

Schedule A.  
Form of Transfer.

I [the person named in the Note or Debenture,] do hereby authorize or such person as he shall appoint to receive the amount of the within [or this] Note or Debenture, and the Interest, and shall be transferable by indorsement, and shall be redeemed and redeemable at such time or times as the said Mayor, Aldermen and Commonalty, in Common Council convened, shall from time to time appoint and determine; and the Interest thereof, at the rate aforesaid, shall be paid half yearly, on the thirty first day of December and thirtieth day of June in each and every year; and in case of delay or default in payment of such Interest monies, it shall and may be lawful to and for the holder or holders of any such Notes or Debentures, from time to time, to compel the said Mayor, Aldermen and Commonalty, after demand being made for the payment of the same Interest money upon the Chief Superintendent of the said Water Works, and also upon the Chamberlain of the said City, by action at Law or otherwise, to pay the same, with costs of suit and Interest thereon from the time of such demand being made on the said Chamberlain, provided that no Note or Debenture for a less sum than one hundred pounds shall be issued by virtue or under the authority of this Act, any thing herein contained to the contrary thereof notwithstanding.

X. And be it enacted, That the Mayor, Aldermen and Commonalty of the City of Saint John may grant to the holders of any Debentures or Notes issued under and by virtue of this Act, in addition to the Interest on the said Debentures or Notes, such a portion of the income or proceeds from the Water Stock as they, in Common Council, shall think proper, not exceeding however in the whole one fifteenth part of the gross proceeds or income from the said Water Stock.

XI. And be it enacted, That for securing the payment of the said Interest money at the times appointed therefor, all the estate, lands, tenements, hereditaments, revenues, and properties whatsoever, either real or personal, of the said Mayor, Aldermen and Commonalty whatsoever and wheresoever, shall be and they and every of them are hereby declared to be bound and answerable for the payment of the same.

XII. And be it enacted, That it shall be the duty of the said Mayor, Aldermen and Commonalty of the City of Saint John, to cause a Report to be made on or before the third Monday in January in each and every year, of the then state and condition of the said Water Works, which said Report shall contain an exact and particular statement of the Notes or Debentures given under the provisions of this Act, and the sums of money received on account thereof, and the names of the parties to whom such Notes or Debentures were given during the year ending the thirty first day of December then last past, and also a particular detailed statement of all sums of money received up to the said thirty first day of December in respect of the said Water Works, either for the sale of Water, or the privilege of using the said Water or the Pipes and Machinery, or otherwise howsoever, and the names of the parties from whom the same shall have been received, and also a statement of any sum or sums of money due, owing or payable for or in respect of the same, and the names of the parties by whom the same may be so due, owing or payable, and also a particular statement of the Interest monies computed up to the said thirty first day of December, upon all the Debentures or Notes issued or sums of money borrowed under the provisions of this Act; and the said Report shall also specify what particular works have been done during the said year, and generally shall exhibit a full and complete account of all the affairs and business connected with the said Water Works, which Report shall be signed by the person superintending or in charge of the same, and attested to by him on oath before any Justice of the Peace in and for the City and County of Saint John, and submitted to the Common Council of the said City.

XIII. And be it enacted, That in case it shall appear by any such yearly Report so signed, attested and submitted as aforesaid, that the amount received in respect of such Water Works, either for the sale of Water, or for the privilege of using the said Water, or the Pipes or Machinery, or otherwise howsoever, shall not be equal to the amount of Interest monies payable on the Debentures or Notes issued by virtue of this Act, and the expenses of superintending the said Water Works for the period ending on the thirty first day of December in each year, that then and in such case and so often as the same shall appear by any such annual Report, it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, at any time within thirty days after the said Report shall have been submitted to them, to determine, direct and order that the amount of the deficiency of funds for the payment of such Interest money, together with the expenses of assessing, levying and collecting the same, shall be assessed and levied on the Inhabitants on the eastern side of the Harbour of the said City, or in any district or districts thereof, to be particularly described and set forth, and to direct, by warrant under their common seal, the assessors hereinafter mentioned to make a rate or assessment in due proportion upon all and every person or persons who do or shall inhabit, hold, occupy and enjoy any house, shop, warehouse or other tenement on the eastern side of the Harbour aforesaid, or any district or districts thereof as above mentioned, and the said assessors are hereby required and authorized forthwith to make such rate and assessment, which same rate and assessment so to be made shall be levied and collected in the same manner as Parish or County Rates are or may be levied and collected, by virtue of any Act of Assembly in force within the said City and County at the time the same may be ordered to be levied and collected.

XIV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time and as often as may be necessary and requisite under the provisions of this Act, to nominate and appoint three discreet persons, being freemen and freeholders of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty before the Mayor, Recorder, or either of the Aldermen of the said City, and any person so appointed who shall neglect or refuse to accept the said appointment or to become qualified to perform the duties thereof, or having become so qualified, shall neglect or refuse to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered on conviction before any Justice of the Peace in and for the said City and County, and levied with costs of prosecution by distress and sale of the goods and chattels of such offender, by warrant under the hand and seal of such Justice, and paid into the hands

of the Superintendent of the said Water Works, to be applied for such uses and in such manner as the rates and assessments collected under this Act, and for no other use whatsoever, and the said Mayor, Aldermen and Commonalty of the City in Common Council convened, shall and may appoint some other person or persons being Freemen and Freeholders of the said City, in the place or places of any person or persons so refusing or neglecting, and so often as such case shall happen, which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the like penalties for neglect or refusal as the said persons first appointed, to be in like manner recovered, paid and applied, and so as often as the case may happen.

XV. And be it enacted, That none of the property, either real or personal or otherwise, of the said Mayor, Aldermen and Commonalty of the said City of Saint John shall be liable and answerable for any of the debts, contracts or obligations of the said Saint John Water Company, except only the sum of five thousand pounds hereinbefore mentioned, loaned out of the Province Treasury as aforesaid.

XVI. And be it enacted, That if any person shall wilfully and maliciously brake, damage, throw down, destroy or injure any of the Pipes, Machinery, Fire Plugs, Apparatus, or any of the works already placed, erected or established by the said Saint John Water Company, or which may be so placed, erected or established by the said Company, prior to the transfer of the interest and estates of the said Company, to the said Mayor, Aldermen, Commonalty, or which may hereafter be placed, erected and established, and made under the provisions of this Act, or otherwise howsoever by the said Mayor, Aldermen and Commonalty for the purpose of supplying the said City and its vicinity with water, any such person shall be judged guilty of Felony, and every such person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for Felony in an Act made and passed in the first year of the reign of His late Majesty King William the Fourth, intituled "An Act for improving the administration of Justice in criminal cases."

XVII. And be it enacted, That this Act shall not go into operation nor take effect, until the same shall be accepted and consented to by the said Mayor, Aldermen and Commonalty of the City of Saint John, by a Resolution entered in the minutes of the proceedings of the Common Council within two months after the passing of the same, and also by the said Saint John Water Company, such acceptance and consent of the said Company to be signified by a Resolution entered on their Book of Minutes, and passed at some General Meeting of the Stockholders thereof, to be held within three months after the passing of this Act, at which Meeting all questions touching this Act, and all proceedings under the same may be decided by a majority of the votes of all the Stockholders then present, or represented by proxy, and the number of votes shall be in the proportion and according to the scale already established and provided by the Act of Assembly incorporating the said Water Company.

CAP. LXXIII.

An Act to incorporate the Saint John Orphan Benevolent Society.

Passed 31st March 1840.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Lewis Burns, Francis Collins, John Dougherty, James Gallagher, Henry Chubb, John Humbert, Henry Porter, Thomas Harding, Hugh Sharkie, Michael McDonnell, John W. Scott, Richard Nowlan, and their Successors, be and they are hereby erected into a body Corporate for the purpose of relieving, protecting, educating and binding out as Apprentices all such indigent Orphan Children as are already or which hereafter shall be received as fit and proper objects for relief and protection, and for no other purpose, by the name of *The Saint John Orphan Benevolent Society*, and shall have all the general powers and privileges incident to Corporations by Act of the General Assembly of this Province: Provided always, That the real estate which said Corporation may at any time hold, shall not exceed five thousand pounds.

II. And be it enacted, That the said Corporation shall have in all respects the like power and authority, by and with the consent of two or more Justices of the Peace, to bind out any such Orphan Children, as the Overseers of the Poor now have under and by virtue of the second Section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled "An Act to regulate and provide for the support of the Poor in this Province."

CAP. LXXIV.

An Act to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province.

Passed 31st March 1840.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the establishment and regulation of Boards of Health in the several Counties of this Province," and also an Act made and passed in the fifth year of the same Reign, intituled "An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province," be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty two.

CAP. LXXV.

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

Passed 31st March 1840.

**W**HEREAS the sixth and seventh Sections of an Act made and passed in the present year of Her Majesty's Reign, intituled "An Act for the more effectual prevention of Fires in the City of Saint John," from their retrospective nature are considered in their operation to be greatly injurious to many of Her Majesty's Liege Subjects, who have erected buildings prior to the passing of the said Act, and the necessity for reducing those buildings is not deemed to be of that importance to prevent the spreading of the ravages by Fire which at the time of passing the said Act may have been supposed;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth and seventh Sections of the said recited Act, be and the same are hereby repealed.

CAP. LXXVI.

An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province.

Passed 31st March 1840.

**W**HEREAS the great scarcity of Seamen in this Province, and the number of new Ships built, fitted out and loaded therein, renders it expedient that provision should be made to compel a portion of the Crews of such Vessels to be brought from the United Kingdom;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of September next, it shall be the duty of every Owner resident in this Province, or the Agent of any Owner not resident therein, of any new Ship or Vessel built within the same or of any Ship or Vessel built without but brought into this Province for the purpose of loading or fitting for sea, to provide a certain number of the Crew necessary for such Ship or Vessel by procuring them from the United Kingdom of Great Britain and Ireland in the following proportions, that is to say: For every Vessel of the burthen of three hundred tons register, four men; and for every one hundred tons more the said Vessel may register, one man; said men to be able bodied Seamen, and shall be in addition to and over and above the Crew of such Vessel or Vessels in which the said Seamen shall be brought: Provided always, That if such Owner or Agent shall deem it expedient to procure as aforesaid a Master, Mate, second Mate or Carpenter for any such Ship or Vessel, such Master, Mate, second Mate and Carpenter or either of them, shall be deemed and taken as an addition to the number of men required to be procured by the preceding part of this section.

II. And be it further enacted, That the Owner or Owners resident in this Province or the Agent of the Owner or Owners not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built in any of the Sister Provinces, but brought into this Province for the purpose of loading or fitting for sea, or some or one of them shall make a report in writing, previous to the clearing at the Custom House, of such Vessel for sea, upon oath before the Treasurer of the Province or the Deputy Treasurer of the District where such Vessel shall be fitted up, loaded or cleared out for sea, specifying the name of such new Vessel, the place where such new Vessel was built and the tonnage thereof, and the number and names of the Seamen brought into the Province for the purpose of forming the Crew or a part of the Crew of the said Vessel, and that they were actually procured as aforesaid, for such Vessel over and above the customary Crew of the Vessel in which such additional Seamen have been brought, and upon making such report the said Treasurer or Deputy Treasurer shall grant to the party or parties making such report a certificate of such report having been made, which certificate when so granted, shall be filed by the party or parties or by his or their Agent to whom the same shall be so granted at the Custom House, from which such Vessel shall be cleared for sea, prior to the said Ship being cleared, and the Collector or Sub-Collector or Officer of the Customs of the Port or place at which such certificate shall be filed or ordered to be filed, is hereby required to receive and file the same under the penalty of one hundred pounds for such and every refusal to file such certificate.

III. And be it further enacted, That if any Owner resident within this Province, or the Agent of any Owner not resident therein, of any new Ship or Vessel built within the Province, or of any Ship or Vessel built in any of the Sister Provinces but brought into this Province for the purpose of fitting the said Vessel for sea or loading, shall neglect to comply with the provisions of this Act by not procuring the number of Seamen, or not making or causing to be made the necessary report as aforesaid, and by the provisions of this Act required, the said Owner or Owners or the Agent of such Owner or Owners as aforesaid shall forfeit and pay the sum of ten pounds for each and every Seaman he shall fail in bringing from the United Kingdom for the purpose of forming any part of the Crew of such Vessel, and the like penalty for each and every neglect or failure to file the certificates.

IV. And be it enacted, That the several penalties and forfeitures hereinbefore mentioned, may be prosecuted, sued for and recovered in the Supreme Court or in any of the Inferior Courts of Common Pleas in this Province by action of debt, bill, plaint or information by any one who shall prosecute for the same, and when recovered shall be paid one moiety to the person so suing and prosecuting, and the other moiety into the Treasury of the Province for the use and support of sick and disabled Seamen within the Province: Provided always, That in case any Owner or Agent as aforesaid shall make it appear at the trial of any action for any such penalty that the number of Seamen required under the provisions of this Act, have been actually engaged and shipped on board of some one or more Vessel or Vessels from the United Kingdom, but who by reason of death, capture, shipwreck or other unavoidable casualties shall not have arrived within this Province, then and in such case the said Owner or Agent shall not be liable to such penalty.

V. And be it further enacted, That no head money on any Seamen shall be required by the Treasurer of the Province, or any Deputy Treasurer from the Master or Commander of any Vessel in which Seamen may be brought into this Province, agreeably to the provisions of this Act, any Act to the contrary thereof notwithstanding.

VI. And be it further enacted, That every person who shall be convicted of making a false report, and taking a false oath to any of the matters hereinbefore required, shall be deemed guilty of perjury and subject to all the pains and penalties inflicted upon persons guilty of the same.

VII. And be it further enacted, That the several Seamen so procured under the provisions of this Act, and also any person or persons harbouring or concealing any such Seamen without a certificate of discharge from the person so bringing him or them into this Province as well as the Owner or Agent as aforesaid, shall be subject to all the provisions, forfeitures and penalties of all the laws which may be in force for the regulation of Seamen in this Province, notwithstanding the said Ship or Vessel for which such Seaman or Seamen may be imported, shall not be actually ready to proceed upon any voyage.

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