



BY AUTHORITY.

ANNO TRICESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. XXXI.

An Act in addition to an Act intituled *An Act further to increase the capital stock, and to continue and amend the Act to incorporate the Fredericton Boom Company.*

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| Sec. | Sec. |
| 1 Unmarked logs, how disposed of; proviso. | 2 Continuance of Act. |

Passed 21st April, 1869.

WHEREAS great quantities of Logs and Timber not having any mark or other index of property thereon, are oftentimes found within the Booms of the Fredericton Boom Company, and it is expedient that the disposal and appropriation of the same should be regulated by law;—

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

1. That notwithstanding any thing contained in any Act of Assembly relating to the Fredericton Boom Company, the said Boom Company, on the first and third Monday in every month during the rafting season in each year, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon, shall sell by public auction at the Boom office, at or near the residence of the Honorable John Glasier, in the Parish of Lincoln, in the County of Sunbury, all such unmarked logs or timber, except such as may be in joints or shackle booms, as may have been found within the Booms of the said Company during the preceding month, or at any preceding time during the season, and shall, at the time of such sale, exhibit and post up for the information of purchasers, a Survey Bill of all such unmarked logs and timber in the said Boom, and so offered for sale as aforesaid; and after first deducting the costs and charges of selling the same, together with the Boom fees as authorized by law, shall, at the winding up of the year's operation, distribute the net proceeds of such sales among the several persons having marked logs or timber in the said Booms, or who may have had marked logs or timber therein, previous to the time of such sale during the same season, in fair and just proportion, according to the quantity of marked logs or timber such person or persons may have coming through said Booms; provided that nothing herein contained shall give to the said Company the right to sell any logs which, at the time of such sale, shall be in the custody of the law, or shall have been adjudged to be the property of any person claiming the same.

2. This Act shall continue and be in force during any continuance of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Fredericton Boom Company*, or of any Act to amend or continue said Act.

CAP. XXXII.

An Act to provide more effectually for the Prevention of Bribery and Corruption at the Election of Members to serve in the General Assembly, and for the more effectual Trial of Election Petitions.

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| Sec. | Sec. |
| 1 Title and purpose of Act. | 33 & 34 Jurisdiction and Rules of Court. |
| 2 & 3 Definition of terms; what shall be termed Bribery; penalty to candidate. | 35 & 36 Expenses and Jurisdiction of Judge. |
| 4 Presentation of Petition, by whom. | 37 Title of Court. |
| 5 Requirements of Petition; presentation of Petition, to whom; security for costs to be given by Petitioner. | 38 Interlocutory questions, how disposed of. |
| 6 When Clerk shall send copy of Petition to Sheriff. | 39 Clerk of Circuits to attend at trial. |
| 7 When service of duplicate Petition shall be made on Respondent. | 40 & 41 Witnesses, how and by whom summoned. |
| 8 Duplicate Petition to be filed with Clerk, with affidavit of service; Clerk to keep record of time when papers are filed. | 42 Examination of witness. |
| 9 Trial of Petition, before whom. | 43 Expenses of witness, how paid. |
| 10 Court to assign Judges. | 44 Withdrawal of Petition. |
| 11 In case of death or illness, another Judge to be appointed. | 45 & 46 Application for leave to withdraw, with whom filed; notice to be given. |
| 12 Petition to be tried without Jury. | 47 If a Petitioner withdraws, who may be substituted. |
| 13 When Trial shall take place. | 48 Person desirous of becoming substitute to give notice. |
| 14 Notice of Trial to be given. | 49 Judge to appoint time and place for hearing application for withdrawal. |
| 15 Judge to fix time of Trial. | 50 & 58 Judge may substitute applicant as a Petitioner; substitute to give security; proviso. |
| 16 When Judge may postpone beginning of Trial. | 51 Security to be given by substitute. |
| 17 Trial to stand adjourned till arrival of Judge. | 52 Substitute subject to same liabilities as original Petitioner. |
| 18 Formal adjournment of Court not necessary. | 53 When there are more than one Petitioner, consent of all must be had for withdrawal. |
| 19 What shall constitute the record in the cause. | 54 In any case of withdrawal, Judge to report to Speaker his opinion as to the cause of withdrawal. |
| 20 Judge to give his decision publicly, and assign his reasons, and certify to Speaker. | 55 When Petition abated. |
| 21 Judge to report to Speaker whether Bribery has been committed. | 56 Abatement of Petition not to affect liability for costs. |
| 22 When certificate of Judge may be postponed. | 57 Notice of abatement, how and by whom given. |
| 23 When case may be stated as special. | 59 & 60 Penalty for Bribery. |
| 24 When Speaker shall issue warrant for new writ; in case there be no Speaker who shall issue warrant. | 61 Costs, how defrayed. |
| 25 Certificate to be entered on Journals. | 62 Clerk Pleas to tax costs. |
| 26 Effect of certificate of Judge. | 63 Refusal or neglect to pay costs by Petitioner held as default in recognizance, and recognizance forfeited. |
| 27 When charge of Corrupt Practice may be gone into. | 64 Moneys recovered and received, how disposed of. |
| 28 Acceptance by Respondent of office not to stop trial of Petition. | 65 Barristers to be subject to order of Court. |
| 29 More than one candidate may be made Respondents to one Petition. | 66 Agent or Attorney of party to leave notice with Clerk Pleas; service on such to be deemed sufficient notice. |
| 30 Minutes of evidence to be attached to certificate. | 67 Persons authorized to take affidavits. |
| 31 What shall be evidence of protest. | 68 Elections, how questioned. |
| 32 Certain Acts relating to evidence to be in force. | 69 Publication of notice, how made. |
| | 70 Proceedings not defeated by formal objection. |

Schedule.

Passed 21st April, 1869.

WHEREAS it is expedient to provide more effectually for the Prevention of Bribery and Corruption at the Election of Members to serve in the General Assembly, and for the more effectual Trial of Election Petitions;—

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

PRELIMINARY.

1. This Act may for all purposes be cited as "The Bribery and Corruption and Election Petition Act, 1869."

2. The expression "the Court" shall, for the purposes of this Act, mean the Supreme Court at Fredericton; and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to Election Petitions under this Act, and the proceedings thereon, as it would have if such Petition were an ordinary cause within its jurisdiction; and the term "Judge" shall, unless otherwise provided, mean a Judge of the Supreme Court.