. No horse or other beast or carriage of any kind shall be taken or driven over said Bridge or any part thereof at a pace faster than a walk, on pain of a forfeiture of twenty shillings for every offence, to be recovered in an action of debt before any Justice of the Peace on complaint of the toll gatherer or any proprietor in the stock of said Bridge, and legal proof thereof; the money when recovered to be applied to the use of the said Corporation.

6. Any person who run or evade the payment of toll for crossing the said Bridge shall forfeit and pay, for the use of the said Corporation, the sum of ten shillings for every offence, to be recovered as is directed in the last preceding Section of this Act.

7. This Act shall continue and be in force until the first day of May in the year of our Lord one thousand eight hundred and seventy six, and then be subject to renewal on such terms and rates of toll as may be just and equitable.

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#### CAP. LXVI.

An Act to incorporate the Milltown Lower Dam Company in the Parish of Saint Stephen.

*Company incorporated with general powers of Corporations.*

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the owners of property deriving

any benefit for the purpose of driving Machinery of any kind by the water restrained or secured by the Milltown Lower Dam in the Parish of Saint Stephen, be incorporated, and Henry F. Eaton, John M'Adam, James P. Brown, P. M. Pirington, C. W. Strout, S. Clarke Levett, and William E. M'Allister, and such other person or persons as now are or may hereafter become owner or owners of any such above mentioned interest in the said water so restrained as aforesaid by the said Lower Dam, shall be and they are hereby constituted a body corporate for the purpose aforesaid, by the name of "The Milltown Lower Dam Company," with all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province; provided always, that the real estate which said Corporation may at any time hold shall not exceed five hundred pounds.

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#### CAP. LXVII.

#### An Act to incorporate the Saint Stephen Water Company of Milltown.

Company incorporated with general powers of Corporations.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the proprietors of shares in the Aqueduct now constructed in Milltown, in the Parish of Saint Stephen, leading from a fountain near R. M. Todd's, into the Village, for the purpose of supplying certain dwelling houses, stables, &c. therein with water, be incorporated, and that R. M. Todd, the Honorable William Todd, Henry M'Allister, Henry F. Eaton, George M. Porter, James Murchie, J. H. M'Allister, and John Monghan, and such other person or persons as now are or may hereafter become owner or owners of a share or shares in the said Aqueduct, shall be and they are hereby constituted a body corporate, for the purpose aforesaid, by the name of "The Saint Stephen Water Company of Milltown," with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province; provided always, that the real estate which said Corporation may at any time hold shall not exceed five hundred pounds.

## CAP. LXVIII.

## An Act to continue the several Acts relating to the Arestook Boom Company.

Acts 7 V. c. 49; 8 V. c. 91; 11 V. c. 51, and 18 V. c. 15, continued.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Arestook Boom Company*, also an Act passed in the eighth year of the same Reign, intituled *An Act to continue and amend the Act to incorporate the Arestook Boom Company*, also an Act passed in the eleventh year of the same Reign, intituled *An Act to continue and amend the Act to incorporate the Arestook Boom Company*, also an Act made and passed in the eighteenth year of the same Reign, intituled *An Act to continue and amend the several Acts relating to the Arestook Boom Company*, be and the same are hereby severally continued and declared to be in force until the first day of October which will be in the year of our Lord one thousand eight hundred and seventy five.

## CAP. LXIX.

## An Act to amend the Act to incorporate the Narkawickac Boom Company.

## Section.

1. Timber and Logs running into the Boom may be rafted by owners; Toll.
2. Toll, how secured.

## Section.

3. Compensation for keeping Timber when boomage not paid: recovery.
4. Powers granted to be in addition to those in 16 V. c. 65.

*Passed 6th April 1858.*

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

1. The owners of timber and logs running into the Narkawickac Boom shall have permission to raft the same, and in such case the Company shall be entitled to receive the sum of not exceeding seven shillings and six pence per hundred trees for every hundred trees of any kind of wood or timber, and at the same rate for any portion thereof, which they shall secure and protect in their Boom.

2. The tolls or boomage authorized by this Act shall be secured and collected in the same manner as the tolls or boom-

age provided in the Act incorporating the said Company, and the Company shall have the same and the like lien therefor, to be enforced in the same manner as is provided in the Act incorporating the said Company for the boomage therein provided.

3. If the owner or owners of any timber, logs, masts, spars and other lumber rafted by the said Company, shall not, within three days after being notified of the same, or in case the said timber, logs, masts, spars and other lumber have been rafted and surveyed, either by himself or his agent, within three days after, pay the boomage thereon to the said Corporation, or their agent or agents, and take the possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for the keeping of the said timber, logs, masts, spars or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, or they are hereby authorized, if they see fit, to send the same timber, logs, masts, spars and other lumber to Fredericton or Saint John, at the risk of the owner, and there, after ten days personal notice or thirty days notice in a Newspaper published in Fredericton, to sell so much thereof as shall be sufficient to pay the boomage together with the usual freight to Fredericton or Saint John, expenses of keeping, expenses of the sale, and all other incidental expenses, rendering the overplus (if any) to the owner, and the remaining part of such timber shall be kept till required by the owner, at his risk and expense.

4. The power, authority and privileges granted by this Act shall be in addition to the power, authority and privileges granted by the above recited Act passed in the sixteenth year of the Reign of Her present Majesty to incorporate the Narkawickac Boom Company.

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#### CAP. LXX.

An Act to amend the Act to incorporate the Albert Freestone Company.

Capital Stock may be increased ; shares reduced in value, &c.

*Passed 6th April 1858.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That notwithstanding any thing to the contrary contained in an Act made and passed in the

eighteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Albert Freestone Company*, the capital of the said Company may be increased to an amount not exceeding one million dollars; and that the shares of the said Company may be reduced in amount from twenty pounds sterling to ten dollars per share, or such other amount as the Directors of the said Company by any resolution or bye law may determine; and it shall be lawful for the said Company to grant and issue paid up shares in full or in part payment for any real estate, quarries, rights, privileges, property and effects that may be purchased or acquired by or for the said Company; and that notice of the meeting to organize the said Company shall be given by Charles Dickson Archibald, Esquire, the proprietor of the Albert Quarries at Mary's Point, in this Province, or some one on his behalf; such notice to be inserted in some one Newspaper published in the City of New York; and that citizens of the United States may be shareholders and Directors of the said Company.

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CAP. LXXI.

An Act further to amend the Act to incorporate the Nashwaak Boom Company.

Section.

- Preamble.
1. Fee for rafting and securing.
2. Company to have exclusive right of rafting within certain limits.
3. Authority to sell Timber, &c. of which the boomage is not paid.

Section.

4. Proceedings under preceding Section, or 11 V. c. 52, optional.
5. Act 11 V. c. 52, s. 2, repealed.
6. Penalty for appropriating unmarked Timber, &c.; application.

*Passed 6th April 1858.*

WHEREAS the present rate of boomage provided by the Act to incorporate the Nashwaak Boom Company, and the Acts in amendment thereof, is found to be inadequate to enable the Company to prosecute their operations, and that the Act of incorporation requires amendment in other respects;—

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

1. That the said Nashwaak Boom Company shall be entitled to receive a sum not exceeding three shillings and four pence per thousand for each and every thousand superficial feet of logs or other lumber they shall secure and raft in the manner provided by the seventh Section of an Act made and passed in

the eighth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Nashwaak Boom Company.*

2. The said Company shall have the exclusive right of rafting all timber, masts, spars, logs, or other lumber which may be floated or driven down the Nashwaak River into the following defined limits, that is to say,—Between the Mills owned by Messieurs Robert Rankin and Company, and the Booms erected by the said Corporation at the mouth of the River at its confluence with the River Saint John; provided nevertheless, that nothing in this Section contained shall prevent persons from rafting any timber, masts, spars, logs, or other lumber that may be hauled into the said River within the said prescribed boundary or limits.

3. That if the owner or owners of any timber, logs, or other lumber shall not so soon as the same has been rafted and surveyed, either by himself or his agent, pay the boomage thereon to the said Corporation, or their agent or agents, and take possession and charge thereof, the said Company shall be entitled to receive a reasonable compensation for the keeping of the said timber, logs, or other lumber, which shall be deemed to be at the risk of the owner or owners thereof; and the said Company are hereby authorized, if they see fit, after ten days personal notice, or twenty days notice published in one of the Newspapers printed in Fredericton, to sell by auction so much thereof as shall be sufficient to pay all claims for boomage then due from such owner or owners, together with the expenses of keeping the same, expenses of sale, and other incidental expenses, rendering the overplus, if any, to the owner, and the remaining part of such timber, logs, or other lumber shall be kept until required by the owner, at his risk and expense.

4. That the said Company shall have the option, if they think fit, for the recovery of their claims for boomage upon such timber, logs or other lumber, to proceed either under the provisions of the last preceding Section of this Act, or under the provisions of the first Section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company.*

5. That the second Section of an Act made and passed in the eleventh year of the Reign of Her present Majesty,

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intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company*, which specifies the rate of boomage, be and the same is hereby repealed.

6. That no person shall take or appropriate to his own use any unmarked timber, logs or other lumber found floating down the River Naskwaak, or grounded along the shores of the same in any part or place of the said River, under a penalty of five pounds for each and every offence, one half of such penalty to be paid to the party complaining, and the other half to the Secretary Treasurer of the County for the benefit of the County.

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### ERRATUM.

CAP. XX, to amend the Practice of the Law—Page 68—  
has been omitted in this Index.

# INDEX

## TO THE ACTS OF THE GENERAL ASSEMBLY.

21<sup>o</sup> VICTORIÆ, A. D. 1858.

---

- ALBERT COUNTY,**  
Act to alter time of holding Circuit Court in, 51.
- ALBERT Freestone Company,**  
Act to amend Act of Incorporation, 132.
- APPROPRIATION of the Public Revenue,**  
For certain expenses of the Civil Government, 9.  
For Roads and Bridges, and other Public Works and Services, 10.
- ARESTOOK Boom Company,**  
Act to continue the Acts relating to, 131.
- BANKRUPTCY,**  
Act to amend the Law for the relief of Insolvent Debtors, 51.
- BAY OF FUNDY,**  
Act to compel Vessels in, to carry Lights, 47.
- BOARD OF HEALTH, Saint John, (105.)** See Title *Saint John*.
- BOUNTIES,**  
Act to encourage the destruction of Wolves, 48.
- BRIDGES,**  
Authority given to General Sessions and Municipal Councils to make regulations for the preservation of Bridges, 80.
- CAMPO BELLO,**  
Act relative to Roads and Bridges on, 109.
- CARLETON Parish,**  
Act to divide, for Ecclesiastical purposes, 86.
- CHARLOTTE County,**  
Act to provide for more effectually repairing the Roads and Bridges in West Isles and Campo Bello, 109.  
Act to authorize an assessment on the Parish of Saint Stephen, for the erection of an Alms House, and provide for the management, 110.
- CHATHAM,**  
Act to authorize assessment for Market House, 108.
- CHURCH Ferries,**  
Act to authorize the Corporation of Saint Paul's Church, Chatham, to dispose of certain Ferries, 114.

**CHURCH Lands,**

- Act to authorize the Corporation of Saint Paul's Church, in Sackville, to sell or lease a Light House Site on Grindstone Island, 116.
- Act to amend 18 V. c. 61, authorizing the Corporation of Trinity Church, Springfield, to sell certain Glebe Lands, 116.

**COLLEGE,**

- Act to suspend Grant to King's College, 86.
- Act to authorize the Mount Allison Wesleyan Academy to establish a College, 112.

**Co-PARTNERSHIPS,**

- Act relating to, 65.

**CORPORATIONS,**

- Act to incorporate the Dry Dock Company, Saint John, 121.
  - Middle Bridge Company at Saint Stephen, 127.
  - Milltown Lower Dam Company, 129.
  - Saint Andrews Mechanics' Institute, 127.
  - Saint John Forge Company, 122.
  - Saint Stephen Water Company, 130.
- Act to amend the Albert Freestone Company Act, 132.
  - Nashwaak Boom Company Act, 133.
  - Narkawickae Boom Company Act, 131.
  - Wesleyan Methodist Church connected bodies incorporation Act, 32.
- Act to continue the Arestook Boom Company Acts, 131.
- Act to enable the Society of Underwriters to sue and be sued in the name of their Secretary, 117.

**COURTS,**

- Act to alter the time of holding the Circuit Courts in Westmorland and Albert, 51.
- Act to compel attendance of Witnesses under Foreign Commissions, and to alter the Law of Evidence, 13.
- Act relating to the action of Ejectment, 69.
- Act relating to Dower, 76.
- Act in amendment of the Criminal Law, 74.
- Act to amend Act relating to Intestate Estates, 78.

**CRIMINAL LAW,**

- Act in amendment of, 74.

**DOCKAGE,**

- Act to revive and continue 18 V. c. 41, regulating Dockage, &c. in the City of Saint John and Parish of Portland, 92.

**DOWER,**

- Act relating to, 76.

**DRY DOCK COMPANY,**

- Act to incorporate the Saint John Dry Dock Company, 121.

**EDUCATION,**

- Act relating to Parish Schools, 33.
- Act to suspend the Grant to King's College, 86.
- Act to enable the Trustees of Mount Allison Wesleyan Academy to establish a College, 112.

**EJECTMENT,**

Act relating to the action of, 69.

**EVIDENCE,**

Act to compel the attendance of Witnesses under Foreign Commissions, and to alter the Law, 13.

**EXECUTIONS,**

Act in addition to Rev. Stat. as to Judgments, Executions, and Proceedings thereon, 76.

**FERRIES,**

Act to authorize the Corporation of Saint Paul's Church, Chatham, to dispose of certain Ferries, 114.

**FIRES,**

Act to authorize investigation as to, in Saint John and Portland, 101.

**FISHERIES,**

Act to amend Rev. Stat. on Sea and River Fisheries, 83.

**FORGE Company,**

Act to incorporate the Saint John Forge Company, 122.

**FOXES,**

Act to prevent the use of Poisons in the destruction of, 50.

**GENERAL ASSEMBLY,**

Act in amendment of 18 V. c. 37, to regulate the election of Members, 84.

Act appointing a Polling place in Queen's County, 85.

**GREAT ROADS,**

Act to make Road from Gaspereaux River to South West Bridge, Miramichi, a Great Road, 83.

**HAMMOND Parish,**

Erected from part of Upham, 90.

**HAVELOCK,**

Parish of, erected from part of Studholm, 89.

**HIGHWAYS,**

Act to alter and amend 18 V. c. 15, relating to, 81.

Act for repair of Roads and Bridges on West Isles and Campo Belle, 19.

**INSOLVENT Debtors,**

Act to amend the Law for the relief of, 51.

**INTESTATE Estates,**

Act to amend Act relating to, 78.

**JUDGMENTS, Executions, and Proceedings thereon,**

Act in addition to Rev. Stat. as to, 76.

**KING's College,**

Act to suspend the Grant to, 86.

**LANDLORD, Tenant, and Replevin,**

Act to amend Rev. Stat. as to, 75.

**LIGHT Houses,**

Act amending Acts in respect of Lights in the Gulf of Saint Lawrence, 46.

**LIGHTS,**

To be carried in Vessels in the Bay of Fundy, 47.

---

**LOCAL ACTS,**

- Campo Bello, Roads and Bridges, 109.
- Church Ferries, Chatham, 114.
- Church Lands. See Title *Church Lands*.
- Moncton Wharf, conveyance for Railway purposes, 91.
- Northumberland, Market Houses at Newcastle and Chatham, 108.
  - Lease of Trust Lands, 108.
- Parishes, erected or altered. See Title *Parishes*.
- Polling places in Queen's County, 85.
- Portland, Dockage, Wharfage and Cranage in, 72.
- Saint John. See Title *Saint John*.
- Saint Martins, public lands in, 103.
- Saint Stephen Alms House, 110.
- Sewers in Westmorland, 88.
  - Sackville, 89.
- West Isles, Roads and Bridges, 109.
- York County, administration of Justice in, 106.

**LOCAL Government,**

- Act in addition to Rev. Stat. Chapter 64, in respect of Bridges, 80.

**MIDDLE Bridge Company at Saint Stephen,**

- Act of Incorporation, 127.

**MILLTOWN Lower Dam Company, Saint Stephen,**

- Act of Incorporation, 129.

**MONCTON,**

- Act to authorize the conveyance of a Wharf at, to the Queen for Railway purposes, 91.

**MOUNT Allison Wesleyan College,**

- Act to authorize the establishment of, 112.

**NARKAWICKAC Boom Company,**

- Act to amend the Act of Incorporation, 131.

**NASHWAAK Boom Company,**

- Act further to amend Act of Incorporation, 133.

**NAVIGATION,**

- Act to compel Vessels in the Bay of Fundy to carry lights, 47.
- Act to continue and amend 17 V. c. 9, relating to Steam Navigation, 78.

**NEW BRUNSWICK and Canada Railway and Land Company,**

- Act for preservation of the Peace within the boundaries of the, 80.

**NEWCASTLE,**

- Act to authorize assessment for Market House, 108.

**NORTHUMBERLAND,**

- Act to authorize assessment for Market Houses in Newcastle and Chatham, 108.
- Act to authorize the Justices of the County to lease certain Lands bequeathed to them in trust, 108.

**PARISHES,**

- Act to divide Carleton for Ecclesiastical purposes, 86.
- Act to divide the Parish of Studholm into two Parishes, 89.
- Act to divide the Parish of Upham into two Parishes, 90.

- PARISH Schools,  
    Act relating to, 33.
- PARTNERSHIPS,  
    Act relating to, 59.
- POISONS,  
    Act to prevent the use of, in the destruction of Foxes and other animals, 50.
- POLLING Places,  
    Act to establish one in Queen's County, 85.
- PORTLAND,  
    Act to revive and continue 18 V. c. 41, to regulate Dockage, Wharfage,  
        and Cranage in the City of Saint John and Parish of Portland, 92.  
    Act to regulate the Public Slip near Portland Point, 102.
- POST Office,  
    Act to amend Chapter 40, Rev. Stat. in regard to Ship Letters, 44.
- PRIVATE ACTS,  
    See Titles *Corporations ; Church Ferries ; Church Lands ; Society of Underwriters.*
- QUEEN'S County,  
    Act to establish a Polling Place in, 85.
- REPLEVIN,  
    Act to amend Rev. Stat. as to Landlord and Tenant, and Replevin, 75.
- REVENUE,  
    Act to amend Rev. Stat. as to warehousing Goods, 45.  
    Acts of Appropriation, 9, 10.  
    See Title *Treasury.*
- RAILWAYS,  
    Act for the regulation of, 59.  
    Act for the preservation of the Peace within the boundaries of the New  
        • Brunswick and Canada Railway and Land Company, 80.  
    Act to authorize the conveyance of a public Wharf at the Bend, Moncton,  
        to the Queen for Railway purposes, 91.
- SACKVILLE,  
    Act to explain Rev. Stat. as to Sewers in, 89.
- SAINT Andrews Mechanics' Institute,  
    Act of Incorporation, 127.
- SAINT JOHN,  
    Act in amendment of Act relating to the public debt, 15.  
    Act to enable the Corporation to meet their liabilities for Reed's Point  
        Wharves, 17.  
    Act to enable the Corporation to improve the Streets, 92.  
    Act to continue Acts for support of Police and other purposes, 94.  
    Act to authorize the appointment of a Deputy Harbour Master, 95.  
    Act further to amend 18 V. c. 10, for opening a Street from Church Street  
        to Princess Street, 96.  
    Act in addition to 18 V. c. 6, authorizing the Carleton supply of Water, 19.  
    Act in addition to 18 V. c. 3, authorizing the City and Portland Water  
        Supply and Sewerage, 29.

---

**SAINT JOHN—Continued.**

Act to amend 18 V. c. 40, to establish a Board of Health for the City and County, 105.

Act to revive and continue 18 V. c. 41, to regulate Dockage, Wharfage and Cranage in Saint John and Portland, 92.

Act to authorize the investigation of cases of fire in the City of Saint John and Parish of Portland, 101.

Act relating to certain public lands in the Parish of Saint Martins, 103.

Act to authorize the opening of Mount Pleasant Street at Crouchville, in Simonds, 98.

**SAINT JOHN Dry Dock Company,**

Act to incorporate the Saint John Dry Dock Company, 121.

**SAINT JOHN Forge Company,**

Act to incorporate the Saint John Forge Company, 122.

**SAINT JUDE'S Parish,**

Erected from part of Carleton, for Ecclesiastical purposes, 86.

**SAINT MARTINS,**

Act relating to certain public lands in Parish of, 103.

**SAINT STEPHEN Parish,**

Act for erection of Alms House in, 110.

**SAINT STEPHEN Water Company of Milltown,**

Act of Incorporation, 130.

**SCHOOLS,**

Act relating to Parish Schools, 33.

**SEWERS,**

Act to extend Rev. Stat. "Of Sewers," to Parish of Westmorland, 88.

Act to explain Chapter 69, Rev. Stat. of the Commissioners of Sewers for Sackville, 89.

**SHIP LETTERS,**

Declaration as to delivery of, 44.

**SOCIETY of Underwriters,**

Act to enable the Members to sue and be sued in the name of their Secretary, 117.

**STEAM Navigation,**

Act to continue and amend 17 V. c. 9, relating to, 78.

**STUDHOLM,**

Parish of, divided, and Havelock erected, 89.

**TENANT,**

Act to amend Rev. Stat. as to Landlord, Tenant, and Replevin, 75.

**TREASURY,**

Declaration as to delivery of Ship Letters to be transmitted to Auditor General, 44.

Act to amend Rev. Stat. as to warehousing Goods, 45.

**UNDERWRITERS, Society of,**

Act to enable the Society to sue and be sued in name of their Secretary, 117.

**UPHAM,**

Parish of, divided, and Hammond erected, 91.

**WESLEYAN ACADEMY,**

Act to authorize the Trustees of the Mount Allison Wesleyan Academy to establish a College, 112.

**WESLEYAN Methodist Church,**

Act to amend the Act for the incorporation of certain bodies connected with, 32.

**WEST Isles,**

Act relative to Roads and Bridges on, 109.

**WESTMORLAND County,**

Act to alter time of holding Circuit Court in, 51.

Act for the conveyance by the Justices of the Peace of a Wharf to the Queen, for Railway purposes, 91.

**WESTMORLAND Parish,**

Rev. Stat. "Of Sewers," extended to, 88.

**WHARFAGE,**

Act to revive and continue 18 V. c. 41, regulating Dockage, &c., in Saint John and Portland, 92.

**WITNESSES,**

Act to compel attendance of, under Commissions from other countries, 13.

**WOLVES,**

Act to encourage the destruction of Wolves in this Province, 48.

**YORK COUNTY,**

Act relating to the administration of Justice in, 106.

---