

ful for any Justice or Justices of the Peace for the said County of Northumberland, before whom any Mariner or Seaman shall be hereafter convicted under and by virtue of any Laws now in force or that may be hereafter in force in this Province for the regulation of Seamen, to commit such Mariner or Seaman to the said Lock up House instead of the County Gaol, if such Justice shall find it necessary and advisable so to do: Provided always, that no such Mariner or Seaman shall remain or be longer confined in the said Lock up House than forty eight hours, and if such Seaman or Mariner be subject and liable to longer confinement, then to be conveyed to the County Gaol, and all charges to be defrayed by the Ship Master or person so confining said Mariner or Seaman.

CAP. XXVI.

An Act relating to the Office of Coroner in this Province.
Passed 19th March 1841.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, whenever upon the summoning or holding of any Coroner's Inquest, it shall appear to the Coroner that the deceased person was attended at his death or during his last illness, by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue his order for the attendance of such Practitioner as a witness at such Inquest: and if it shall appear to the Coroner that the deceased person was not attended at or immediately before his death by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue such order for the attendance of any legally qualified Medical Practitioner, being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the Coroner either in his order for the attendance of the Medical witness, or at any time between the issuing of such order and the termination of the Inquest, to direct the performance of a *Post Mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the Medical witness or witnesses, who may be summoned to attend to any Inquest: Provided, That if any person shall state upon oath before the Coroner, that in his or her belief, the death of the deceased individual was caused, partly or entirely by the improper or negligent treatment of any Medical Practitioner or other person, such Medical Practitioner or other person shall not be allowed to perform or assist at the *Post Mortem* examination of the deceased.

II. And be it further enacted, That whenever it shall appear to the greater number of Jurymen sitting at any Coroner's Inquest, that cause of the death has not been satisfactorily explained by the evidence of the Medical Practitioner, or other witness or witnesses, who may be examined in the first instance, such greater number of the Jurymen are hereby authorized and empowered to name to the Coroner in writing, any other legally qualified Medical Practitioner or Practitioners, as a witness or witnesses, and for the performance of a *Post Mortem* examination, with or without an analysis of the contents of the stomach or intestines, whether such an examination has been performed before or not: and if the Coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor and shall be punishable in like manner as if the same was a misdemeanor at Common Law.

III. And be it further enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest, in obedience to any such order as aforesaid of the Coroner, the said Practitioner shall for such attendance be entitled to receive such remuneration or fee as is mentioned in the Table marked A. in the Schedule hereunto annexed, which shall be paid to him, out of the Public Funds of the County or City and County in which such Inquest was taken by the Treasurer of such County or City and County, on the order of the Coroner to him for that purpose directed.

IV. Provided nevertheless and be it further enacted, That no order of payment shall be given, or fee or remuneration paid to any Medical Practitioner for the performance of any *Post Mortem* examination which may be instituted, without the previous direction of the Coroner.

V. Provided also and be it further enacted, That when any Inquest shall be held on the body of any deceased person who has died in any Public Hospital or Infirmary or any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any County or other Lunatic Asylum, Alms House and Work House, or in any public Infirmary or other public Medical Institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case, nothing herein contained shall be construed to entitle the Medical Officer, whose duty it may have been to attend the deceased person, as a Medical Officer of such Institution as aforesaid, to the fees or remuneration herein provided, except for a *Post Mortem* examination and attending to give evidence thereon, if he shall have been required by the Coroner to perform the same agreeably to the provisions of this Act.

VI. And be it further enacted, That when any order for the attendance of any Medical Practitioner as aforesaid shall have been personally served upon such Practitioner, or where any such order not personally served shall have been received by any Medical Practitioner in sufficient time for him to have obeyed any such order and in every case where any Medical Practitioner has not obeyed such order he shall for such neglect or disobedience, forfeit the sum of five pounds upon complaint thereof made by the Coroner or any two of the Jury, before any two Justices having jurisdiction in the Parish or place where the Inquest under which the order issued was held, or in the Parish where such Medical Practitioner resides; Provided such complaint be made within one month from the time of holding such Inquest, and such two Justices are hereby required upon such complaint to proceed to the hearing and adjudication of such complaint, and if such Medical Practitioner shall not shew to the said Justices a good and sufficient cause for not having obeyed such order to enforce the said penalty by distress and sale of the offender's goods in the same manner as they are empowered to proceed by the Act of Assembly, intituled "An Act to facilitate summary proceedings before Justices of the Peace and the execution of Warrants by Constables."

VII. And be it enacted, That immediately after any Coroner's Inquest shall be completed it shall be the duty of the Coroner to grant a permissive Warrant for the burial of the deceased, which Warrant shall be delivered to any of the relatives or friends of the deceased who may be present, and shall take charge of the burial, and if none be present, or no one undertake the duty and the dead body shall be within the City of Saint John, or within five miles of the Alms House of the Town of Portland, Fre-

derickton, Saint Andrews or any other Town or Parish, having an established Alms House within the same it shall be sent to the dead House of such establishment under the charge of the Constable attending at the taking of the Inquest, and delivered to the keeper thereof accompanied by a permissive Warrant to be by the said Constable delivered to, or left at the residence of the Overseers of the Poor of the Parish where the body may be found, or to any one of them whose duty it shall be to bury the deceased in the same manner as if the deceased had died a pauper, unless otherwise directed by the Coroner, should the distance be beyond that limit, the Warrant shall direct the Constable to bury the body in a decent manner, using proper economy, and render an account of the costs and charges thereof to the Coroner, which with the Constables fees for burying the same, shall be paid to the said Constable by the Overseers of the Poor of the Parish, wherein the body may have been found, on the order of the Coroner, who shall state that the charge is reasonable and proper.

VIII. And be it enacted, That whenever it may appear to the Coroner from circumstances that the holding of an Inquest is not necessary, or when any two Justices of the Peace of any County or City and County, in which any person may have died under circumstances rendering it doubtful as to the necessity of taking an Inquest do certify to the Coroner, that he would be justified in granting a permissive Warrant for burial without holding an inquisition, the Coroner may forthwith issue his Warrant for that purpose in the manner hereinbefore mentioned, without proceeding to take an inquisition; Provided that nothing in this Act contained shall be construed to prevent any Coroner from taking an inquisition in any case in which he may deem it necessary.

IX. And be it further enacted, That for every Inquest which a Coroner shall take on view of the body of any person who may die or be found dead within his County or City and County, and for all proceedings consequent thereon, such Coroner and other officers and persons for taking and attending such Inquest shall receive and be paid the fees mentioned in the Table marked (A) in the Schedule hereunto annexed which shall be paid to such Coroner and other officers and persons out of the Public Funds of the County or City and County in which such Inquest shall be held, and that the Coroner out of the same fund shall be repaid all monies necessarily advanced or paid by him in the taking such Inquest; Provided always before any such fees or charges shall be paid, the Coroner shall make up an account of the same, and shall present such account at any General Sessions of the Peace for the County or City and County of which he is Coroner; the Justices of which General Sessions, shall at such Sessions pass an order for the payment of the same.

X. And be it enacted, That in the event of the Coroner being absent from the District or unable to attend from sickness or other justifiable cause, that any two of Her Majesty's Justices of the Peace for the County or City and County are hereby authorized and required to act in the place and stead of such Coroner, so far as the provisions of this Act apply to his judicial capacity, and entitled to the same fees as hereinafter provided for the Coroner.

TABLE A.

To every Coroner for taking and returning an inquisition, swearing Jurors, binding Witnesses by recognizance and issuing all Subpœnas and Warrants, consequent thereon the fee or remuneration shall be

£2 0 0

Travel from his residence to the place where the body may be, going and coming per mile,

0 0 6

Printer's account for printing blank forms of Inquisition, Recognizances, Subpœnas, &c. to be repaid the Coroner,

1 0 0

To the Surgeon or Physician on *Post Mortem* examinations, viz:

To every legally qualified Medical Practitioner for attending to give evidence under the provisions of this Act at any Coroner's Inquest whereat no *Post Mortem* examination has been made by such Practitioner, the fee or remuneration shall be

2 0 0

For making the *Post Mortem* examination of the deceased, either with or without an analysis of the contents of the Stomach or intestines, and for attending to give evidence thereon, the fee or remuneration shall be

0 2 6

To the Jury for attending and making inquisition, each Jurymen,

0 2 6

To the Constable for summoning the Jury on Inquest,

0 2 6

For attendance,

0 2 6

Serving any order or permissive Warrant or Subpœna, each

0 1 0

If required to attend at the burial.

0 2 6

CAP. XXVII.

An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

Passed 19th March 1841.

WHEREAS from a recent Survey of the Street or Highway through the Town of Chatham, it appears that the same in many cases departs wholly from the original record thereof, and that buildings have been erected on the recorded line, the removal of which would cause much inconvenience, annoyance and expense: and whereas the Commissioners of Highways has experienced great difficulty in preventing encroachments thereto, from the bounds of the said Street or Highway not being properly defined: and whereas from the buildings and erections in the said Town, a sufficient space is not left to enable the Commissioners of Highways to lay out and record a Street or Highway through the said Town of the width of four rods as by Law is required: And whereas great inconvenience has arisen to the public in consequence of the several Landings in the said Town being obstructed for remedy whereof:

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor to appoint three or more fit persons Commissioners to lay out a Street or public Highway through the Town of Chatham, commencing at Coulson's Slip, so called, and terminating at Saint Andrew's Church.

II. And be it further enacted, That it shall be the duty of the said Commissioners in laying out the said Street or Highway to adhere to the line of road as at present used through the said Town

and commonly called Water Street, and to make the same as wide and strait as practicable, not in any case interfering with buildings or the private rights of individuals.

III. And be it further enacted, That the said Commissioners shall forthwith after laying out the said Street or Highway make a return thereof in writing under their hands into the Office of the Clerk of the Peace for the County of Northumberland, who shall enter the same in the book kept for the purpose of recording Roads or Highways; which return shall distinctly designate the marks, bounds and lines by which the said Street or Highway may be known and ascertained; and whatsoever the said Commissioners shall do according to the powers given them in this Act being so entered shall be valid and good to all intents and purposes whatsoever, and the said Street or Highway when so laid out and entered as aforesaid, shall be deemed and used as a public Street or Highway for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways" and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," or under or pursuant to any Act of Assembly now in force for establishing and regulating Highways in this Province.

IV. And be it enacted, That the Commissioners to be appointed under the provisions of this Act or the major part of them are hereby authorized and empowered to lay out or define such of the Landings in the Parish or Town of Chatham as shall be public Landings: Provided always, that they are not in any case authorized under the provisions of this Act to interfere with the private rights of individuals without the written consent of the proprietors.

V. And be it further enacted, That all such Landings as the said Commissioners or the major part of them shall lay out or define to be public under the provisions of this Act, such Commissioners or the major part of them shall cause to be recorded with the Clerk of the Peace for the County, which record when so made shall be good evidence of such being public Landings in all Courts of Law in this Province.

VI. And be it further enacted, That when and so soon as the said Commissioners or the major part of them shall have so laid out and defined the public Slips and Landings in the Town or Parish of Chatham, as directed in and by the Provisions of this Act, and shall have caused the same to be recorded in manner aforesaid, such Slips and public Landings shall thereafter be considered and taken to be part of the Queen's Highway and be subject to all the rules and regulations that the other Highways or public Roads and Streets of the said Parish are subject to, and all persons obstructing the same shall be subject to the like pains and penalties, therefore that any person or persons is, are, or may be subject to by any Laws now or that shall hereafter be in force for preventing the obstruction of the Highways and public Roads of the said Parish or County, and be recovered, and applied in like manner.

CAP. XXVIII.

An Act further to amend the Law relating to Bastardy.

Passed 19th March 1841.

WHEREAS it is considered necessary to amend the Law relating to Bastardy, in the following particulars;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when application shall be made to any Court of General Sessions of the Peace, in any County in this Province, for an Order upon any person charged with being the putative father of a bastard child, chargeable on any Parish in such County for its maintenance and support, such Court shall proceed to hear evidence therein; and if it shall be satisfied, after hearing the parties, that the person so charged is really and in truth the father of such child, it shall make such Order upon such person in that respect, as to such Court shall appear to be just and reasonable under all the circumstances of the case; Provided always, that if such Order be made upon the evidence of the mother of such bastard child, the same shall be corroborated in some material particular by other testimony, to the satisfaction of such Court, where the Court may deem such corroborative testimony necessary: Provided also, that such Order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child, and the expenses incurred in the apprehension and conviction of such reputed father while so chargeable, and shall continue in force only until such child shall attain the age of seven years if it so long live: And provided also, that no such Order shall be made by such Court until after such child becomes chargeable.

II. And be it enacted, That such Court shall have power to put off the consideration and making of any such Order from time to time as may be required either by reason of such child not being born or the absence of testimony, and thereupon the person so charged shall enter into the like recognizance as is provided in the fourth section of an Act made and passed in the second year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Bastardy."

CAP. XXIX.

An Act to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick.

Passed 19th March 1841.

WHEREAS by the second 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 increase the Capital Stock of the Central Bank of New Brunswick, and to amend the Act Incorporating the same," it is enacted, That no sale of such increased Stock shall be made after the period of five years from the passing of the said Act; and whereas there now remains the sum of fifteen thousand pounds of such increased Capital Stock unsold, and it appearing from the Petition from the President, Directors and Company of the Central Bank that it would not at this time be advisable to dispose of the said Stock so remaining unsold;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the term for the sale of the residue of the said increased Stock, amounting to the sum of fifteen thousand pounds shall be and the same is hereby extended to a further period of five years, and that the President and Directors of the said Bank are hereby authorized and empowered to sell and dispose of the same at such time and times as they may deem