

SUPPLEMENT TO THE ROYAL GAZETTE.

FREDERICTON, MAY 6, 1840.

(Continued from Extra.)

X. And be it enacted, That whenever a fire shall break out within the said City, the said Fire Police shall immediately repair to the place where the fire may be, and protect all property which may be removing or removed to preserve the same from the flames, and for that purpose shall and may have full power to enter any house which may be on fire, or in immediate danger, or any lands or premises connected therewith, and prevent all depredation thereon, and arrest and remove or carry to the watch house or the common gaol any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle and disorderly person, or any person who shall intermeddle with any such property, or after notice shall refuse, when required, to assist either in carrying water, or obeying any other command of such Police for the purpose of suppressing the said fire or preserving any property.

XI. And be it enacted, That from and immediately after the breaking out of any fire in the said City, any one or more of the said Police, taking with him or them any one Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out house, or erection of any kind, or any yard or land, and search the same for goods, chattels or articles of any description, stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and any goods, chattels or articles found therein, under the circumstances aforesaid, shall and may have full power and authority to convey or cause to be conveyed to some safe place of deposit, or leave the same with the said Justice to be dealt with according to law.

XII. And be it enacted, That whenever it shall appear that any person has had in his possession any goods, chattels or articles of any description whatever, which may have been stolen, missing, lost, or taken away at any fire, or after any fire, and before the same has been restored to the owner, for the space of twenty four hours after the said fire shall cease, without notice to the owner thereof, or to some one of Her Majesty's Justices of the Peace, or of the said Police, such possession, without such notice, shall be deemed and adjudged *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof shall suffer like punishment as in a case of larceny.

XIII. And be it enacted, That an Act made and passed in the fifty ninth year of the Reign of George the Third, intituled "An Act in addition to and amendment of an Act, intituled 'An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City,'" together with 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 fifty.

CAP. LXXXI.

A Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour Saint John.

Passed 31st March 1840.

WHEREAS certain Commissioners were, by His Excellency the Lieutenant Governor, appointed to enquire into and report upon the state of the Harbour of Saint John, and have, in pursuance of such appointment, made a Report touching part of the said Harbour and have caused a certain Plan of part of the said Harbour to be prepared; and the Mayor, Aldermen and Commonalty of the said City have, by Petition to the Legislature, applied for an Act to define and fix a permanent line in part of the said Harbour, to which the extension of Wharves shall be limited;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no Wharf, Pier or erection of any kind or description whatsoever shall be built, erected or extended westwardly into the said Harbour of Saint John, on the eastern side thereof, beyond a line to be formed as follows, viz: commencing at the point formed by the westwardly prolongation of the southern line of the Wharf owned by Robert W. Crookshank, and a southerly continuation of the western line of the Pier at the end of the southern Wharf of the north Slip, which said point is seventy feet distant from the southwest corner of the said Robert W. Crookshanks' present Wharf, thence from said point in a direct line to the southwest corner of the Wharf now or lately the property of David Hatfield to the southward of the South Market Wharf, thence in a direct line to the south west corner of Nehemiah Meritt's south Wharf, thence in a direct line to a point in the western prolongation of the south line of the Wharf of the late Richard Bonsal, distant sixty feet from the western end of the said Wharf, and thence in a direct line to a westwardly prolongation of the north line of Saint James Street, at the distance of one hundred and eighty five feet from the western side line of Prince William Street, measured on the north line of Saint James Street as marked on the said plan, and that the said plan so prepared by the said Commissioners shall be signed by them and filed in the Office of the Secretary of the Province.

II. And be it enacted, That all Wharves to be erected within or on the eastern side of the said line, shall be of squared Timber

and close built, so as to prevent stone, rubbish or gravel from falling into the Harbour, and no ballast shall be allowed to be used in the building thereof but stone, and the tops of such Wharves to be planked or timbered in the same manner as the North and South Market Wharves, and such Wharves to the extent of forty feet from the fronts thereof respectively, to be forever kept free and open for vessels to repair to, and load and discharge thereat, and no Houses or Stores shall at any time be erected on the said spaces, and no Lumber or Goods of any sort be permitted to remain on such spaces longer than twenty four hours.

III. Whereas the property fronting on that part of the Harbour of the City of Saint John, situate between Duke and Saint James Streets, would be greatly benefitted, and the Harbour made more commodious for loading and discharging goods, if a Street in continuation of Saint John or Water Street were to be laid out thereon; Be it enacted, That it shall not be lawful for the owners of such property to build or authorize to be built any Wharf, Pier or other erection, on the beach or flats between the line of low water mark and the line for limiting the extension of Wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen and Commonalty of the said City, a space of not less than fifty feet in width through his or their property, ground or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street, as aforesaid.

IV. And be it enacted, That no space between low water mark and the line defining the extent to which Wharves may be built, shall be leased or sold to any person or persons whomsoever, unless it shall first be stipulated that at least two Slips of not less than thirty five feet in width each, and one hundred and twenty feet or more in length, shall forever be left open and kept as Landing Slips, with cart ways leading to the Public Streets, for each block or space contained between Union and King Streets, King and Princess Streets, Princess and Duke Streets, Duke and Queen Streets, and Queen and Saint James Streets.

CAP. LXXXII.

An Act to authorize the granting of certain Tracts of Land, to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof.

Passed 31st March 1840.

WHEREAS it is desirable that reasonable encouragement should be afforded to the North American Colonial Association of Ireland to introduce and settle Emigrants into this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council to sell and grant by private sale to a certain Company incorporated by an Act of the Imperial Parliament called the North American Colonial Association of Ireland, not exceeding one hundred thousand acres of the Crown Lands of this Province, being fit for agricultural improvements, for a sum not less than three shillings per acre, one third of such purchase to be paid upon the passing of the Grant, one third in three years, with interest, and the remaining one third in six years, with interest, from date of the purchase, which two last mentioned instalments shall be duly secured by Bond or otherwise to the satisfaction of the Lieutenant Governor and Her Majesty's Executive Council: Provided always, that every such grant shall be subject to the right of the Crown to all Coals, and Mines, and Minerals in such lands so to be granted, and that all and every grant or grants that may be made to the said Association without containing a clause reserving such right to Her Majesty, Her Heirs, and Successors shall and are hereby declared to be null and void, any thing herein contained to the contrary thereof notwithstanding.

II. And be it enacted, That the said quantity of Land be granted in Lots not exceeding three nor less than five thousand acres in any one tract, and upon the following conditions:

That every tract shall be surveyed under the direction of the Surveyor General of the Province, and a plan and return thereof made within twelve months after the application therefor, and that the said Association shall pay all the expenses of such survey, plans and returns;

That three per cent. on each block or tract of land granted shall be cleared and prepared for cultivation within three years from the date of the grant thereof, and so on at the rate of three per cent. for every three years until nine per cent. of the whole block or tract be cultivated;

That at least one in every eight lots of one hundred acres each, on each and every of the blocks of lands granted to the said Association be allotted, set apart, and occupied by *bona fide* Settlers, being emigrants and actually introduced into this Province by the said Association, within five years from the dates of the grants thereof respectively.

III. And be it further enacted, That in case the said Company or Association shall fail or neglect to cultivate, improve and settle upon the said blocks or tracts of lands, so to be granted as aforesaid, agreeably to the terms prescribed in the preceding sec-

tion, the said blocks or tracts of land respectively shall become forfeited, and upon inquisition found, revert to the Crown.

CAP. LXXXIII.

An Act to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein."

Passed 31st March 1840.

WHEREAS by an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein," it is provided, that the Commissioners appointed under the provisions of the said Act have full power to enter upon the lands and tenements in the district named in the said Act, for the purpose of widening, altering, straightening, enlarging and opening certain Streets, called Dock Street, Nelson Street, and Smyth Street, and to estimate the value of the lands required for widening, extending, altering, straightening, enlarging and opening the said Streets, and to assess and apportion three fourth parts of the amount of such estimated value on all the parties interested in any lands, tenements, and hereditaments within the said district, including the parties interested in such lands, tenements, and hereditaments required for the purpose of such Streets respectively, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said Streets, and to file a plan, with the report of their doings, in the Office of the Common Clerk of the said City of Saint John; And whereas by the said Act, the remaining one fourth part of the estimated value of the said land and premises should be paid by the inhabitants of the said City, on the eastern side of the Harbour of Saint John; And whereas the Commissioners appointed in pursuance of the said Act have entered upon the duties required of them by the said Act, and among other things have widened Dock Street to the extent of sixty feet; And whereas the widening of the said Street to sixty feet has been found injurious, and it is deemed advisable to reduce the width of the said Street called Dock Street to fifty feet, and also to alter the mode by which the assessment of value of the lands required for widening, extending, altering, straightening, enlarging, and opening the said Streets, should be made;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the plans and report, and estimate of damages of the Commissioners appointed under the aforesaid in part recited Act, and filed with the Common Clerk in the City of Saint John, be and the same are hereby declared to be null and void, and of no effect.

II. And be it enacted, That so much of the said in part recited Act as requires three fourths of the amount of the estimated value of the lands, tenements, and hereditaments required for widening, extending, straightening, enlarging, opening, and laying out the said Streets, to be assessed upon any of the parties interested in any of the lands, tenements, and hereditaments within the said district, including the parties interested in such lands, tenements, and hereditaments required for the purpose of such Streets respectively be and the same is hereby repealed.

III. And be it enacted, That the Commissioners heretofore appointed, or hereafter to be appointed, reappointed, or supplied, according to the provisions of the said in part recited Act, for the purpose of widening the said Streets and estimating the damage arising therefrom, under and by virtue of the said hereinbefore in part recited Act, be and they are hereby authorized and empowered to extend Dock Street to the width of fifty feet in the whole, by adding ten feet only to the former width, from the eastern side of the said Street, and to make the like plans and estimates, as well for Dock Street as for Nelson and Smyth Streets aforesaid, as are contemplated in and by the third section of the said Act, which said plans and estimates, with the report of the said Commissioners, when filed with the Common Clerk of the said City, shall have the like force and effect as the plan, estimate and report mentioned in the same third section of the said Act.

IV. And whereas the sum of three thousand pounds has been granted by the Legislature towards carrying into effect the contemplated alterations in the said Streets; Be it therefore enacted, That the residue of the estimated damages be divided, apportioned, and assessed as follows: One third thereof be assessed upon and paid by all the parties interested in any lands, tenements, and hereditaments within the district particularly described within the preamble of the said Act to which this is an amendment, including the parties interested in such lands, tenements, and hereditaments required for the purpose of the said alterations; One other third part of the said residue to be assessed as directed in and by the sixth section of the said Act to which this is an amendment; and the remaining other third part to be paid by the Mayor, Aldermen, and Commonalty of the said City out of the Corporate funds of the said City.

V. And be it enacted, That the time mentioned in the fifth section of the Act to which this is an amendment, for paying the respective persons and parties mentioned or referred to in the report of the Commissioners, be extended to six months after the filing of the report of said Commissioners under this Act.