

NEW

SERIES.



THE ROYAL GAZETTE.

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Number 40



By Authority.

(Concluded.)

CAP. XXXIX.

An Act to grant a loan of six thousand pounds to John Walker of the City of Saint John.

Passed 26th March 1841.

WHEREAS John Walker of the City of Saint John, Merchant, is engaged in erecting a Building to be used as a Public Warehouse and for other public purposes, and the said Building will be a great benefit to the public, and part of it is intended for the accommodation of the Province Treasury and Custom House, and the said John Walker is desirous of obtaining a loan from the Province to enable him to pay off the debts incurred by him in the completion thereof, it is therefore expedient that a loan be granted to him for that purpose from the Province Treasury;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be and there is hereby granted to the said John Walker of the City of Saint John, the sum of six thousand pounds as a loan to the said John Walker on interest at and after the rate of six per centum per annum, for the term of five years, in the manner hereinafter mentioned.

II. Provided always, and be it enacted, That before the said sum of six thousand pounds shall be drawn from the Treasury or any debenture or debentures issued as is hereinafter provided, the said Building shall have been completed to the satisfaction of Commissioners to be appointed by His Excellency the Lieutenant Governor or Commander in Chief for the time being to inspect the same, and the said John Walker shall give good and sufficient security to the satisfaction of the Lieutenant Governor or Commander in Chief for the time being, or of Commissioners to be appointed for the purpose of inspecting such security to the Queen's Majesty, Her Heirs and Successors, for the repayment of the said sum of six thousand pounds into the Treasury of this Province, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and forty seven, and for the payment in the mean time of the annual interest of and upon the said sum of six thousand pounds into the Treasury on the thirty first day of December in each and every year.

III. And be it further enacted, That in order to raise the money herebefore mentioned, it shall be the duty of the Treasurer of the Province for the time being, to prepare, make and issue, or cause to be prepared, made and issued, Treasury Debentures not exceeding in the whole the said sum of six thousand pounds, currency, in the manner and form hereinafter mentioned, payable at the expiration of six years after the date of the same with interest payable annually, at the rate of six per centum per annum, and that the said debentures shall be numbered according to their classes in numerical progression, beginning with the class number one.

IV. And be it further enacted, That the Treasury Debentures so to be issued in pursuance of this Act shall be issued as follows, to wit:

- Class A. Thirty debentures of one hundred pounds each.
- Class B. Six debentures of two hundred and fifty pounds each.
- Class C. Three debentures of five hundred pounds each.

V. And be it further enacted, That when and so soon as the said Building shall have been completed to the satisfaction of said Commissioners, and the security given as provided and enacted in and by the second Section of this Act, it shall and may be lawful for the said Treasurer, and he is hereby required to deliver the said debentures unto him the said John Walker or his certain Attorney or his Executors or Administrators, and that the interest to accrue due upon the said debentures, as well as upon the loan hereby granted shall commence upon the day of the date of such delivery and not before.

VI. And be it further enacted, That the said Treasury Debentures to be issued by virtue of this Act, and all interest accruing or becoming due thereon, shall be and are hereby made chargeable upon the Treasury of this Province, and paid out of any monies which may be in the same or which shall come into the same after the said debentures or any interest thereon shall respectively become due and payable, and that the said interest upon the said debentures respectively, shall be paid annually by the said Treasurer, upon the production of the debenture upon which interest may be demanded at the Treasurer's Office, and the interest thereon paid being endorsed thereon and a receipt for the same referring to the said debenture left with the Treasurer, as a voucher for the payment of the same.

VII. And be it further enacted, That the said Province Treasurer so soon as the said debentures shall have been issued and delivered, shall make a return of the same to His Excellency the Lieutenant Governor or Commander in Chief for the time being, for the information of the Legislature, and that all and every of

the said debentures which from time to time shall be discharged and paid off, shall be cancelled and made void by the party or parties holding the same, receipting the said debenture or debentures by stating the amount of principal and interest received on the same, and writing his or their name or names thereon in words at length, and that after the said debenture or debentures shall be so paid off, the Treasurer shall as soon after as may be, make a return to the Lieutenant Governor or Commander in Chief for the time being, of the debenture or debentures so paid off, for the purpose of being laid before the Legislature at its then next meeting, and that after the audit and approval by the General Assembly of the payment of the said debentures respectively, the same shall be burnt or otherwise destroyed as being of no further use to the Public Service.

VIII. And be it further enacted, That should the holder or holders of the said debentures or any of them neglect or refuse to demand payment and satisfaction of the same at the Treasury, on the day on which the same are hereby declared to be payable, or for the space of three calendar months after such day, no further interest shall be payable or be held to accrue due on the said debenture or debentures, any thing herein contained to the contrary in any wise notwithstanding.

IX. And be it further enacted, That if any person or persons shall forge, counterfeit or alter any of the said Treasury Debentures issued or authorized to be issued in and by this Act, he, she or they shall be deemed guilty of the crime of forgery, and liable to all the pains and penalties of the same.

FORM OF DEBENTURE.

Schedule A.

Class ——— Number ———
Treasury,
Province of New Brunswick.

Pursuant to the Act of the General Assembly of the Province of New Brunswick made and passed in the fourth year of the Reign of Her Majesty Queen Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. intituled "An Act to grant a sum of six thousand pounds to John Walker of Saint John, Merchant," this debenture is chargeable on the monies which may be in the Treasury of the said Province, or which may be paid into the same on or after the ——— day of ——— which will be in the year of our Lord one thousand eight hundred and ——— for the sum of ——— together with interest which may accrue due thereon, at and after the rate of six per centum per annum, the said interest to be paid annually, agreeably to the provisions of the said Act, the said principal and interest or either of them, to be paid to such person or persons as shall exhibit this debenture at the Treasury of this Province, as the same may become payable.

Given under my hand this ——— day of ——— in the ——— year of the Reign of Queen Victoria, and in the year of our Lord one thousand eight hundred and forty ———
Provincial Treasurer.

Debenture £——
Annual interest £——

Schedule B.

Received from ——— Province Treasurer, the sum of ——— being one year's interest on Treasury Debenture Class ——— Number ——— up to the ——— day of ——— one thousand eight hundred and forty ———

CAP. XL.

An Act to amend the Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

Passed 26th March 1841.

WHEREAS in and by the provisions of an Act made and passed in the third year of the Reign of Her present Majesty, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates," the time allowed for an Executor or Administrator to make application for a licence to sell real estate for the payment of debts is limited to three years after the granting of the Letters Testamentary or of Administration: And whereas it is found necessary to authorize any such application at any time within the period of three years after the passing of such recited Act;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case where the Letters Testamentary or of Administration may have been granted before the time of passing the said recited Act, the Executor or Administrator may at any time within the period of three years from the time of passing such recited Act, apply for and receive licence to sell or lease real estate for the payment of debts in like manner in all respects as if such application and licence had been made within the time prescribed by the said recited Act.

II. And whereas it is found convenient and necessary to authorize a Justice of the Peace to administer the oath to Appraisers; Be it therefore enacted, That any Justice of the Peace of the County wherein any Warrant of Appraisement shall be issued pursuant to the directions of the said recited Act, may administer the oath to Appraisers in like manner in all respects as the Surrogate or any person authorized to take affidavits to be read in the Supreme Court is by the twenty eighth section of the said recited Act now authorized to administer.

CAP. XLI.

An Act to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick.

Passed 26th March 1841.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the fourth 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 Central Fire Insurance Company of New Brunswick," as requires the Bonds or other securities given for the payment of the residue of the Capital Stock of the said Corporation to be renewed at least as often as once in three years; and also the whole of the twenty fifth section of the said recited Act be and the same are hereby repealed; and in lieu thereof,

II. Be it enacted, That the said Bonds and other securities, of what nature or kind soever, already taken or hereafter to be taken for the payment of the residue of the Capital Stock of the said Corporation, and all and every and any of them, shall from time to time be renewed or changed, and such further or other security or securities for the same be given as the Directors of the said Corporation or a majority of them shall from time to time require, and in case of any refusal or delay to renew or change any such security or securities, and to give and grant other and further security or securities therefor, to the satisfaction of the said Directors or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors or a majority of them, to cause such proceedings both in law or equity or either as may be deemed requisite to be taken for the recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors or a majority of them, if they shall think fit, to declare the shares in the Capital Stock of the said Corporation for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interest, profit or dividends thereto belonging or appertaining, and that such stock so forfeited shall be sold by public auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Corporation on account of such forfeited shares, at the time of such forfeiture, as is herebefore provided, and shall likewise be subject to all the provisions of this Act, and of the said recited Act to which this is an amendment, anything therein contained to the contrary notwithstanding.

III. And be it enacted, That the thirty first section of the said recited Act be and the same is hereby repealed.

IV. And be it enacted, That the reference mentioned in the fifteenth section of the above recited Act to the thirteenth section of the said recited Act be deemed and taken to refer to the fourteenth section of the said Act, anything therein contained to the contrary notwithstanding.

V. And be it enacted, That this Act shall continue and be in force for and during the continuance of the said in part recited Act.

CAP. XLII.

An Act to prevent disorderly Riding or Driving on Public Bridges.

Passed 26th March 1841.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any person or persons, except in cases of extreme necessity, shall ride or drive any horse, mare or gelding in any carriage or other vehicle, or on horseback, over any of the public Bridges on the Great Roads in this Province, (said Bridges being of the length of one hundred and fifty feet,) at a greater speed than a walk, shall forfeit and pay a sum not less than five shillings nor more than forty shillings, with costs of prosecution, to be recovered on view of any Justice of the Peace in the County where such Bridge may be situated, or by the oath of one or more credible witness or witnesses, and levied by Warrant of Distress and Sale of the offender's goods and chattels, and for want thereof, such offender to be committed to the Common Gaol of the County, there to remain for a time not less than two days nor exceeding eight days, to be specified in the said Warrant; which fines shall be paid into the hands of the Overseers of the Poor for the use of the Poor of the Parish where such Bridge shall be situated; and that any inhabitant of the Parish shall be a competent witness to prove the offence, notwithstanding that the said fine shall be payable for the use of the Poor of such Parish.

CAP. XLIII.

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

Passed 26th March 1841.

WHEREAS from the various assessments necessary to be made on the Inhabitants of the City of Saint John for the present year, it is not deemed advisable to authorize the immediate collection from the Inhabitants of the said City, on the eastern side of the Harbour, of the whole amount of the assessment made and returned by the Report of the

(See last Page.)