

County of Kent.

To be sold at Public Auction on the third Tuesday in March next, between the hours of twelve and five o'clock, P. M., at the Court House in Richibucto:—

ALL that certain Lot and tract of Land situated on Mill Creek, a Branch of the Buctouche River, in the Parish of Wellington, County of Kent, known as Lot number three in the original Grant thereof, and being the same Lot sold and conveyed by John W. Weldon, Esquire, to Thomas Johnson, Junior, in the month of August, 1844, containing one hundred acres more or less, together with the Saw Mill standing and erected thereon, now in the possession and occupation of the said Thomas Johnson, Junior: Seized and taken by virtue of an Execution issued out of the Supreme Court at the suit of James M'Phelim against the above mentioned Thomas Johnson, Junior.

Richibucto, 1st September, 1847.

W. A. BLACK, SHERIFF.

NEW BRUNSWICK.

SURROGATE COURT, COUNTY OF YORK, SS.

[LS] To the Sheriff of the City and County of Saint John, or any Constable within the said City and County, GREETING:

WHEREAS Margaret Smith, of the Parish of Douglas, in the County of York, Widow, has applied to me, setting forth, among other things, that she is entitled to a Legacy, under the last Will and Testament of Peter Fraser, late of Fredericton, in the said County, deceased, and that although eighteen months have elapsed since the granting of the Letters Testamentary to Beverley Robinson, Esquire, the Executor named in the said Will, he has not rendered any account of his Administration, and praying that a Citation may issue requiring him to render such account: You are, therefore, required to cite the said Beverley Robinson to appear before me at a Court of Probate to be held at my Office in Fredericton, within the said County of York, on Monday the thirteenth day of March next, at twelve o'clock, noon, to shew cause why he should not render an account of his Administration of the Estate and Effects of the said Peter Fraser, deceased, agreeably to the Act of the General Assembly in such case made and provided.—Given under my hand and the Seal of the said Court, the first day of February, A. D. 1848.

G. F. H. MINCHIN,
Surrogate, &c. York County.

JOHN C. ALLEN, Register of Probates, York County.

A BILL

Relating to the appointment of Commissioners of Sewers in the Counties of Westmorland and Albert.

WHEREAS there are several large Tracts of Marsh Land in the Counties of Westmorland and Albert which require the care and superintendence of Commissioners of Sewers, and it is considered reasonable and proper that the proprietors of such Marsh should have power to choose such Commissioners of Sewers;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when the proprietors of at least — acres of Marsh Land in the aggregate, situate in any Parish of the Counties of Westmorland or Albert, shall be desirous of having Commissioners of Sewers chosen agreeably to the provisions of this Act, and shall signify such desire by Petition to the Court of General Sessions of the Peace of the County within which such Marsh Land may be situated, it shall be the duty of such Court to take order therein, and by an order of such Court to divide into Districts, and describe by known metes and bounds, such parts and portions of the Marsh Land situate in such Parish as they may think proper, distinguishing each District by a number, (and having regard in establishing such District as near as may be to what has hitherto been treated and considered as separate bodies or blocks of Marsh Land,) with an estimate of the supposed number of acres of Marsh in each District; and such Court may from time to time alter, add to, or increase the number of Districts of Marsh in such Parish; which orders and determinations of such Court from time to time made shall be entered in the Minutes of such Court.

II. And be it enacted, That it shall be the duty of the Clerk of such Court of General Sessions, within thirty days after such first order of Court so made, to furnish the Sheriff of the County with a copy of the same, certified under the hand and Seal of Office of such Clerk.

III. And be it enacted, That such Sheriff, or his Deputy in that behalf, shall, with all convenient dispatch after receiving such certificate, proceed to hold a meeting of the proprietors of Marsh in such Parish, at some convenient place within the Parish, first giving thirty days public notice in three or more public places within the same, of the time and place of meeting, for the purpose of choosing five Commissioners of Sewers in and for the said Parish; and at the time and place appointed, such Sheriff or Deputy Sheriff shall preside at such meeting, and proceed to take the poll, and enter the same in a book to be provided for the purpose, in the form of the Schedule hereunto annexed (or in words and figures to like effect); which poll shall be kept open until six o'clock post meridiem; and if all the proprietors shall not have then voted, the same may be adjourned until nine o'clock in the forenoon of the next succeeding day, and kept open until three o'clock in the afternoon of such succeeding day, when the poll shall be finally closed.

IV. And be it enacted, That every Proprietor of Marsh Land situate in any District established in such Parish, whether male or female, shall be entitled to a vote at such election, except children under the age of sixteen years.

V. And be it enacted, That votes of such proprietors of Marsh to be given and taken at such election, shall be as follows: each proprietor shall have as many votes as he owns acres of Marsh in such District, exclusive of all fractional parts; and in case the number of votes claimed by any voter should be disputed at the time he offers to vote, by any other proprietor, then before such votes are received and entered, the person claiming the right to vote shall take the following oath: "You do swear that you are the proprietor of — acres of Marsh, situate in District number —, of the Parish of —, [or — acres in District number —, and — acres in District number —,] and that you are entitled to vote therefor at this election of Commissioners of Sewers; and that you have not before voted at this election:" Which oath the said Sheriff or Deputy is hereby authorized and required to administer; and no other proof of qualification shall be required of such voter.

VI. And be it enacted, That the Sheriff shall forthwith make return of his proceedings, together with the Poll Book, sealed up, into the Office of the Clerk of the Peace for the County, to be by such Clerk laid before the next Court of General Sessions of the Peace for said County.

VII. And be it enacted, That it shall be the duty of such Court to open and examine the Poll Book so returned, and if no substantial irregularity shall be made to appear, shall confirm the same, and proceed to ascertain from the Poll Book which five Candidates have the highest number of votes; and if it shall appear on such examination of the Poll Book, that the proprietors of one half the estimated number of acres in any District shall not have voted at such election, then the votes given on such account of the Land in such District, shall be struck off and not allowed; and if after such examination and adjustment it appear that two or more Candidates have an equal number of votes, such Court shall then determine by lot which of such Candidates shall be deemed to have the majority, one over the other, and such Court shall then fix and determine the respective periods of service of each Commissioner as follows: The Commissioner having the lowest number, to serve until the last day of April which shall first happen after the expiration of one year from the time of such examination and confirmation by such Court; the Commissioner having the next lowest number of votes, to serve for the period of two years, reckoned in like manner; and so on with the others; so that the Commissioner having the highest number of votes shall serve until the thirtieth day of April which shall so happen after the expiration of five years from the time of such examination and confirmation as aforesaid, which confirmation and determination shall be entered in the Minutes of said Court; and it shall be the duty of the Clerk of said Court forthwith to furnish the Commissioners so elected and confirmed with a copy of the same, in order that such Commissioners may be notified of their appointment, and be sworn into office, which any Justice of the Peace of such County is hereby authorized to do; and any Commissioner so elected, confirmed and notified, who shall neglect for the period of one month after the receipt of such notice to take the oath of office, shall be deemed to have refused to accept such office.

VIII. And be it enacted, That the persons so chosen, confirmed and sworn as Commissioners of Sewers for any such Parish, shall be deemed the Commissioners of Sewers in and for said Parish, with all the duties, powers, authorities and privileges imposed and conferred in and by an Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof," during the period of their respective times of service; and in case of refusal to act as aforesaid, death, or expiration of the time of service of any such Commissioners, the remaining Commissioners shall still have power to act, and shall be deemed the Commissioners of Sewers for said Parish; provided that no rate shall be made or imposed without the consent of a majority of the existing Commissioners, and that not less than two shall be a quorum for the making of any rate or assessment.

IX. And be it enacted, That in any Parish for which Commissioners may have been so chosen and confirmed, there shall always afterwards be held a meeting of the proprietors of Marsh on the first Tuesday in May in every year, at some convenient place in said Parish, for the purpose of choosing Commissioners to supply any vacancies which may have happened by the death, expiration of the period of service, or refusal of any Commissioner to qualify and accept the office; at which annual meeting, some or one of the Commissioners remaining in office shall preside and take the poll to supply such vacancies in all respects the same as is before provided for the Sheriff or his Deputy; which poll may in like manner be adjourned, and shall be finally closed on the second day at three o'clock, P. M., when the Commissioner or Commissioners taking such poll, shall proceed to count up the votes of proprietors given at such election for the Candidate or Candidates, allowing the votes of any proprietor of Marsh in any District which may then be under the jurisdiction and authority of the Commissioners of Sewers of such Parish, although a majority of acres in such District may not have been voted for at such election, but striking out the votes for Marsh in any District not then under the juris-