

CAP. LXIX.

An Act further to provide for the expenses of the Legislature.

Passed 31st March 1840.

WHEREAS to ensure a proper representation of all the various interests of the Province in the second branch of the Legislature, it is just and reasonable that some provision should be made to defray the expenses of such Members thereof attending in General Assembly as do not enjoy large Salaries by any office of emolument under Government;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, to the President of the Legislative Council, the sum of One hundred and fifty pounds for each and every Session of the General Assembly.

II. And be it enacted, That there be allowed and paid out of the said Treasury, to each and every Member of the Legislative Council, except as is hereinafter excepted, for defraying the expenses of attendance in General Assembly, the sum of Twenty shillings per diem, for the attendance of the Legislative Council, to be certified by the President thereof: Provided always, that no greater sum shall be allowed to any Member for any one Session than Fifty Pounds; and provided further, that each and every Member of the said Legislative Council, who may enjoy any place or office under Government, exceeding the clear yearly income of Two hundred pounds, shall not be entitled to be certified by the said President, or entitled to payment for such attendance.

III. And be it enacted, That for defraying the travelling charges of the Members of the Legislative Council, there be allowed and paid out of the said Treasury, the sum of Twenty shillings per diem, to each and every Member, allowing twenty miles for each day's travel; the same to be certified as directed in and by the second Section of this Act.

IV. And be it enacted, That the several and respective sums of money hereinbefore mentioned, shall be paid by the Treasurer, by Warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, out of the monies now in the Treasury, or as payments may be made at the same.

V. And be it enacted, That this Act shall continue and be in force for ten years and no longer.

CAP. LXX.

An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter.

Passed 31st March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, be and they are hereby authorized and empowered to make Laws and Ordinances for the regulation of the Branch Pilots of the Port of Saint John in respect to rates of Pilotage to be taken by them as distance money, extending to such parts of the Bay of Fundy in connexion with the Harbour of Saint John as they shall deem expedient, and under such penalties, restrictions, and forfeitures as the said Common Council may see fit.

II. And be it enacted, That this Act shall remain and be in force until the first day of April, one thousand eight hundred and forty three.

CAP. LXXI.

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

Passed 31st March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the eighteenth section of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to the Great Roads of communication through this Province;" and also so much of 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 the appointment of Sheriffs and Supervisors of Great Roads," as applied to the appointment of Supervisors be and the same is hereby repealed.

II. And be it further enacted, That the several and respective Supervisors of Great Roads shall be appointed for and during the space of one year from the first of April in each and every year, and such appointments shall be made in the month of March in each and every year, and in case of death, or removal from the Province, or refusal of any such Supervisor to act, or for other sufficient cause shewn to the Lieutenant Governor or Commander in Chief, for the removal of any Supervisor or Supervisors, it shall and may be lawful for the Lieutenant Governor or Commander in Chief, for the time being, by and with the advice of the Executive Council, to nominate and appoint for the remainder of the year some other fit and proper person to be Supervisor in the room of such person so deceased, or removed from the Province, or who shall refuse to act, or be removed from other sufficient cause.

III. And be it enacted, That when it shall be made to appear to the Lieutenant Governor or Commander in Chief for the time being, that any Supervisor has neglected to render to the Secretary of the Province accounts, duly vouched and attested, of the expenditure of all the monies received by him from the Treasury of the Province in the year preceding the commencement of the annual Session of the Legislature, at an early period of such annual Session, or who shall have drawn monies from the Treasury contrary to the rules made by the Lieutenant Governor in Council for the government of Supervisors, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief, for the time being, and he is hereby authorized and empowered to displace such Supervisor, and appoint another fit person to be Supervisor in his stead.

CAP. LXXII.

An Act to facilitate the means of supplying the City of Saint John with Water.

Passed 31st March 1840.

WHEREAS a Company incorporated under the authority "and by virtue of several Acts of Assembly of this Province, called "The Saint John Water Company," has lately been established in the City of Saint John for the purpose of supplying the said City with Water: And whereas the operations of the said Company have been found very conducive to the security of property and the interest and convenience of the Inhabitants of

the said City, and it is considered that further public advantages will be derived by authorizing the said Company to relinquish their Charter of Incorporation, and to place the future operations thereof under the controul of the Mayor, Aldermen and Commonalty of the City of Saint John:

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the President and Directors for the time being of the Saint John Water Company, or the major part of them, at any time or times after the passing of this Act, by public advertisement in two or more of the Newspapers published in the said City, to require the Stockholders of the said Company to pay in all or such part of the residue of the Capital Stock now remaining unpaid as they, the said President and Directors, or the major part of them, shall think fit, by such instalments and proportions, and at such times and periods, and in such manner as they, the said President and Directors, or the major part of them, shall from time to time direct and appoint; and in case default shall be made in payment of any part of the residue of the said Capital Stock so to be required, it shall be lawful for the said President and Directors of the said Company for the time being, or the major part of them, to take all such measures to recover the same, or to provide for the forfeiture of the Shares in respect of which such default shall have been made as the said President and Directors might or could have lawfully taken with regard to defaults of a like nature made in respect of any part of the residue of the Capital Stock which has been required to be paid in previous to the passing of this Act.

II. And be it enacted, That the said President and Directors shall, as soon as conveniently may be, pay off and discharge all the debts, liabilities and engagements of the said Company, of what nature or kind soever, excepting only the loan of five thousand pounds, and the interest thereof, heretofore granted to the said Company from the Province Treasury, by virtue of an Act of Assembly, passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to grant a loan of five thousand pounds to the Saint John Water Company."

III. And be it enacted, That it shall be the duty of the President and Directors of the said Company for the time being, within one month after the passing of this Act, to make up and prepare a just, true and correct statement of the whole of the affairs of the said Company, which said statement shall shew the whole amount expended and paid by the said Company for any purpose or purposes whatever, the debts, obligations and liabilities of and the claims against the said Company, and each and every of them of what nature or kind soever, all sums of money from time to time received, and the times when the same may have been received, as well on account of the Capital or Stock of the said Company or otherwise howsoever, and all sums of money due and owing to the said Company; and likewise shall set forth and state all the property of the said Company, as well real as personal, and all other matters and things whatsoever relating to the said Company, which said accounts shall be verified under the respective oaths of the President and Secretary of the said Company, and shall be delivered to the Mayor of the said City for the time being, for the information of the said Mayor, Aldermen and Commonalty; and within fourteen days after such delivery of the said accounts, the President and Directors for the time being of the said Saint John Water Company shall nominate and appoint two fit and proper persons, not being Directors of the said Company for the time being, and the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall nominate and appoint three fit and proper persons, being Members of the said Common Council or otherwise, which five persons so nominated and appointed shall forthwith, on receiving notice of their appointment, proceed to investigate the whole affairs and operations of the said Company, and to examine and inspect the books, documents, papers, vouchers and writings relating to the business of the said Company, and also all the property, machinery and works of the said Company; and after such examination and inspection the said persons so nominated and appointed as aforesaid, or the major part of them, shall make a full report in writing under their hands of the state of the affairs and business, and also of the property, machinery and works of the said Company; one copy of which said report shall be furnished to the said President and Directors of the said Water Company, and another copy thereof shall be delivered to the Mayor of the said City, for the use and information of the Common Council thereof.

IV. And be it enacted, That after the said reports shall have been finished and delivered as hereinbefore provided, in case an agreement for that purpose shall be made between the said Saint John Water Company and the said Mayor, Aldermen and Commonalty, it shall and may be lawful for the said Saint John Water Company, by good and sufficient assurances in the Law, to assign, transfer, convey and assure to the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors and assigns for ever, all the lands, tenements and hereditaments, machinery, engines, water pipes, goods, merchandize, chattels, fixtures and effects of the said Company, of what nature or kind soever and wheresoever, and all their estate and interest therein, with all rights, privileges and appurtenances to the same belonging, for such sum or sums of money as a consideration for the same, and in such manner to be paid as may be fixed and determined by agreement between the said Mayor, Aldermen and Commonalty of the City of Saint John, and the said Saint John Water Company.

V. And be it enacted, That upon the said transfer and assignment to the said Mayor, Aldermen and Commonalty of the City of Saint John, of all the property and effects of the said Saint John Water Company, being completed in manner herein before provided, and notice thereof published in two or more of the Newspapers printed in the said City of Saint John, then the establishment of the said Company by the name of the Saint John Water Company shall cease and be dissolved, and all the provisions contained in any Act or Acts of Assembly relating to the establishment, constitution and regulation of the said Company shall be void and of no effect, and the Directors then in office shall take immediate and effectual measures for dividing the securities or debentures hereinafter mentioned, to be received for the consideration money for such transfer among the Stockholders of the said Company, in proportion to their respective interests.

VI. And be it enacted, That upon the dissolution of the said Saint John Water Company as hereinbefore provided, it shall be the duty of the said Mayor, Aldermen and Commonalty of the

City of Saint John, and they are hereby required, forthwith to proceed with and continue the operations for supplying the said City and its vicinity with Water, in manner contemplated by the said Acts of Assembly hereinbefore mentioned, and according to the true intent and meaning thereof; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall have and exercise all the powers, privileges and authorities, and be subject to all the regulations and provisions mentioned and contained in the fifteenth, sixteenth, seventeenth and eighteenth Sections of the Act passed in the second year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate sundry persons by the name of the Saint John Water Company," so far as the same may be applicable to the said Mayor, Aldermen and Commonalty of the City of Saint John, and as fully and effectually to all intents and purposes as if the said Mayor, Aldermen and Commonalty of the City of Saint John had taken up and subscribed for the whole of the said Capital Stock within one calendar month after the passing of the said last recited Act, as mentioned and expressed in the nineteenth Section thereof.

VII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the City of Saint John do and shall, in every Street or Road through which the Pipes for conducting the said Water shall be laid, make and provide proper vents and openings at convenient and proper places and distances from each other, for supplying Water whenever Fires shall happen in the said City or the vicinity thereof.

VIII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the said City shall cause all the matters and accounts relating to or connected with the operations of supplying the said City and its vicinity with Water, to be kept separate and distinct from all the other affairs and accounts of the said City; and shall, for the purpose of carrying on such operations, nominate and appoint from time to time as to them in Common Council shall seem meet, one or more person or persons to superintend and manage the same under their directions; and such person or persons may displace and appoint others in his or their stead, and shall have full power and authority in Common Council to make, ordain, establish and declare by ordinance or otherwise, such rules, regulations and orders for the due government and regulation of the persons employed or connected with such establishment and of all other persons whomsoever, as well with respect to the use of the Water as otherwise howsoever, and shall and may enforce obedience to such rules, regulations and orders, by penalties and fines, in the same manner as the said Mayor, Aldermen and Commonalty of the said City are empowered and enabled to do under and by virtue of any laws or ordinances made and ordained by them, in pursuance of the Charter of the said City.

IX. And be it enacted, That for the purchasing and paying for the rights and interests of the Stockholders in the said Company, and likewise for carrying on the future operations connected with the supplying the said City and its vicinity with Water, it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by Resolution from time to time duly passed and entered in the minutes of their proceedings, to issue Notes or Debentures for such sum or sums of money, and in such amounts as they may deem advisable, the amounts named and expressed in such Notes or Debentures to bear Interest at and after the rate of six pounds per centum per annum, which Notes or Debentures shall be signed by the Mayor of the said City, and countersigned by the Chamberlain and Common Clerk of the said City, and shall be in the following form, namely:

Form of Notes or Debentures.

Number.

City of Saint John,
Province of New Brunswick.

Whereas by virtue of an Act of the General Assembly of the third year of the Reign of Queen Victoria, Chapter intituled "An Act to facilitate the means of supplying the City of Saint John with Water," authority was given to the Mayor Aldermen and Commonalty of the City of Saint John, on the purchase by the said Corporation of the Stock of the Saint John Water Company, to give Notes or Debentures to the Stockholders of the said Company pursuant to the terms of the said Act, and [here insert Parish, County and Province, and occupation, as the case may be,] being the owner of Shares of the Capital Stock of the said Saint John Water Company, at £ per Share, amounting in the whole to the sum of £ [or in case of a loan for carrying on the operations of the said Saint John Water Company, of (here insert place of residence and other particulars as before,) having loaned to the said Mayor, Aldermen and Commonalty, for and on account of the said Saint John Water Company, the sum of]

Now therefore, this Note or Debenture is chargeable, as respects the Interest of the sum mentioned in the said Note or Debenture, on all the estate, lands, tenements and hereditaments, revenues, goods, chattels and effects whatsoever and wheresoever, belonging to the said Mayor, Aldermen and Commonalty, or which shall hereafter belong to the said Mayor, Aldermen and Commonalty, for the Interest which may be due on the said sum of £ at and after the rate of six per centum, the said Interest to be paid half yearly, agreeably to the provisions of the said Act; and this Note or Debenture is further chargeable as respects the said principal sum of £ on all the estate, lands, tenements and hereditaments, revenues, goods, chattels and effects which the said Mayor, Aldermen and Commonalty hold by transfer or otherwise from the said Saint George Water Company, and on the said last mentioned property only, for the said principal sum of £ payable at such time and times as the said Mayor, Aldermen and Commonalty shall, in Common Council, from time to time declare, pursuant to the provisions of the said Act; the said principal sum and interest money aforesaid, or either of them, to be paid to the said or to such person or persons as he or they shall authorize, by indorsement or writing on the face thereof, according to the form in Schedule A. to receive the same. Given under my hand this day of in the year, &c.

Debenture £

Half yearly Interest £

, Mayor of the City of Saint John.
By order of the Common Council.

, Chamberlain.
, Common Clerk.