



EXTRA ROYAL GAZETTE.

FREDERICTON, N. B., 1st May, 1839.



ANNO SECUNDO VICTORIÆ REGINÆ.

(Concluded.)

money of New Brunswick, upon condition that if the said A. B. [or in case such reputed father be under age, that if E. F.] shall personally appear at the next General Sessions of the Peace to be holden at in and for said County, then and there to answer to a charge against him as being the reputed father of a Bastard Child, likely to be chargeable to some Parish within the said County, and not to depart without leave of the said Court, then this recognizance to be void, otherwise in full force.

Taken and acknowledged in open Court,

L. M. Clerk Peace.

[or in case the condition of such recognizance be to perform any order of maintenance made or to be made by such Court for the support of any such child:] upon condition that if said A. B. [or in case such father be under age, that if E. F.] shall well and truly at all times obey and perform all or any orders of such Court, made or to be made, touching the support and maintenance of a Bastard Child, while chargeable on any Parish in said County, and of which child the said has been by such Court adjudged the reputed father, then this recognizance to be void, otherwise in full force.

Taken and acknowledged in open Court,

L. M. Clerk Peace.

Form of Scire Facias.

ss. Victoria by the Grace of God, &c.

To the Sheriff of the County of

Greeting:

Whereas A. B. and C. D., lately in and before the Court of General Sessions of the Peace held at, in and for said County, on the Tuesday in the year, acknowledged themselves indebted to our Sovereign Lady Queen Victoria, in the sum of of lawful money of New Brunswick, upon condition that A. B. should personally appear at the next General Sessions of the Peace, to be held in and for said County, to answer a certain charge made against the said A. B. as being the reputed father of a Bastard Child, as by said recognizance will appear, [or in case such recognizance be for the performance of any order of such Court for maintenance of such Child, say upon condition, here recite condition according to the fact.] And whereas the said Court is given to understand that the said A. B. hath failed to perform the condition of the said recognizance whereby the same hath become forfeited, these are therefore to command you that you make known to the said that they appear before the next Court of General Sessions of the Peace to be holden at, in and for said County, on the Tuesday in next, to show cause, if any they have or know, why execution should not issue against them according to the effect of such recognizance. Witness [Senior Justice] at the [last day of previous Session] in the year of our reign.

A. B. Clerk.

[or in case such recognizance shall have been taken before a single Justice for appearance at such Court, the Scire Facias to be in like form as near as may be, reciting as follows:] Whereas A. B. lately before A. C. one of Her Majesty's Justices of the Peace, in and for the said County, personally appeared and acknowledged himself indebted, upon condition [as before, &c.]

Form of Minute and Entry of Judgment.

At a Court of the General Sessions of the Peace, held at in and for the County of on the Tuesday of 18, before and other Justices of said Court.

It appearing to this Court that A. B. hath not performed the condition of a certain recognizance lately entered into by him relating to a charge of Bastardy, and the said A. B. having been duly served with a Scire Facias thereon returnable at this present Term, and not appearing thereto, [or if appearing not shewing sufficient cause:] It is considered and adjudged by the Court that such recognizance is forfeited, and that Execution do issue against the said A. B. according to the form and effect of such recognizance.

Form of Execution.

General Sessions, ss. Victoria, by the Grace

L. S. of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of Greeting:

Whereas at a Court of General Sessions of the Peace held at, in and for the said County, on the Tuesday in, it was adjudged that a certain recognizance entered into by in the penal sum of with a condition relating to a case of Bastardy, had become forfeited by reason of the condition thereof not being performed, of which execution remains to be done. We therefore command you that of the goods and chattels of the said in your Bailiwick you cause to be made the said sum of and have that money before us at the next Court of the General Sessions of the Peace to be held at

on to be paid and applied according to law, and for want of goods and chattels whereon to levy you will take the body of the said and him safely keep in the common gaol of your County until he pay the said sum of or be otherwise discharged, and make return hereof. Witness, at this day of in the year of our reign.

A. L. Clerk.

CAP. XLIII.

An Act to declare the priority of Registered Deeds, and other incumbrances upon Land.

Passed 23d March 1839.

I. BE it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That every Deed, Conveyance, Will and Devise duly registered, and every judgment and recognizance whereof a memorial may be duly registered in the office of Registrar of Deeds of the County where the lands affected by any such conveyance or incumbrance may lie, under the provisions of any Act of Assembly in this Province, shall have effect both in law and equity according to the priority of time of such registry.

CAP. XLIV.

An Act to provide for the prompt payment of all demands upon the Provincial Treasury.

Passed 23d March 1839.

WHEREAS it is deemed advisable to empower the Treasurer for the time being of this Province, to enter into agreement with one of the Banks or Banking Companies, or any Branch thereof, now established in the City of Saint John, for advancing to him the said Treasurer, upon the credit of the Province, such sum or sums of money as may be required from time to time for the public service;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Treasurer for the time being, and he is hereby authorized and required to receive Tenders from any such Bank, Banking Company, or Branch thereof, in the said City of Saint John, as may be willing to advance such sum or sums of money as aforesaid; and it shall be the duty of the said Treasurer, within thirty days after the passing of this Act, to give public notice by advertisement in at least two of the Newspapers published in the said City, that such Tenders will be received by him at any time or times on or before the first day of June next.

II. And be it further enacted, That it shall be the duty of the Treasurer forthwith, after the said first day of June next, to submit such Tenders as shall have been received by him, to His Excellency the Lieutenant Governor or Commander in Chief for the time being, who shall and may, by and with the advice and consent of Her Majesty's Executive Council, signify to the said Treasurer his approval of such Tender as may be deemed most beneficial for the public interest; and the said Treasurer shall thereupon forthwith accept the said Tender and enter into the agreement accordingly, and such agreement shall contain such stipulations for carrying into effect the object thereof according to the true intent and meaning of this Act as the said Lieutenant Governor or Commander in Chief for the time being, with the advice and consent of the said Executive Council, shall direct, and shall be expressed to be made with the Queen's Majesty, Her Heirs and Successors.

III. And be it further enacted, That as soon as any such agreement shall be entered into for the purposes aforesaid, it shall be the duty of the said Treasurer to deposit with the said Bank or Banking Company, or Branch thereof so contracting, all the public monies which from time to time shall come into his possession or control; and the said Bank, Banking Company or Branch thereof, shall not at any time be in advance to the said Treasurer in a sum exceeding thirty thousand pounds.

IV. And be it further enacted, That no contract or agreement as aforesaid shall be entered into by which a higher or greater rate of interest than five per centum per annum shall be agreed to be paid or allowed for any sum or sums of money to be advanced to the said Treasurer under the provisions of this Act.

V. And be it further enacted, That the said Treasurer for the time being shall not be charged or chargeable for any failure or default in performance on the part of the said Bank, Banking Company or Branch thereof, of any agreement or contract so to be entered into, nor for any loss or damage that may arise from any act, matter or thing, lawfully done or suffered by him under the provisions and according to the true intent and meaning of this Act: Provided always, that for any thing done or suffered by him not authorized by this Act the said Treasurer shall be liable to all intents and purposes in the same manner as if this Act had not been made.

VI. And be it further enacted, That this Act shall continue and be in force until the first day of June which will be in the year of our Lord one thousand eight hundred and forty one.

CAP. XLV.

An Act to repeal an Act, intituled "An Act for the more effectual prevention of Fires, within the City of Saint John."

Passed 23d March 1839.

I. 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 His late Majesty King William the Fourth, intituled "An Act for the more effectual prevention of Fires within the City of Saint John," be and the same is hereby repealed: Provided always, and be it enacted, That when any person before the passing of this Act shall have been indicted or convicted for any offence deemed a common nuisance, under the provisions of the said recited Act, the Court in which such offence may be prosecuted, may still proceed to the conviction and punishment of such offender in like manner as if the said recited Act had not been hereby repealed: Provided always, That no judgment shall be given to abate any such nuisance, and that in no case shall a greater fine be imposed than fifty pounds and the costs of prosecution.

CAP. XLVI.

An Act to revive and continue "An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its branches."

Passed 23d March 1839.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its branches," is hereby revived and continued in full force until the first day of April in the year of our Lord one thousand eight hundred and forty five.

CAP. XLVII.

An Act relating to Circuit Courts in the Counties of Gloucester, Restigouche and King's.

Passed 23d March 1839.

WHEREAS it is expedient that a Circuit Court be established in the County of Restigouche, and that certain alterations should be made in the time of holding the Courts in the County of Gloucester and King's County;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts," be and the same are hereby extended to the County of Restigouche in as full and ample manner, as if the several Sections of the said Act were respectively set forth in this Act.

II. And be it enacted, That the period of commencement and holding the Circuit Court in the said County of Restigouche, shall be on the last Tuesday in August in each and every year.

III. And be it enacted, That an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to alter the times for holding the Circuit Courts in the Counties of Gloucester and Queen's, so far as the same relates to the County of Gloucester be and the same is hereby repealed.

IV. And be it enacted, That from and after the passing of this Act, the time for commencing and holding the Circuit Court in the County of Gloucester shall be on the first Tuesday in September, in each and every year, instead of the time heretofore established.

V. And be it enacted, That in the year one thousand eight hundred and forty, and each and every year afterwards, the time for commencing and holding the Circuit Court in King's County shall be on the second Tuesday in July, instead of the time now by law established.

VI. And be it enacted, That this Act shall continue and be in force during the continuance of the said recited Act, passed in the eighth year of the reign of His late Majesty King William the Fourth, and no longer.

CAP. XLVIII.

An Act to provide for the summary punishment of persons committing trespasses upon square Timber and other Lumber.

Passed 23d March 1839.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any person or persons shall possess himself or themselves of any squared timber, logs or sawed lumber that may be found adrift, or in any other situation, or shall injure, cut up or destroy any such timber, logs or lumber, or shall cut away or cast adrift any boom for preserving the same, or any raft of timber, logs or lumber as aforesaid, or shall hew out the mark or marks of the owner or owners thereof, or otherwise deface or obliterate the same with intent and design to defraud the owner or owners thereof, he or they shall, for each and every offence, forfeit and two of Her Majesty's Justices of the Peace in and for the County where such offence shall be committed, with costs of prosecution, upon the oath or oaths of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, one half of the said fine to be paid to the Overseers of the Poor of the Town or Parish where the said offence shall have been committed for the use of the poor of the said Town or Parish, and the other half to the person who shall sue for the same, and in case the said offender or offenders so tried and convicted as aforesaid shall not have any goods or chattels