

County, to enforce the said regulations; which persons so recommended, the Justices, at the time of appointing the Parish Officers for the said County, shall appoint for the ensuing year; and the said Commissioner or Commissioners of each District is and are required to keep separate and distinct accounts of all labour performed in their several Districts, during the period for which they are appointed; and during the last half year of their term of office, the said Commissioners shall arrange, collect, settle up, and satisfactorily arrange, as far as possible, all the accounts arising or accruing during their term of office, and on the expiration thereof, to deliver the same up, together with all vouchers and documents whatsoever, to their successors in office; that the said Commissioners shall receive out of assessments made by them, a reasonable compensation for their services, not to exceed seven shillings and six pence per day for each and every Commissioner.

VI. And be it enacted, That in case of the refusal to act, removal or death of any person elected as Commissioner of Sewers under and by virtue of this Act, the Proprietors of the District by which such Commissioner may have been elected, may make application to the Town Clerk of said Parish to call a public meeting of the Proprietors of such District for the election of a Commissioner for such District; which meeting the said Town Clerk is hereby required to advertize in three or more public places in said Parish; and such election shall be conducted in the same manner as is provided in the second and third sections of this Act for the election of Commissioners of Sewers at the General Election thereof; provided always, that such Commissioner or Commissioners so elected shall not hold such office for a longer period than until the General Election of Commissioners of Sewers next ensuing such election.

VII. And be it enacted, That if the Proprietors of any body of Marsh Land in said Parish, containing not less than two hundred acres, should desire the superintendence of Commissioners of Sewers to take care of the same, they may make application in writing, signed by the Proprietors of a majority of acres in said body, requiring the Town Clerk of said Parish to call a public meeting of the Proprietors of such body of Marsh Land, for the purpose of electing a Commissioner of Sewers by such body of Marsh; that thereupon the said Town Clerk shall give ten days notice of the said meeting, to be held in the said Parish, by advertizing the same in six or more public places in the said Parish; and that at the time and place so advertized for the election of a Commissioner of Sewer by the said proprietors, the election of such Commissioner of Sewers shall be proceeded with, which election shall be conducted in like manner as is provided for in the second and third Sections of the Act for the Election of Commissioners of Sewers for the district therein named; which Commissioner of Sewers, so elected, shall be declared a Commissioner of Sewers for the several districts herein named, and such further bodies of Marsh as may avail themselves of the provisions of this Act, with all the duties, authorities and privileges imposed and conferred by this Act upon the said other Commissioners of Sewers for said districts; provided always, that such Commissioner of Sewers so elected, shall not continue in office for a longer period than until the General Election of Commissioners of Sewers for said Districts next ensuing such election, at which time the election for a new Commissioner of Sewers by such district shall proceed, as is provided by the said second and third Sections of this Act for the several districts therein named; and provided always, that if the proprietors of a majority of the number of acres in such body of Marsh do not vote at such election so called by the Town Clerk, in such case the said election shall be deemed wholly null and void.

VIII. And be it enacted, That the Commissioners of Sewers, elected under this Act, shall determine the boundaries of the several districts named in this Act, and that in case the proprietors of the majority of acres of any body of Marsh in said Parish, shall be desirous of being annexed to any district or body of Marsh having elected a Commissioner of Sewers by virtue of this Act, the said Commissioners of Sewers are hereby empowered and authorized, upon the consent of the proprietors of a majority of acres in both bodies of Marsh, as well of that body desiring to be annexed, as of the body or district to which it is to be annexed, to declare such body of Marsh annexed to such district or body, and subject to the jurisdiction and control of the Commissioners of Sewers, to all intents and purposes the same as if it had originally been part of such district; and in case any body of Marsh in said Parish shall be desirous of being discharged from the power and control of the said Commissioners of Sewers, the said Commissioners, upon the like consent being had, shall and may declare such district or body of Marsh withdrawn from the jurisdiction and control of the Commissioners of Sewers, from which time the said Commissioners shall cease to have any control over such body of Marsh; provided, that any rate made before the time of such order may still be enforced and levied in all respects the same as if such body of Marsh had not been withdrawn.

IX. And be it enacted, That every person allowed by law to make an affirmation instead of taking an oath, shall be allowed to affirm in every case where by the provisions of this Act an oath is required to be taken; and if any person taking an oath or making affirmation as required by this Act, shall wilfully swear or affirm falsely, such person shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties by law provided for that offence.

X. And be it enacted, That a copy of a Certificate of Return of Commissioners of Sewers, filed in the Office of the Clerk of the Peace, certified under the hand and seal of Office of such Clerk, shall be prima facie evidence of the regularity and legality of all proceedings up to, and the election of such Commissioners of Sewers; and that a copy of what regulations the said Commissioners may from time to time make, certified under the hand and seal of office of the said Clerk of the Peace, shall in like manner be evidence of such regulations in all Courts of Record in this Province.

XI. And be it enacted, That whenever any person shall be aggrieved by the wilful neglect or gross carelessness of any of the said Commissioners, upon complaint being made to them by such person, the said Commissioners shall require some disinterested Magistrate of said County, not a resident in said Parish, to nominate five disinterested freeholders, who shall be sworn truly and impartially to investigate the matter of such complaint, and award and determine the amount of damages, charges and expenses sustained, and to whom and by whom the same shall be paid, and whether any damages have been sustained by such person; which award shall be binding upon the said Commissioner or Commissioners personally, and also upon the said person so complaining; which award may be sued in any Court having jurisdiction to try the same, by the person or persons in whose favor the same may be found.

XII. And be it enacted, That the second section of an Act passed in the tenth and eleventh years of the Reign of His late Majesty George the Fourth, entitled, "An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof," be repealed so far as the same extends to the said Districts, numbers one, two, three, four, five and six, and may extend to such bodies of Marsh as hereafter avail themselves of the provisions of this Act.

XIII. And be it enacted, That throughout this Act, in the construction thereof, except there be something in the subject or context repugnant to or inconsistent with such construction, the word "Commissioners" shall mean a majority of such Commissioners; the word "Marsh" shall extend to and mean Marsh, Lowlands and Meadows; the word "Proprietor" shall extend to and mean the Owner in Fee of any such Lands, either in possession by himself or his tenant, under a lease not having seven years to run, the Mortgager, Tenant by Courtesy, Tenant in Dower, Tenant for life or for years under a lease having seven years to run, or a Tenant in possession of Land under an agreement for the absolute purchase thereof from the owner in Fee Simple of any such Lands, and having the possession thereof; and when the subject or context requires it, every word importing the singular number, or the masculine gender only, shall include and extend to several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals.

SURROGATE COURT, QUEEN'S COUNTY.

[L. S.] In the matter of the Estate of the late Richard Currey, of Gagetown, in Queen's County, Farmer, Deceased.

UPON reading the Petition of Elizabeth Currey, Administratrix of the Estate of the said Richard Currey, Deceased, praying that Licence may be granted to her to sell Real Estate of the said Deceased, for the purpose of paying off the Debts of the said Estate: I do thereupon order that a Citation do issue calling upon the Creditors and next of Kin of the said Deceased, and all other persons interested in the said Estate, to appear before me, Nathaniel Hubbard DeVeber, Esquire, Surrogate in and for Queen's County, at a Court of Probate to be holden at the Office of the Register of Probates in and for Queen's County, on Saturday the tenth day of March next, at ten o'clock in the forenoon, to shew cause why Licence should not be granted as prayed for by the said Petitioner; and I do further order, that a copy of this Citation shall be posted up in three of the most public places within the said County, and also be published in the Royal Gazette, and be continued therein for three weeks previous to the Return day mentioned in the said Citation.—Given under my hand, and the Seal of the said Court, this fifth day of February, A. D. 1849.

N. H. DEVEBER, Surrogate.

HENRY S. PETERS, Register Probates.

NOTICE is hereby given, That the Subscribers have been duly appointed Trustees for all the Creditors of James M'Guire and John M'Guire, late of the Parish of Weldford, in the County of Kent, Absconding Debtors, and do hereby require all persons indebted to the said James M'Guire and John M'Guire, on or before the first day of March next, to pay all such sums of money, or other debt, duty or thing which they owe to the said James M'Guire and John M'Guire, and to deliver all other effects of the said James M'Guire and John M'Guire, which he, she or they may have in their hands, power or custody, to the said Trustees; and the said Trustees do hereby desire all the Creditors of the said James M'Guire and John M'Guire, on or before the said first day of March next, to deliver to the said Trustees, or any of them, their respective accounts and demands against the said James M'Guire and John M'Guire.—Dated the ninth day of December, 1848.

JOHN W. HOLDERNESS,
WM. LEDDEN,
THOS. G. RICHARDSON.