

of distress and sale of the offender's goods and chattels, rendering to him or them the surplus (if any) after deducting the costs and charges of prosecution and of the levying and sale of the said goods and chattels; and if no goods and chattels can be found whereon to levy the same, then the offender or offenders to be committed by the Warrant of the said Justices to the Common Gaol of the said County, there to remain for any time not exceeding thirty days, unless the amount of such fine and costs shall be sooner paid, and such fine when recovered shall be paid into the hands of the Treasurer of the said County for the public uses thereof: Provided always, that the Saw Mill now standing on French Fort Cove, within the limits above mentioned, shall not be liable to the provision of this Act.

II. And be it further enacted, That this Act shall be and 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.

CAP. XX.

An Act to extend the provisions of an Act, intituled "An Act to encourage the establishment of Banks for Savings in this Province."

Passed 19th March 1841.

WHEREAS in and by the thirteenth Section of an Act made and passed in the sixth year of the Reign of King George the Fourth, intituled "An Act to encourage the establishment of Banks for Savings in this Province," it is among other things enacted, that the Debentures to be issued in pursuance of the provisions of the said Act shall never at any time exceed the amount of ten thousand pounds in the aggregate for the whole Province, and that whenever the Debentures issued in pursuance of the provisions of the said Act shall amount in the aggregate for the whole Province to the said sum of ten thousand pounds, the Province Treasurer and his Deputies shall cease to issue any more such Debentures, and it shall be the duty of the said Treasurer to give the requisite directions to his Deputies for that purpose: And whereas it is deemed expedient to extend the provisions of the same;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Treasurer of the Province, and his Deputies, in addition to the sum of ten thousand pounds to be by them received, and for which they are authorized and empowered to issue Debentures in and by the said Act, to receive further deposits to the amount of ten thousand pounds, and to issue Debentures therefor in like manner and subject nevertheless to the provisions and restrictions in the said Act contained, anything in the said Act to the contrary thereof in any wise notwithstanding.

CAP. XXI.

An Act in addition to and in amendment of "An Act to provide for the erection of an Alms House and Work House and to establish a Public Infirmary in and for the City and County of Saint John."

Passed 19th March 1841.

WHEREAS in and by an Act made and passed in the first year of the Reign of Queen Victoria, intituled "An Act to provide for the erection of an Alms House and Work House and to establish a Public Infirmary in and for the City and County of Saint John," it was provided, that the money required for building the same should be raised by a single assessment on the Inhabitants of the said City and County in the manner prescribed by the Law for assessing, collecting and levying County Rates; And whereas it has been considered a more equitable and less burdensome mode of raising money for Public Buildings in the said City and County by County Certificates or Notes and semi-annual payments of a proportion of the Principal, with the yearly Interest on the whole sum due until the same shall be paid off.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in lieu of the mode of raising the money required for building the said Alms House and Work House pointed out in and by the said Act, it shall and may be lawful for the Justices of the Peace for the said City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, 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 Alms House and Work House not exceeding in the whole the sum of three thousand pounds to be paid off and discharged in the manner herein-after mentioned, the same to be taken in loans of not less than one hundred pounds, and the 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 said Justices of the Peace for the City and County of Saint John 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, payable half yearly on the first day of June and the first day of December, pursuant to an Act of Assembly made and passed in the fourth year of the Reign of Her Majesty Queen Victoria, intituled "An Act in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House and to establish a Public Infirmary in and for the City and County of Saint John." Dated the — day of — in the year of our Lord one thousand eight hundred and —

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.

II. 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 semi-annually to be paid by the Treasurer of the said City and County out of the assessments hereinafter mentioned.

III. 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 in each and every year of such sum of money not exceeding five hundred pounds besides the charge for assessing and

collecting as will discharge the Principal and Interest of the loans contracted by virtue of this Act, until the total amount of the loan and all interest thereon shall be paid off; all which said several sums of money shall 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 and collecting Rates for public charges.

IV. And be it enacted, That the monies so to be assessed as aforesaid shall from time to time be applied after discharging the 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 of the said City, for calling in such and so many of the Certificates or Notes as he is prepared to pay off, specifying the number 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.

V. 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. XXII.

An Act to amend an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John."

Passed 19th March 1841.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the seventh section of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John" be repealed so far as relates to the number of men to be appointed to have the care, management and working of the said Engine or Engines, tools and instruments for extinguishing Fires; and that the Firewards of the Parish of Portland are hereby authorized to appoint, pursuant to the provisions of the before recited Act, a sufficient number of able and discreet men, willing to accept the office, not exceeding forty in number, and that the said Firemen so appointed in addition to the exemption under the before mentioned section, shall and are hereby declared to be freed, exempted and privileged from serving upon any Jury in the Court of Quarter Sessions, or in the Inferior Court of Common Pleas or in the Courts of Nisi Prius and Oyer and Terminer to be holden in and for the City and County of Saint John, or in the City Court of the City of Saint John, and also shall be exempt and free from all statute labour on the Highways and Streets within the said Parish of Portland.

CAP. XXIII.

An Act relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland.

Passed 19th March 1841.

WHEREAS it is deemed necessary that a small duty be imposed upon all Vessels entering the Harbour of Shediac, in the County of Westmorland, for defraying such expenses as may be incurred in erecting, repairing and replacing Buoys and Beacons in the said Harbour;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be and are hereby granted to Her Majesty, Her Heirs and Successors for defraying such expenses as may be incurred in erecting, building, re-building, replacing and supporting such Buoys and Beacons, on all Vessels entering the Bay or Harbour of Shediac, the sum of one penny per ton for each and every ton such Vessels admeasure per register: Provided always, that no coasting Vessel under the register of sixty tons shall pay more than once in each year, and no coasting Vessel between sixty and one hundred tons shall pay more than twice in each year, and that all Vessels clearing from any Ports in this Province; Canada, Prince Edwards Island, Nova Scotia and Newfoundland and Vessels on a fishing voyage, shall be considered coasters under this Act.

II. And be it enacted, That the tonnage duties herein imposed shall be collected by the Deputy Treasurer of the District of Shediac, or such person as he may appoint for that purpose, and that the Commissioners of Buoys and Beacons for the Harbour of Shediac shall have full power and authority to call upon the said Deputy Treasurer or the person to be by him appointed as aforesaid, for all such sum or sums of money as they shall from time to time respectively have collected, an account of which sum so to be collected by the said Deputy Treasurer or the person appointed by him shall respectively when called upon as aforesaid, render upon oath to the said Commissioners, deducting from the amount collected ten per centum, which it shall be lawful for the Deputy Treasurer to retain for the trouble of collecting and paying the same.

III. And be it enacted, That every Master of such Ship or Vessel who shall refuse or neglect to call upon the Deputy Treasurer of the District of Shediac, and pay to him or the person authorized by him to receive the same, the said tonnage duty as hereinbefore imposed within twenty four hours after his arrival, shall forfeit and pay for such neglect the sum of three pounds, to be sued for by the said Deputy Treasurer and recovered before any one of Her Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing and replacing such Beacons and Buoys.

IV. And be it enacted, That the Deputy Treasurer shall annually make return of an account of the duties respectively by him received for the District to the Treasurer of the Province, with proper vouchers of the payment of the money to the Commissioners already or who may hereafter be appointed by virtue of this Act.

V. And be it enacted, That Commissioners already appointed, or who may hereafter be appointed, shall on the twentieth day of December in each and every year render an account duly attested of the monies from time to time received and expended by them in pursuance of this Act to the Treasurer of the Province, to be by him transmitted, with his account, to the Secretary's Office, and shall likewise render a copy of such account to the first General Sessions in the County of Westmorland in each and every year, and the balance (if any) of the monies so received

by them in the hands of the Commissioners or the major part of them, for the purpose of further improving the Navigation of the said Bay and Harbour.

VI. And be it enacted, That if any person or persons shall take away, destroy, deface or remove any of the said Beacons or Buoys, such offender or offenders shall on due conviction thereof, by the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding fifteen pounds, to be recovered and applied as aforesaid, and on failure of payment or want of goods and chattels whereon to levy such offender or offenders shall be committed by such Justice or Justices to the Common Gaol of the County, there to remain for a space of time not exceeding three months.

VII. And be it 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 fifty.

CAP. XXIV.

An Act to alter the times for holding the Terms of the Inferior Courts of Common Pleas and General Sessions of the Peace for the County of Sunbury.

Passed 19th March 1841.

WHEREAS the times of holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury, have been found inconvenient for remedy whereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Terms of the said Inferior Courts of Common Pleas and General Sessions of the Peace heretofore held on the third Tuesday in January, fourth Tuesday in March, third Tuesday in June and October respectively in each and every year, shall hereafter be holden on the second Tuesday in January, third Tuesday in March, June and October respectively in each and every year, any Law, usage or custom to the contrary in any wise notwithstanding.

II. And be it further enacted, That no suit, process or proceeding instituted or commenced before the passing of this Act, shall abate or be discontinued by reason of the altering of the times of holding the said Terms respectively, but all actions, processes, suit and proceedings shall be carried on and continued to final judgment in the same manner as if this Act had not passed anything herein contained to the contrary notwithstanding.

CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock up House in the Town of Chatham, in the said County.

Passed 19th March 1841.

WHEREAS from the great increase of the Town of Chatham, in the County of Northumberland, and in consequence of the distance therefrom to the County Gaol, and the difficulty of crossing the River Mersey thereto certain seasons of the year, great inconvenience is often times experienced by the Magistrates residing in the said Town for the want of a Lock up House or place of safe keeping, in which to confine persons committing breaches of the Peace and other minor offences,—in remedy whereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Northumberland or the major part of them, may and they are hereby authorized and required at their first General Sessions of the Peace hereafter to be holden, to purchase a piece of ground in the Town of Chatham, on which to erect a Lock up House, and to contract and agree with able and sufficient workmen for the erection and finishing of a suitable Lock up House on the said piece of ground in the Town of Chatham, and the said Justices or the major part of them at any General Sessions of the Peace, are hereby authorized and required to make a rate and assessment for a sum not exceeding two hundred and fifty pounds to defray the expense of purchasing the said Land, and erecting and finishing the said Lock up House; such assessment to be levied and collected in such proportions and in such manner on the Inhabitants of such County, residing on the front Lots, situate between the lower side of Clark's Cove and the upper side of Saint Andrew's Church, in the Parish of Chatham, in the said County, including all the Inhabitants of the Town or Village of Chatham, living within the above named limits, whether residing in the front or rear of the said Town, as the said Justices or the major part of them may direct; which sum subject to the limits aforesaid shall be assessed, levied and paid agreeably to any Act now or which may hereafter be in force for the assessing, levying and collecting of County Rates.

II. And be it further enacted, That when and so soon as the said Lock up House shall be erected, completed and fit for use, it shall and may be lawful for the Justices of the Peace for the said County, and they are hereby required annually at the first Court of General Sessions of the Peace for the year, by order of the said Court upon the County Treasurer, to cause to be paid out of the County funds, a sum not exceeding thirty five pounds, towards the payment of the keeper and the support and maintenance of the said Lock up House, if there be County funds to meet such payment, if not, the same to be annually assessed, levied and collected off the Inhabitants of the County in the same manner as other County assessments are assessed, levied and collected.

III. And be it further enacted, That the said Justices of the Peace for the said County of Northumberland, shall and they are hereby authorized and required at any General Sessions of the Peace to be holden in said County, to make such rules and regulations for the custody and management of the said Lock up House as may from time to time be necessary and expedient.

IV. And be it further enacted, That it shall and may be lawful for the High Sheriff of the said County of Northumberland or any other Officer who shall have arrested or have in legal custody any person or persons charged with any crime or misdemeanor whatsoever, for which such persons shall be liable to be committed to the Gaol of the said County, to commit such person or persons to the said Lock up House until he or they can be conveyed to the County Gaol: Provided always, that no such person or persons shall be longer kept or detained in the said Lock up House than thirty six hours from the time of his or their commitment thereto, except when the river is in an impassable state during the spring and fall from the ice, and then only till the same can be crossed with safety.

V. And be it further enacted, That it shall and may be law-