

hold, occupy, possess and enjoy any House, Shop, Mill, Warehouse, or other tenement or property liable to be consumed by Fire within the said District; such sum to be assessed, levied, collected and paid in such proportion and in the same manner as any County rates can or may be assessed, levied, collected, and paid under any Act or Acts in force in this Province for assessing and levying and collecting of rates in this Province for public charges.

CAP. XXXVII.

An Act to authorize Her Majesty's Justices of the Peace of King's County to erect a Building in the said County for a Common Gaol, and to assess the Inhabitants towards defraying the expences thereof.

Passed 25th March 1840.

WHEREAS the Building occupied as a Court House and Gaol in King's County is found insufficient and unfit for the purposes of a Gaol, and it is expedient and necessary that a Gaol should be built separate and apart from the said Building;

I. Be it enacted, by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for King's County, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions of the Peace convened and holden, or the major part of them so assembled, be, and they are hereby, authorized and empowered to contract and agree with able and sufficient workmen for erecting and finishing a Building within the said County, suitable and proper for a common Gaol, and to agree for the payment of such sum or sums of money as to them may seem meet, in order to carry the said object or purpose into effect, and in such manner and form as shall be approved of by the said Justices.

II. And be it further enacted, That the said Justices of the Peace for the said County are hereby authorized and empowered to make a rate and assessment of any sum not exceeding five hundred pounds, as they in their discretion may deem necessary, towards defraying the expense to be incurred in erecting, building and finishing the said common Gaol; the said sum to be assessed, levied, collected, and paid in such proportions and in the same manner as any other County rates for public charges can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force in this Province for assessing, levying, and collecting of rates for public charges.

CAP. XXXVIII.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a Building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same.

Passed 25th March 1840.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions to be for that purpose convened, or the major part of them so assembled, be and they are hereby authorized and empowered, by themselves, or by one or more Committees of management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting and finishing a building within the said City, suitable and proper for a common Gaol, for such sum and sums of money, not, however, exceeding in the whole the sum of five thousand pounds, and in such manner and form as shall be approved of by the said Justices.

II. And be it enacted, That the said Justices at any General Sessions of the Peace for the said City and County, be and they are hereby authorized and empowered to borrow such sums of money as may from time to time be required for the erecting and completing of the said Building, not exceeding in the whole the sum of three thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, and that Certificates or Notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, to wit:

Number —
City and County of Saint John, ss. These are to certify that (here insert residence and addition of lender) hath lent and advanced to the Justices of the Peace for the said City and County the sum of One Hundred Pounds, Currency, which sum is payable to him, or to his order, together with Interest at and after the rate of per centum per annum, pursuant to an Act of Assembly made and passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a building in the said City for a common Gaol, and to raise a sum of money for erecting and completing the same." Dated the day of , in the year of our Lord one thousand eight hundred and forty —

By Order of the Sessions,

A. B. Presiding Justice.

C. D. Clerk.

Which same Certificates or Notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a Memorandum thereof shall be duly entered by the Clerk in the Minutes of the said Court.

III. And be it enacted, That the said Certificates or Notes shall be negotiable in the same manner as Promissory Notes, and that the holders thereof shall be entitled to receive interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

IV. And be it enacted, That it shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment, each and every year, of such sum of money, besides the charge for assessing and collecting, as will discharge the interest of the loan, contracted by virtue of this Act, until the total amount of the loan and all interest thereon heretofore obtained by virtue of the Act of Assembly made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County," and until the total amount of the loan, and all interest thereon heretofore obtained or to be obtained by virtue of the Act of Assembly made

and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled "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 Assembly to the same," are severally paid off and discharged: and from and after the time of the payment and discharge of the total amount of such several loans, so contracted by virtue of the said several Acts, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment not exceeding four hundred pounds in each and every succeeding year, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money are to be assessed, levied, collected, and paid in such proportions and in the same manner as other County rates for public charges are or may be assessed, levied, collected and paid, under and by virtue of any Act or Acts made or to be made for assessing, levying and collecting rates for public charges.

V. And be it enacted, That the monies so to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several loans, contracted by virtue of this Act, to the payment of the principal sums mentioned in such Certificates or Notes, in due order, according to the numbers, beginning with number one; And that the Treasurer of the said County shall from time to time give one month's public notice, by advertisement in one of the newspapers published in the said City, for calling in such and so many of the Certificates or Notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time mentioned in the said notice the interest on such Certificates or Notes shall cease.

VI. And be it enacted, That the County Treasurer shall be entitled to have and retain the sum of one pound per centum on every one hundred pounds, for his services in receiving and paying the said monies, so to be assessed under the provisions of this Act, and no more.

CAP. XXXIX.

An Act to amend an Act, intituled "An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same."

Passed 25th March 1840.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth 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 repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same," be and the same is hereby repealed, and in lieu thereof, Be it enacted, That the Justices of the Peace, at their General Sessions respectively, shall and they are hereby required, twice in each and every year to certify in one general Schedule all such certificates of the Trustees of Schools as shall or may be laid before them at their General Sessions, under and according to the provisions of the said Act, and shall transmit the same to the Secretary of the Province, upon which Schedule there shall be allowed and paid towards the support of each School a sum of money at and after the rate of twenty pounds per year for each School taught by the Schoolmaster or Schoolmistress named in such Schedule, that is to say:—For a School kept six months, pursuant to agreement as aforesaid, ten pounds; and for a School kept one year, twenty pounds; the same to be drawn from the Treasury of the Province, by Warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favor of the Trustees of Schools of the respective Parishes mentioned in such Schedule, to be applied towards the support of the said Schools according to the true intent and meaning of this Act; Provided nevertheless, That no larger sum than two hundred and sixty pounds shall be paid out of the Treasury of this Province for Schools kept in any one Parish in any one year, and provided that no County in the Province shall be entitled to receive a larger sum in any one year than would arise from an average of one hundred and eighty pounds for each and every Parish in such County, and provided also, that no more than three female Schools shall be included in any such certificate or Schedule for any one Parish: And provided also, That where the whole sum allowed for any one Parish, pursuant to this Act, is not sufficient to afford the above allowance to each and every School, by reason of the great number of Schools in the Parish, then and in such case it shall and may be lawful for the Trustees and they are hereby required to apportion the whole sum among all the Schools in the Parish, according to the nature of their respective claims, whether yearly or half yearly Schools.

II. And be it enacted, That this Act shall continue and be in force so long as the Act to which this Act is an amendment, and no longer.

CAP. XL.

An Act for enabling persons indicted of Felony to make their defence by Counsel.

Passed 25th March 1840.

WHEREAS it is just and reasonable that persons accused of offences against the Law should be enabled to make their full answer and defence to all that is alleged against them;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all persons tried for Felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the Law, or by Attorney, in Courts where Attorneys practice as Counsel.

II. And be it further enacted, That in all cases of summary conviction, persons accused shall be admitted to make their full answer and defence, and to have all witnesses examined and cross examined by Counsel or Attorney.

III. And be it further enacted, That all persons who, after the passing of this Act, shall be held to Bail or committed to Prison for any offence against the Law, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses, respectively, upon whose depositions they have been so held to Bail or committed to prison, on payment of a reasonable sum for the same, not exceeding one shilling for each folio of one hundred words: Provided always, That if such demand shall not be made before

the day appointed for the commencement of the Assize or Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge, or other person to preside at such trial, shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall, nevertheless be competent for such Judge, or other person so to preside at such trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And be it further enacted, That all persons under trial shall be entitled at the time of their trial to inspect, without fee or reward, all depositions (or copies thereof) which have been taken against them, and returned into the Court before which such trial shall be had.

CAP. XLI.

An Act to alter and amend "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton.

Passed 25th March 1840.

WHEREAS it is deemed advisable that no assessment be made upon the Inhabitants of the County of Carleton, for the erection of Public Buildings in that County during the present year;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the operation of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton, be and the same is hereby suspended for one year, and any assessments, hitherto made, shall also be suspended.

CAP. XLII.

An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for repairing the Public Buildings therein.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of Gloucester at any General Sessions of the Peace to be hereafter holden, or at any Special Sessions of the Peace to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum, not exceeding one hundred pounds, as they in their discretion may think necessary for the repairing and securing of the Public Buildings in the said County, the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts now or hereafter to be in force in this Province, for assessing, levying and collecting rates for public charges.

CAP. XLIII.

An Act to revive an Act, intituled "An Act to incorporate the Saint John Hotel Company."

Passed 25th March, 1840.

WHEREAS the sum required in and by the ninth section of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate the Saint John Hotel Company," to be paid in for the purposes of the said Corporation, was actually so paid in within the time therein mentioned and required, but the Certificate of such payment was omitted to be filed in the Office of the Secretary of the Province within the time for that purpose prescribed, and whereas such Certificate is now filed and remains in the said Office, and it is considered expedient to revive the said recited Act, and to confirm all proceedings had thereunder to the same extent as if such Certificate had been filed in due time;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby revived and declared to be in full force and effect, save and except the ninth Section thereof.

II. And be it enacted, That all proceedings had or professed to have been had under and by virtue of the said recited Act shall be valid and effectual to all intents and purposes in the same manner and to the same extent as if such Certificate had been filed in the Office of the Secretary of the Province within the time prescribed by the ninth Section of the said recited Act.

CAP. XLIV.

An Act to incorporate the Saint George Lime Company.

Passed 25th March 1840.

WHEREAS a Joint Stock Company or Association hath lately been formed within this Province, which has invested considerable sums of money in the purchase of a valuable tract of Land abounding with Lime Stone at L'Etang, in the County of Charlotte, and made extensive erections and improvements for the purpose of manufacturing Lime for home consumption and exportation; and whereas it hath been deemed expedient to afford protection and encouragement to the said Association by an Act of Incorporation;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Savage, Zebedee Cook, Junior, Thomas Dexter, Joshua C. Bates, Joseph Willard, Thomas Darling, Joshua Tucker, Elijah Thayer, David A. Simmons, Josiah Reid, Thomas J. Whittimore, Jonas L. Sibley and De Vere Burr, their associates, successors and assigns, shall be and they are hereby erected into a Company for the purpose mentioned in the Preamble of this Act, and declared to be a body Politic and Corporate by the name of *The Saint George Lime Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

II. And be it enacted, That the first meeting of the said Corporation, shall be called by De Vere Burr, or in case of his death, neglect or refusal, by any two of the said Company, by giving fourteen days notice previous to such meeting, which shall be holden at the time and place specified in such notice.

III. And be it enacted, That the Capital Stock of the said Corporation shall consist of the sum of twenty five thousand pounds, to be paid in such money as shall at the time of the several payments herein after expressed be a legal tender in this Province, fifteen per cent. of the said Capital Stock to be paid in before the said Corporation shall be entitled to purchase any property real