

whereon to levy the said fine, then it shall and may be lawful for the said Justices, under their hands and seals, to commit the said offender or offenders to the common gaol of the County where the said offence shall have been committed, there to remain without bail or mainprize for a space not exceeding twenty days, as the said Justices shall in their discretion think fit.

II. And be it enacted, That whenever complaint shall be made on oath before such Justices or either of them, by any person claiming to be owner of any square timber, logs, or sawed lumber, or by his lawful agent, that any person hath possessed himself of any such timber, logs or lumber with the intent and design aforesaid, it shall be lawful for the said Justices, or either of them, to issue a warrant directed to any Constable of the Parish where the said property may be, requiring him to seize and take into his possession the said property and the same safely to keep for the benefit of the owner thereof; and upon conviction of the said person so offending, or upon his absconding or keeping out of the way so as to avoid being brought to justice, or after trial of the said offender without a conviction, if in any such case the said Justices shall be satisfied the said property shall belong to the said person so claiming as aforesaid, such Justices shall forthwith order the same to be delivered to the said person so claiming to be the owner thereof, or his lawful agent as aforesaid, upon payment of such reasonable charge for keeping the same as the said Justices shall in the said order direct, not exceeding the sum of twenty shillings; and if the said Justices shall not be satisfied that the said property belongs to the said person so claiming to be the owner thereof, they shall order the same to be delivered to any person who may appear to them to be the owner thereof, or his lawful agent, or on refusal of such last mentioned person to take the same, or on failure of satisfactory proof of ownership in any other person, then the said Justices shall order the delivery of the said property to the person from whose possession the same may have been taken by the said Constable by virtue of the said warrant upon payment of the like charge as in the case of delivery to the person claiming to be the owner thereof and prosecuting as aforesaid: Provided always, that no adjudication or proceeding under this Act shall be evidence in any Court of law or equity of the right of property in any such timber, logs or lumber.

III. And be it further enacted, That proof of the fact of cutting out, defacing, or otherwise obliterating the mark or marks of the owner or owners of any squared timber, logs or sawed lumber, shall be deemed and taken to be *prima facie* evidence of fraud in all prosecutions to be had under the provisions of this Act.

IV. And be it further enacted, That this Act shall be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty one, and no longer.

CAP. XLIX.

An Act to alter and amend an Act, intituled "An Act to provide for the greater safety of Passengers on board Steam-boats."

Passed 23d March 1839.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second Sections 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 provide for the greater safety of Passengers on board Steam-boats," be and the same are hereby repealed; and in lieu thereof,

II. Be it enacted, That no British Boat or Vessel, propelled by Steam, shall be permitted by the Captain or Owner to depart from any Port or place within this Province to any other Port or place either within or without the Province, by sea with passengers on board, without having on board or attached in a convenient manner at least three good and efficient Boats, with a sufficient quantity of good Oars and other tackle necessary therefor, of sufficient capacity in all to carry sixty adult passengers exclusively of the crew, and no such vessel shall be permitted by the Captain or Owner to navigate in any of the Rivers or inland waters of this Province with passengers on board, without having on board or attached in a convenient manner as aforesaid, at least two good and efficient Boats, properly equipped with oars and other tackle as aforesaid, of sufficient capacity to convey in the whole at least thirty adult passengers, exclusive of the crew.

III. And be it further enacted, That if any Master or Owner shall permit any such Vessel to depart from any Port or place within this Province or to navigate in any of the Rivers or inland waters of this Province as aforesaid, without having on board or attached such good and efficient boats, properly equipped with oars and other tackle as aforesaid, they or either of them, shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart or navigate without being so provided, to be recovered, levied and applied as is directed in and by the third Section of the Act to which this is an amendment.

IV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint one Commissioner, residing at each of the following places, that is to say, in the City of Saint John and Towns of Saint Andrews and Newcastle, Miramichi; which Commissioners so to be appointed shall be empowered, and they are hereby required and directed respectively to go on board so often as need be any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the second Section of this Act, it shall be the duty of such Commissioners respectively to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed by the said third Section of the Act to which this is an amendment.

V. And be it further enacted, That in all cases when any damage or injury shall be sustained by any person being a passenger on board any vessel propelled by steam, by the exploding, collapsing, blowing up, or giving way of any part of the machinery of such vessel, the fact of such exploding, collapsing, blowing up or giving way shall in all actions to be prosecuted against the master or owner of such vessel, by the person so sustaining injury, be taken to be, and be *prima facie* evidence of carelessness and negligence in such master or owner.

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

CAP. L.

An Act in further amendment of the Law relating to Tavern-keepers and Retailers.

Passed 23d March 1839.

WHEREAS in and by an Act made and passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act in addition to and in amendment of an Act, intituled 'An Act to regulate Tavernkeepers and Retailers,'" power and authority is given to Her Majesty's Justices of the Peace of this Province in their respective Courts of General Sessions, to enforce the observance of such rules and regulations as they had made or should thereafter make in and for their respective Counties under such penalty or penalties as to them in their respective General Sessions might seem meet, to be in no case less than ten shillings nor more than five pounds for each and every breach of such rules and regulations; such penalty or penalties to be recovered before Her Majesty's Justices of the Peace in General Sessions, or any two of the Justices of the Peace of the County in which the offence had been committed: And whereas doubts have arisen whether the said Courts of General Sessions of the Peace, or the said two Justices of the Peace, have any power or authority to compel the attendance of witnesses to give evidence before them respectively, on prosecutions under the provisions of the said in part recited Act or the Act to which the same is an addition and amendment; for remedy,

I. Be it therefore enacted by the Lieutenant Governor Legislative Council and Assembly, That from and after the passing of this Act Her Majesty's Justices of the Peace in General Sessions in the several and respective Counties, or any two of Her Majesty's Justices of the Peace, shall have full power and authority to compel the attendance of witnesses to give evidence on any proceedings had before them respectively, against any person or persons for a breach of any rule or regulation made, or for the recovery of any penalty imposed under the authority of the said above in part recited Act, or the Act to which it is an amendment; for which purpose the Clerk of the Peace for the County in which the said offence shall have been committed and in which such proceeding is had, or one of the Justices of the Peace before whom the cause is to be tried, shall have full power and authority to issue subpoenas, and the subpoenas issuing out of the General Sessions of the Peace shall be in such form as the Court of Sessions shall from time to time prescribe, which subpoenas shall be tested in the name of any Justice of the said Court of General Sessions and returnable at the next ensuing term of the Court of General Sessions; and the subpoena to be issued by any such Justice shall be according to the form in the schedule to this Act, which subpoenas shall be served as other subpoenas issuing out of the Court of General Sessions.

II. And be it enacted, That the Justices of the Peace in General Sessions, or the said two Justices, shall have full power and authority to impose such penalty for the non-attendance of witnesses duly subpoenaed to attend before such General Sessions or the said Justices respectively, such penalty not to exceed two pounds for each contempt of non-attendance, provided it be made to appear to the satisfaction for such General Sessions or the said two Justices respectively that the said witness or witnesses have been legally served with the said subpoena, requiring the attendance of such witness, and that no sufficient cause prevented his or her attendance in obedience to such subpoena; such penalties to be levied, collected, appropriated and applied in all respects agreeably to the provision of an Act of the General Assembly made and passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act to facilitate summary proceedings before Justices of the Peace, and the execution of warrants by Constables."

III. And be it enacted, That this Act shall be in force so long as the Acts to which it is an amendment.

SCHEDULE.

Subpoena to be issued by the Justice before whom the cause is pending.

To A. B. C. You and every of you are required to appear before me at my in the Parish of on the day of at the hour of in the noon, to give evidence on the part of our Sovereign Lady the Queen against for the alleged breach of and then and there to be tried; and take notice that in case you or either of you neglect to appear and testify, you will be liable to a penalty of not exceeding forty shillings, according to the form of the Act of Assembly lately made and provided. Dated the day of 18 . N. M., J. P.



BY AUTHORITY.

PUBLIC NOTICE is hereby given, that by two several Orders of Her Majesty in Council, respectively bearing date the 1st day of February and the 6th day of March last, the following Acts passed by the Legislature of this Province during the Session held in 1838 are left to their operation, to wit:

An Act in addition to an Act, intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia, and to make further provision for the same."

An Act imposing duties upon certain articles imported into this Province.

An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province.

An Act to appropriate a part of the Public Revenue for the services therein mentioned.

An Act to provide for opening and repairing Roads and erecting Bridges throughout this Province.

An Act further to amend the Acts relating to the collection of the Revenue of the Province.

An Act to provide for the better assessment of County and Parish Rates.

An Act for the amendment of the Law with respect to Wills.
An Act in addition to the Act for defining the crime of Forgery.

An Act in addition to and explanatory of an Act, intituled "An Act to regulate proceedings before Justices of the Peace in Civil Suits."

An Act in addition to the Acts regulating the sale of Real Estate seized and taken in execution.

An Act for the further amendment of the Law.

An Act to alter the times of holding the Circuit Courts in the County of Gloucester and Queen's County.

An Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to establish a House of Correction for the said City and County, and to extend the provisions of two Acts of the Assembly to the same.

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

An Act more effectually to prevent the abuse of Banking Privileges.

An Act to provide for the erection of Fences with Gates across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte.

An Act relating to the Grammar Schools of King's and Queen's Counties.

An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton.

An Act to authorize the Treasurer of the Province to pay off the Loan from the New Brunswick Fire Insurance Company.

An Act for the erecting parts of the Towns or Parishes of Hopewell and Salisbury, in the County of Westmorland, into a separate Town or Parish.

An Act to continue certain Acts relating to the Fisheries in the County of Northumberland, that are near expiring.

An Act to authorize the Magistrates of the County of Charlotte to levy an assessment to pay off the County debt.

An Act to continue the Act relative to the Streets and Squares in the City of Saint John.

An Act for the better and more effectual securing the navigation of the Newcastle River in Queen's County.

An Act to amend the Law relating to the inspection of public Accounts by Grand Juries, so far as relates to the County of Charlotte.

An Act in addition to an Act, intituled "An Act to make more effectual regulations relating to Pilots within this Province," so far as regards the County of Charlotte.

An Act to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly.

An Act to enlarge and define the Boundaries of the Parish of Woodstock.

An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County debt.

An Act in addition to and in amendment of an Act, intituled "An Act to regulate Tavernkeepers and Retailers."

An Act to repeal an Act, intituled "An Act for erecting a part of the Parishes of Saint Mary's and Douglas, in the County of York, into a separate and distinct Town or Parish."

An Act to erect a part of the Parishes of Gagetown and Hampstead, in Queen's County, into a separate and distinct Town or Parish.

An Act for the settlement of the Estate of the late Receiver General of this Province.

An Act to amend an Act, intituled "An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province."

An Act to incorporate The Saint John Mills and Manufacturing Company.

An Act to incorporate The Peticodiac Wet Dock Company.

An Act for the incorporation of The Saint Andrews and Saint John Stage Coach Company.

An Act to amend the Act incorporating The New Brunswick Fire Insurance Company.

Secretary's Office, 24th April, 1839.