

9. The shares of the said Company shall be assignable and transferable according to such rules and regulations as may be established in that behalf; but no assignment or transfer shall be valid and effectual, unless the same shall be entered and registered in a book to be kept by the Directors for that purpose.

10. After the payment to the shareholders of eight per cent. per annum on the paid up stock, and the annual expenses of the said Cemetery, the balance of the proceeds of sales of Lots, &c. shall be forever devoted and applied to the preservation, improvement, embellishment and enlargement of the said Cemetery, and for no other purpose whatsoever.

11. The tract or piece of land purchased and held by the said Company for such Cemetery, shall be laid off and sold in suitable Burial Lots as the Directors shall, from time to time, find necessary and expedient, and shall be forever free and open for the purposes and rites of burial to all holders of lots, their legal representatives and assigns, without distinction of creed, but the Directors may, if they see fit, set apart and reserve for the exclusive use of members of the Church of England, and such persons as shall be buried according to the rites thereof, a portion of the said Cemetery not exceeding in quantity five acres, and may permit the same to be consecrated by said Church: purchasers of lots shall be entitled to certificates of ownership under the seal of the Company, which shall be held subject to the rules, regulations, and bye laws of the Company, as a valid title to the lots that are named therein, for the purpose of burial only, and may be assigned with the approval of the Directors duly registered.

12. The land purchased and held by the said Company is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall be and remain dedicated to the purposes of a Cemetery as aforesaid, and property in lots therein shall not be levied upon or taken in execution against the owner or owners thereof, but shall be altogether free from seizure at the suit of any person or persons whomsoever, and shall not prevent any confined debtor from receiving support under the Laws in force for the relief and support of insolvent confined debtors.

13. If any person or persons shall wilfully destroy, mutilate, injure or remove any tomb, monument, grave-stone or other structure placed in the Cemetery aforesaid, or any fence, railing or other work, for the protection or ornament of any tomb, monument, grave-stone or other structure aforesaid, or shall wilfully destroy, remove, cut, break or injure any tree, shrub or plant, within the limits of the said Cemetery, or shall play at any game or sport, or discharge any gun or other fire-arm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, he or they shall be liable to treble damages therefor, in an action to be brought against him in any Court of competent jurisdiction, in the name of the said Company, which damages, when recovered, shall be applied by the said Company to the reparation of the property destroyed or injured, or if not so required, to the general purposes of the Company.

14. And whereas it has been agreed by and between the persons named in this Act, and the Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John,

in the said City of Saint John, that the said Rector, Church Wardens and Vestry shall, if duly authorized by law so to do, sell and convey to the said Company, their successors and assigns, in fee simple, all that certain tract or piece of land situate, lying and being in the said Parish of Lancaster, to the north of a road lately laid out and recorded, running from the said cove road in a westerly direction to Taylor's Island, so called, and containing by estimation forty six acres more or less, being part of the Glebe lot belonging to the said Rector, Church Wardens and Vestry in said Parish, fronting on said cove, and adjoining lot number seven, heretofore granted to one Daniel Leavitt at the rate of twenty dollars per acre;—Be it therefore enacted, that as soon as the said Company shall be duly organized and prepared to pay the purchase money of the said tract or piece of land above described, it shall and may be lawful for the said Rector, Church Wardens and Vestry, absolutely to sell, alienate and convey the same by Deed under their corporate seal, to the said Greenwood Cemetery Company, their successors and assigns, in fee simple, and the net proceeds of such sale to reinvest in other safe real or personal securities, for the benefit of the Rector of the said Parish for the time being, in lieu of said Glebe, but nothing in this Act shall make it the duty of the said Company to see to the investment of the moneys so to be paid by them, or render them in any way responsible therefor.

CAP. V.

An Act relating to the prosecution of Criminal proceedings in the several County Courts in this Province.

Sec.

- 1 Duty of Clerk.
- 2 Judge may tax and allow to Clerk reasonable Fees.
- 3 Duty of Clerk for York and Saint John.
- 4 Compensation to Clerk of the Crown.

Sec.

- 5 Estreated Recognizances to be forwarded to Attorney General.
- 6 Amount to be paid to Clerk, how paid.
- 7 This Act not to interfere with the rights of Attorney General.

Passed 21st April, 1869.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows,—

1. That it shall be the duty of the Clerk of the County Court, in each County in this Province, except as provided for otherwise by the third Section of this Act, on receipt of depositions, or any other documents or papers relating to any offences or matters of a criminal nature committed in the County of which he is Clerk, and over which the County Court shall have jurisdiction, to take all necessary proceedings for the trial and final determination thereof, and to prepare all necessary indictments, and to prosecute the same to a conclusion, including the necessary proceeding to carry out any sentence imposed before the County Court, and to take all necessary proceedings for securing or compelling the attendance of all material witnesses and testimony.

2. That it shall be lawful for the presiding Judge, at any County Court, to tax and allow to such Clerk, for his services, such reasonable fees as he would have been entitled to for the like services as the Attorney of any party in a civil action, together with such reasonable counsel fees of not less than five dollars, and not exceeding, for any one prosecution, the sum of fourteen dollars, as such Judge may deem adequate to the services performed on such prosecution; but the costs to be taxed shall in no case exceed twenty dollars for all writings and papers, and for all counsel