

Act, and shall present to the said Court of General Sessions the name or names of such witness or witnesses, it shall and may be lawful for such Court of General Sessions forthwith to issue their Subpœna or Subpœnas to compel the attendance of such witness or witnesses, and the person or persons so presented, when legally served with Subpœna, on appearing, shall and may be sworn in open Court to make true answers to such questions as shall be put to them or any of them by the said Grand Jury, touching or in any way concerning any offence against the provisions of this Act, and shall immediately attend before such Grand Jury for that purpose; Provided that nothing in this Act contained, shall be construed so as to compel any witness to criminate himself.

XXI. And whereas by the Charter of the City of Saint John, confirmed by Act of the General Assembly, it is, among other things provided, "That the Mayor of the said City, for the time being, and no other person whatsoever, shall have power to give and grant licences, under the common seal of the said City, to such persons as he shall think fit, to licence them, or any of them, to keep a Tavern, an Inn, an Ordinary, a Victualling, or a Coffee House, or to sell Wine, Brandy, Rum, Strong Waters, Punch, Beer, Ale, or any excisable or strong liquors whatsoever, within the said City of Saint John, or the liberties or precincts thereof, by retail, or the small measure, under the quantity of five gallons; and that it shall and may be lawful to and for the Mayor of the said City, for the time being, to ask, demand, and receive for every such licence by him to be granted, as aforesaid, such sum or sums of money as he and the person to whom such licence shall be given and granted shall agree for, not exceeding the sum of four pounds for each licence, and all which monies as by the said Mayor shall be so received shall be used and applied to the public use of the Mayor, Aldermen and Commonalty of the said City of Saint John;" Be it enacted, That it shall and may be lawful to and for the Mayor of the said City, for the time being, to ask, demand, and receive for every such licence, by him to be given as aforesaid, any such sum or sums of money as he and the person to whom such licence shall be given and granted shall agree for, in manner and form aforesaid, not exceeding the sum of ten pounds for such licence, to be applied for the public use of the Mayor, Aldermen and Commonalty of the said City of Saint John: Provided always, That nothing in this Act contained shall apply, or be construed to apply in any manner to affect the rights and powers given by the said Charter to the Mayor of the said City in granting licences to Tavern Keepers and Retailers of spirituous liquors, otherwise than in this Section is expressly mentioned and contained: Provided also, That all the penalties, forfeitures, pains, and imprisonments to which Innkeepers and Retailers are liable, for any offences against the provisions of this Act, shall extend and apply to all and every Innkeeper, Tavern Keeper, Retailer, keeper of an Ordinary, Coffee House, or Victualling House, in the City of Saint John, as fully to all intents and purposes as the same extend and apply to Innkeepers,

Tavern Keepers, or Retailers in any other part of this Province, any thing in this Act to the contrary notwithstanding.

XXII. And be it further enacted, That this Act shall be publicly read by the Clerk of the Peace at the opening of every Court of General Sessions of the Peace in the several Counties in this Province, and the Justices of such Courts shall at the same time cause a list of all the Tavern Keepers, Inn Keepers and Retailers, respectively, in the respective Counties to whom licence has been granted as aforesaid, to be delivered to the Grand Jury at such Courts, respectively, and it shall be particularly given in charge to such Grand Jury to make diligent enquiry and presentment of all and every such person or persons as shall or may be guilty of any breach of or offence against this Act, and also of any breach of or offence against the same by every person or persons not licenced as aforesaid, and upon such presentment it shall and may be lawful for the Justices of such Courts to proceed against such offenders in the manner herein before directed to one Justice to proceed for the recovery of the penalties herein before imposed, and upon conviction of such offender before the Justices of such Court, such penalty and penalties, as also all other penalties in and by this Act imposed, shall upon the recovery thereof be paid to the respective County Treasurers, to be applied to the same uses and purposes, and under the same orders and directions as the sums of money paid for licences are herein before directed to be applied and subject to.

XXIII. And be it further enacted, That the costs of prosecutions under this Act had before a single Justice of the Peace or before two Justices shall be regulated by the Table of Fees allowed and established by any Law now in force or hereafter to be enacted, regulating proceedings before Justices of the Peace in Civil Suits, and the costs of all prosecutions had before Her Majesty's Justices of the Peace in General Sessions, shall be regulated by the Ordinance of Fees established in this Province.

XXIV. And be it further enacted, That the summons, convictions, executions and subpœnas issued and made by any Justice of the Peace for offences against the provisions of this Act, may be in the forms in the Schedule to this Act, and when the proceedings are had before the Justices in General Sessions the same forms may be adopted, as nearly as may be, the summons, subpœnas and executions being under the seal of such Court and signed by the Clerk.

XXV. 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 five.

SCHEDULE.

Form of Summons.

to wit: To any Constable of the County of
Whereas complaint hath been made before me that A. B. of
hath sold spirituous liquors under the quantity of five gallons,
without a licence first had and obtained for that purpose (or hath

sold liquor on Sunday, as the case may be) contrary to the directions of the Act of the General Assembly in such case made and provided, these are therefore to require you forthwith to summon the said A. B. to appear before me at my Office in
on the day of at the hour of
o'clock in the forenoon, to answer the matter of such complaint, and further to be dealt with according to Law. Given under my hand this day of 184

C. D. J. P.

Form of Subpœna.

To You are required to appear before me at my office in on the day of at the hour of o'clock in the forenoon, to give evidence on the part of our Sovereign Lady the Queen, against for [here state the offence] and then and there to be tried, and take notice that in case you neglect or refuse to appear and testify, you will be liable to a penalty of a sum not exceeding forty shillings, according to the form of the Act of the General Assembly in such case made and provided. Dated the day of 184

C. D. J. P.

Form of Conviction.

County of to wit: Be it remembered that on this day of 184, at in the said County of A. B. of in the County of is convicted before me, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B. did on the day of 184 [here state the offence] contrary to the provisions of the Act of the General Assembly in such case made and provided, and I the said Justice adjudge the said A. B. for said offence to pay a fine of and also for costs of prosecution. Given under my hand the day and year aforesaid.

C. D. J. P.

Form of Execution.

County of to wit: To any Constable of the said County of Whereas A. B. of was duly convicted before me and adjudged to pay a fine of together with costs of prosecution for an offence against the Act of the General Assembly regulating Tavern Keepers, Inn Keepers and Retailers. These are, therefore, to require you to levy the said fine and costs of prosecution, besides your own fees, on the goods, chattels and effects of the said A. B. within this County, and for want of such goods and chattels whereon to levy, you take the said A. B. and him commit to the common Gaol or the House of Correction of the said County, the Gaoler of which is hereby required to receive the said A. B. into custody, and him detain for the period of days unless such fine and costs be sooner paid. Given under my hand this day of 184

C. D. J. P.

The following Bill is published by order of the Legislative Council.

A Bill to impose a Tax upon Wild Lands.

WHEREAS there are many tracts of wild Lands situate in various parts of this Province, which from being unimproved retard the settlement of the Country, and whereas the imposing of a Tax on the said Lands would have the effect of compelling the owners to improve the same:—

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of January next, there be annually laid or imposed the sum of five shillings of lawful money, upon every hundred acres of granted wilderness or unimproved lands, contained in this Province, except as hereinafter excepted, the said Tax to be paid by the respective owners or proprietors thereof, and to be levied, collected and applied in manner hereinafter prescribed.

II. And be it enacted, That the Justices of the Peace for the several Counties in this Province, at their first General Sessions in each and every year, shall appoint one or more fit and proper person or persons in each Town or Parish to be a collector or collectors of wild Land Tax, within the respective Towns or Parishes for which they shall be so appointed, who shall be sworn to the faithful discharge of their duty, and shall be liable to all the pains and penalties for neglect of duty, or refusal to serve as any Town or Parish officers are liable to by the laws now in force.

III. And be it enacted, That the Collectors shall annually, so soon after their appointment as they conveniently can, give notice in some newspaper published in the County, and in case there is no newspaper published in the said County, which comprises the said Parish, then they shall post up advertisements in two of the most Public places in the Parish for which they are appointed, which notice or advertisement shall notify the respective proprietors or owners of wild Lands in the said Parish, to pay the Tax imposed by this Act, in thirty days after the date of such notice, or in default thereof they will be prosecuted, which notice shall be in the form in the Schedule to this Act annexed.

IV. And be it enacted, That if any proprietor or owner of wild Land, shall neglect or refuse to pay the amount of the Tax imposed by this Act, for the space of thirty days after the publication of such notice, then the said Collector may sue for the said Tax in an action of debt or assumpsit in any Court having jurisdiction to the amount thereof, in his own name, in like manner as for his own proper debt, or such Collector may proceed to obtain payment of the said Tax of such proprietor or owner in the following manner, that is to say, if such proprietor or owner or some one on his behalf doth not appear to pay such Tax, the Collector shall cause public notice to be given of such Tax, by advertisement in one public newspaper published in the County where the Land lies, or in the Royal Gazette, if there be no newspaper published in the said County, which advertisement shall be continued for two months, unless such proprietor or owner or some person on his or their behalf, shall appear to pay to the Collector the said Tax, and the charge for advertising the same; and in case no person shall appear within that time and pay such Tax and charge aforesaid, it shall and may be lawful for any two Justices of the Peace in the County where the said Lands lie, on the application of such Collector, by warrant under their hands and seals, to order the Sheriff or Coroner of the County, to sell at

Public Auction to the highest bidder (first giving thirty days' notice of such sale in the manner before mentioned,) so much of the said Land as may in his judgment be sufficient to pay such Tax, with all the costs and charges attending the recovery of the same, retaining the overplus (if any) for the use of such proprietor or owner; and the said Sheriff or Coroner is hereby empowered and directed to execute a deed to the purchaser thereof, his heirs and assigns, and to deliver seisin and possession of the same to such purchaser.

V. And be it enacted, That any person, thinking himself aggrieved by any assessment under this Act may appeal to two Justices of the Peace for the County where the Lands lie after he shall have had notice of such assessment: and the said Justices shall examine into the appeal, and if the same shall be supported to their satisfaction give such relief as they may think just, either by directing the sum overated not to be collected, or if collected and paid, to be repaid.

VI. And be it enacted, That the said Tax shall be deemed to become due on the tenth day of May in each year, and no prosecution for the recovery thereof shall be had or taken until that day.

VII. And be it enacted, That the deed or conveyance of the Sheriff or Coroner, shall be prima facie evidence that all previous proceedings have been regular, and no omission of any notice or proceeding previous to any sale made under this Act, shall extend to render such sale invalid, but the person guilty of any such omission or neglect shall be liable to punishment therefor, and shall answer the party aggrieved for any damage he may sustain thereby: Provided always, that the Sheriff or Coroner or other officer by whom the deed of conveyance was executed, shall at the time of the execution of such deed make affidavit before the Justice or other officer authorized by Law to take acknowledgments and proof of the execution of deeds, who shall and is hereby required to take the same affidavit and endorse the same thereon, that the said Land by such deed conveyed was regularly seized, advertised and sold as by Law directed.

VIII. And be it enacted, That in the event of any Sheriff or Coroner dying or going out of office before any sale is completed, or conveyance made, of which notice has been given, such sale may be completed and conveyance made by his successor in office, in the same manner and subject to the same provision as sales of real estate in execution are by Law made.

IX. And be it enacted, That when any proprietor or owner of any tract or quantity of land, containing three hundred acres or less, shall have actually settled thereon, or in case of non residents, shall have inclosed and cultivated in the proportion of five acres for each and every hundred acres of land of which such person shall be the owner or proprietor for the time being, as aforesaid, such tract of land shall be deemed cultivated and improved land, and exempt from taxation under this Act.

X. And be it enacted, That in all cases where the improvements made in manner aforesaid, upon any tract or quantity of Land shall not equal the proportion of five acres to every hundred acres contained in such tract or quantity of Land, every hundred acres for which the said improvement falls short, shall be deemed wild Land, and subject to the Tax imposed by this Act: Provided always, that nothing herein contained shall be construed to extend to actual settlers on lots not exceeding three hundred acres each:—

And further provided, That in case any proprietor or owner of any tract or quantity of Land, containing more than three hundred acres shall have actually settled thereon, and shall not have enclosed and cultivated at the rate of five acres to each and every hundred acres, such proprietor or owner shall only be liable to taxation under this Act for every hundred acres not so excepted by cultivation and enclosure, which may exceed the said three hundred acres.

XI. And be it enacted, That it shall be the duty of such Collector, immediately after the tenth day of May in each year, having previously given the notice prescribed by the third Section of this Act, to proceed to the collection of the Tax imposed by this Act, and on receipt thereof or any part thereof, from time to time to pay the same over to the Commissioners of Roads for the said Parish, or any one of them, to be by such Commissioner or Commissioners expended in improving the roads in the district of the said Parish where such Lands lie; and the said Collectors shall on or before the first day of the General Sessions of the Peace, render an account of all sums collected under this Act, duly attested to, particularly specifying the name of such proprietors or owners of wild Lands, as have been taxed, with the amount paid by each, and whether any and what sums remain due, which accounts shall be accompanied by the vouchers of the Commissioner or Commissioners of Roads for all monies paid to such Commissioner or Commissioners, and shall be audited by the said Justices, and the said Collector or Collectors shall be liable to all the pains and penalties for neglect or refusal to account for, or pay over the monies so to be collected by them as any Collectors of Rates are made liable by Law.

XII. And be it enacted, That such Collector shall be entitled to retain for their trouble, and after the rate of ten per cent upon all monies actually paid over by them.

XIII. And whereas by reason of the Boundary Lines of many of the Parishes in the Province, not having been run, and it being uncertain in what Parish many Lots of Land lie, Be it therefore enacted, That such Lands shall in every respect, for the purpose of taxation under this Act, be considered as a part of the Parish in which the occupiers thereof have performed the Statute Labour on the Highways, until the true boundaries are ascertained, and shall be taxed accordingly.

XIV. And be it enacted, That the Commissioners of Roads, shall include in the return they annually make to the General Sessions, all sums they may so receive from the aforesaid Collectors, particularly specifying the amounts thereof.

XV. And be it enacted, That this Act shall commence and take effect on the first day of January which will be in the year one thousand eight hundred and forty, and shall continue and be in force for two years thereafter and no longer.

SCHEDULE.

Notice is hereby given, That unless the tax imposed by An Act of the General Assembly, intitled "An Act to impose a tax upon Wild Lands," be paid to me by the respective Owners or Proprietors of Wild Land in this Parish, within thirty days from the date hereof, I shall proceed for the recovery thereof according to Law. Dated the day of in the year of our Lord one thousand eight hundred and forty

A. B.

Collector of Wild Land Tax.

ROAD WORK.

THE Subscribers will meet at the Harvey Settlement, on the Great Road from Fredericton to Saint Andrews, on Monday the 27th day of April next, at 10 o'clock in the forenoon, and there set up, at Public Auction, to the lowest bidders, the opening and improvement of certain portions of the said Great Road; thence they will proceed to the Digdegoash Bridge, and on Wednesday the 29th day of April next, commence selling on that part of the line, and continue the sales from day to day, from Digdegoash Bridge towards Fredericton, until the sum granted for the use of the said Road be contracted for.

Specifications of the work will be exhibited at the time of sale, and Sureties will be required for the due performance of the Contracts. L. B. RAINSFORD, JAMES BROWN, Jr. Supervisors.

Fredericton, 27th March, 1840.

NOTICE.

THE CREDITORS of Duncan Barber, of the late Firm of DUNCAN BARBER & Co., are requested to meet at Mr. Fisher's Office, in Fredericton, on Wednesday, the 20th day of May next, at 11 o'clock, A. M., to settle their accounts with the said Estate, and to adopt such measures relative to the management of the affairs of the said estate, and to the disposal of the present assets as may be determined upon;—It is expected that all the Creditors who may wish to partake in any dividend that may be declared next month, will on or before the 20th day of May execute the Deed of Trust which lies at Mr. Fisher's Office.

CHARLES FISHER, WM. A. McLEAN, Trustees of Duncan Barber. Dated the 4th day of April 1840. Sentinel and Court r.

LAND FOR SALE, BY ROBERT RANKIN, & Co.

THAT Valuable LOT and eligible stand for business, situate in Fredericton, between McPHERSON & Coy's, and the Market House: A valuable LOT of LAND, containing 400 acres of Land, and improvements in the Parish of Northampton, near the Woodstock Ferry. A Lot of wilderness LAND in rear of JOHN DIBBLE, Esq. in the Richmond Settlement, Parish of Woodstock, containing 200 acres. A Lot of 100 acres, in the Salmon River Settlement, County of Carlton, granted to SMITH, joining JOHN WATSON'S. A Lot of 200 acres, in Hanwell, granted to BARRY.

A Lot of 100 acres, in the Parish of Brighton, granted to READE GRAY. Also,—That valuable FARM, with extensive improvements, situate in the Parish of Perth, County of Carleton, lately owned and occupied by George Morehouse, Esquire, containing Six Military Lots of 100 acres each, in the whole, 600 acres with 10 per cent. allowance. Also,—Lot No. 50 in Block No. 4, near Eel River, in the Parish of Woodstock, joining Reuben Dickinson's.

If the two last named Lots are not sold by the first of May, they will then be rented for one year.

800 acres of wilderness LAND, on Little River, Queen's County, granted to ESTABROOK, and others. For particulars apply to WM. J. BEDELL, at Fredericton. Fredericton, March 9, 1840.

WANTED,

AN experienced GROOM;—also an experienced COOK can get a situation by applying at JACKSON'S Hotel. High wages will be given, but none need apply without a good character. Fredericton, 7th April, 1840.

TO RENT,

THE STORE at present occupied by TIBBETS & SCHIENER, next adjoining the one occupied by Mr. H. Garcelon; it is an excellent stand for business, having a good Cellar under, and Store Loft above, and fronts on both Streets.

Also, an OFFICE in the Subscriber's Brick Building, corner of Queen and Regent Streets. For further particulars, enquire of F. W. HATHEWAY. April 7.

JUST PUBLISHED,

A SERMON

"On the Sanctification of the Lord's Day." By the Rev. J. BIRKMYRE, A. M. For sale at Mr. Beverly's Store:—A single Copy, 7½d. 8th April.

REMOVAL.

THE Subscriber grateful for past favours begs to intimate to his friends and the public that he has removed his Shop to the building immediately adjoining the old BAPTIST CHAPEL, where he will at all times be happy to execute any orders for Cabinet work, with which he may be favoured, and trusts by strict attention to his business, to merit a continuance of public patronage. JAMES ANNAND. March 31, 1840.

A fresh supply of VENEERS, ROSEWOOD, &c. expected immediately on the opening of the navigation. PICTURE FRAMES, VENETIAN BLINDS, &c. furnished to order. J. A.

Bank of British North America.

THE Court of Directors hereby give Notice, that the half yearly Dividend of fifteen shillings sterling per share, will become payable on the shares registered in the Colonies, on or after the 14th day of April, during the usual hours of business, at the several Branch Banks, as announced by circular to the respective parties.

The Dividend is declared in Sterling Money, and will be paid at the rate of exchange current, on the 14th day of April, to be then fixed, by the Local Boards.

The Books will close preparatory to the Dividend on the 30th day of March, between which time and the 14th day of April, no transfers of shares can take place. London, December 7, 1839.

By order of the Court.

G. DE B. ATTWOOD, Secretary.

Fredericton, March 20, 1840.

NOTICE.

TWO or three YOUNG MEN can be accommodated with Boarding and Lodging in a private family, situated in a pleasant part of the Town. For further information apply at the Royal Gazette Office. Fredericton, March 23, 1840.