



EXTRA ROYAL GAZETTE.

FREDERICTON, N. B., 15th April, 1840.



By Authority.

ANNO TERTIO VICTORIÆ REGINÆ.

CAP. XLVIII.

An Act to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton.

Passed 25th March 1840.

WHEREAS it is found necessary that there should be a law to regulate the Assize of Bread, in the Parish of Woodstock, in the County of Carleton;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Carleton, be and they are hereby authorized and empowered, from time to time to make such rules and regulations, for ascertaining and establishing the Assize of Bread and the sale thereof, for the said Parish of Woodstock, as they or the major part of them, in any General Sessions or at any Special Sessions to be held for that purpose, shall deem just and expedient, and to enforce such rules and regulations, under such fines as they or the major part of them shall think fit: Provided always, That no fine for any offence shall exceed the sum of forty shillings.

II. And be it further enacted, That the Clerk of the Market for the said Parish of Woodstock, is hereby authorized and empowered, whenever he shall judge it necessary, and it shall be his duty at all times when complaint shall be made to him, to enter and go into any Bakehouse within the Parish for which he shall be so appointed (in the day time) where bread shall be manufactured for sale, and in case he shall find any bread to be of less weight than the regulated Assize to be established as aforesaid, it shall be his duty, and he is hereby enjoined and required, to seize all bread he shall so find deficient in weight, and to deliver the same to the Overseers of the Poor or to any of them for the Parish in which such bread shall be seized, for the use of the Poor of such Parish; and such Clerk of the Market shall have like power to seize and dispose of as above directed, any bread that may be found deficient in weight in any cart, sled or other vehicle, in which the same may be carried about for delivery or sale.

III. And be it further enacted, That the said Clerk of the Market shall forfeit for any neglect of duty imposed on him by virtue of this Act, the sum of ten shillings.

IV. And be it further enacted, That the several fines and penalties imposed by this Act, shall be recovered upon the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace, in the said County, and levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) after deducting the costs and charges of such prosecution and sale to such offender, and shall be applied, one half to the person who shall sue for the same, and the other half to the use of the Poor of the said Parish.

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

CAP. XLIX.

An Act to authorize the Justices of the Peace for Queen's County, to lease a certain Lot of Land in the Town Plat of Gagetown.

Passed 25th March 1840.

WHEREAS the Justices of the Peace for Queen's County, by a Grant or Letters Patent, bearing date the first day of July, in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of the reign of His Majesty King George the Third, were invested with a certain piece or parcel of land, situate in the Town Plat of Gagetown, the same having been granted to the said Justices "in trust for the use of the said County, as a site for the public Gaol and Court House of said County and accommodation thereof." And whereas the said Justices have since deemed it advisable to erect a new Court House on other Lands, situate, lying and being in Gagetown aforesaid, and granted to the said Justices: And whereas the Lands first mentioned can be made more beneficial to the said County, by leasing the same for other uses;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Justices of the Peace of the said County, for the time being, and their successors, shall have power and authority, and they are hereby authorized and empowered, to lease the said lot, piece or parcel of Land, in such manner as they in their discretion, may deem meet and expedient, instead of applying the same to the particular use intended and expressed by the said Grant as aforesaid, and that all and every the monies arising therefrom, be applied to the general uses and benefit of the said County.

CAP. L.

An Act to amend the Act to make provision for the payment of a portion of the expences of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the eighth 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 to make provision for the payment of a portion of the expences of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence," be and the same is hereby repealed.

CAP. LI.

An Act to declare the Law with regard to Commissions for taking Affidavits to be read in the Supreme Court.

Passed 25th March 1840.

WHEREAS the Chief Justice and Justices of the Supreme Court in this Province, under and by virtue of an Act of Parliament made and passed in the twenty ninth year of the reign of King Charles the Second, intituled "An Act for taking Affidavits in the Country to be made use of in the Courts of King's Bench, Common Pleas and Exchequer," have been accustomed by Commissions under the Seal of the said Court to empower persons to take Affidavits to be read in the said Court, and in many instances such Commissions have been general, and not confined to any one County, and doubts are entertained whether such general Commissions are authorized by the said Act of Parliament; Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Commissions heretofore made by the said Chief Justice and Justices under and by virtue of the said Act of Parliament shall be good and valid, notwithstanding any such Commission be general and not confined to any one County.

II. And be it declared and enacted, That hereafter it shall and may be lawful for the said Chief Justice and Justices to make and issue Commissions under the said Act of Parliament, either with limitation to any one or more Counties in the Province, or without any such limitation, as to them in their discretion shall seem meet.

CAP. LII.

An Act for ascertaining the Population of this Province.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province, shall and may, and they are hereby required, at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Sessions to be for that purpose expressly convened, to appoint such and so many fit person or persons within each Town or Parish within their respective Counties, as they shall think expedient, to take an account of the Population thereof, in manner hereinafter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient districts, assigning to each person so appointed to take such account in his particular district; which persons so appointed to take such account, shall be liable in all respects to the same rules and regulations, penalties and forfeitures, as Town or Parish Officers are subject and liable to, by virtue of any law in force for the appointment and regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, shall as soon as conveniently may be after the passing of this Act, appoint such and so many fit person or persons as to them shall seem meet, to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

II. And be it enacted, That the persons so appointed as aforesaid shall, at the times and in the manner hereinafter directed, severally take an account of the number of persons, who shall be actually found at the time of taking such account within the limits of the Parish, City or district for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this Act.

III. And for the more speedy and effectual obtaining of such accounts, Be it further enacted, That a sufficient number of printed copies of this Act, and of the Schedule thereto, (such number to be regulated and determined by order of His Excellency the Lieutenant Governor or Commander in Chief for the time being,) shall on or before the first day of May next, after the passing of this Act, be transmitted by the Queen's Printer to the Clerks of the Peace in the several Counties, and the said several Clerks of the Peace shall, and they are hereby required with all convenient speed, to cause the said Act to be distributed among the Justices of the Peace in the several Counties, so that at least one Justice in each Parish may be furnished with one of the said printed copies of the said Act, and also to cause two of the said printed Schedules to be delivered to each person appointed as aforesaid to take the Account required by this Act, within the said several and respective Counties.

IV. And be it enacted, That the persons so appointed to take such accounts as aforesaid shall with all convenient expedition, after receiving such Schedules, and within such time as will enable them to deliver or transmit their respective answers and returns to the Clerks of the Peace by the day hereinafter limited for that purpose, proceed to take an account in writing of the number of persons at the time of taking such account, being within the limits of the Parish, City or district for which they may be respectively appointed as aforesaid, and inform themselves of the several particulars relating to the matters specified in the questions contained in the said Schedules, by proceeding from House to House, or otherwise as they shall judge expedient, for the better execution of this Act; and from such information and lists shall prepare duplicate answers or returns to the said questions according to the forms prescribed in the said Schedules, and shall sign and make oath to the same before a Justice of the Peace of the County, according to the said forms, which oath any such Justice is hereby authorized and required to administer; and the better to enable such persons so appointed as aforesaid, to make such answers and returns, they are hereby severally and respectively authorized and empowered to ask all such questions of the persons within the Parish, City or district for which they may be respectively appointed as aforesaid, respecting themselves and the number and quality of the persons, constituting their respective families, as shall be necessary for stating the particulars required to be stated concerning them in the said answers and returns; and every person refusing to answer or wilfully giving a false answer to such questions or any of them, shall for every such refusal or false answer, forfeit a sum not exceeding three pounds nor less than twenty shillings, at the discretion of the Justice before whom complaint thereof shall be made; and the said persons so appointed as aforesaid to take such accounts, shall deliver or transmit their several and respective answers and returns in duplicate as aforesaid, to the Clerks of the Peace for the several and respective Counties, on or before the first day of December next, after the passing of this Act.

V. And be it enacted, That the several Clerks of the Peace shall on or before the tenth day of December next, after the passing of this Act, transmit one copy of such answers and returns as they shall have received in manner aforesaid, together with a list of the Parishes, districts or places within their respective Counties, from which no returns may have been received, to the Office of the Secretary of the Province, and shall place and keep the other copy of such answers and returns on file in their Offices respectively, and the answers and returns which shall be so transmitted to the Office of the Secretary of the Province, shall be digested and reduced into order by such Officer or person, as the Lieutenant Governor or Commander in Chief for the time being, shall appoint for that purpose, and abstract thereof shall be laid before the General Assembly at their next Session.

VI. And be it enacted, That there shall be allowed and paid out of the Province Treasury, to each Clerk of the Peace for the services required of him by this Act, the sum of ten pounds, and to each and every person appointed and employed under this Act, to take such account as aforesaid, who shall make and transmit to the Clerk of the Peace of the County, by the day hereinafter limited for that purpose, due answers and returns according to the Schedule to this Act annexed, the sum of seven shillings and six pence for each and every day that such person shall make it appear to the Justices of the Peace for the several Counties, at the General Sessions, that he has been actually employed in the services required of him by this Act; the number of the days to be certified by the said Justices at their General Sessions, to the Lieutenant Governor or Commander in Chief for the time being, which said sums in this section mentioned, shall be paid out of any monies in the Province Treasury, by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, in favor of the Clerk of the Peace, to be by him paid to the respective persons entitled to the same without any deduction whatever.

VII. And be it enacted, That any person appointed under this Act to take such account as aforesaid, who shall refuse or neglect to perform any of the duties required of him by this Act, shall for each and every such refusal or neglect, forfeit and pay a sum not exceeding five pounds nor less than forty shillings, at the discretion of the Justice before whom complaint shall be made.

VIII. And be it enacted, That the several and respective forfeitures and penalties hereinbefore mentioned shall and may be recovered upon complaint made before any Justice of the Peace for the County where the offence may be committed, upon the oath of one or more credible witness or witnesses, and be levied by distress and sale of the goods and chattels of the offender, rendering the overplus (if any) after deducting the costs and charges of prosecution and sale to such offender, and to be applied one half to the use of the person who shall sue for the same, and the other half to the use of the Poor of the Parish where the offence may be committed.

SCHEDULE.

Questions, to which by directions of an Act of Assembly, passed in the third year of the reign of Her Majesty Queen Victoria, intituled "An Act for taking an account of the Population of this Province," written answers in duplicate are to be returned by the persons appointed, under and by virtue of the said Act, to take such account, signed and attested upon oath by such persons respectively:—