



## By Authority.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston to convey their right to the land whereon the Court House has been erected to the Justices of the Peace of King's County, in exchange for other land; and to establish a public square in the said Parish.

Passed 31st March 1831.

**WHEREAS** the legal title to the land on which the Court House of King's County has been erected, is claimed by the Rector, Church Wardens and Vestry of the Parish of Kingston as vested in them; but they are nevertheless desirous and willing to convey the same to the Justices of the Peace in and for the said County, and their successors, upon the said Justices conveying to the said Rector, Church Wardens and Vestry a certain other piece of land situate in the said Parish of Kingston; both of which said parcels of land are hereinafter described:

I. Be it therefore enacted by the President, Council, and Assembly, That upon the receipt of a good and sufficient title, conveyance and assurance, from the said Justices of the Peace of King's County, of all that certain lot, piece, or parcel of land, situate in the Parish of Kingston, being part of a tract heretofore granted to the Justices of the Peace of King's County aforesaid, by letters patent under the Great Seal of the Province of New-Brunswick bearing date the thirtieth day of October in the year of our Lord one thousand eight hundred and seven, in trust for the use, benefit and behoof of the inhabitants of the said County to erect thereon a Gaol and Court House, and for other public uses, profits, and benefits of the said inhabitants; the said piece so intended to be conveyed being bounded as follows, viz: Commencing at the southern angle of the said tract, thence running north forty-five degrees east, sixteen chains to the eastern angle of the said tract, thence along the division line between the said tract and the Kingston glebe lot eight rods, thence south forty-five degrees west, on a line parallel to the first described boundary, till it meets the southwest line of the said tract, and thence following the said last mentioned line to the place of beginning; containing three acres; with all the rights, members, and appurtenances thereunto belonging, to be made to the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and their successors forever; they, the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, be and they are hereby authorized and empowered by good and sufficient deed to grant, bargain, sell and convey, unto the said Justices of the Peace in and for King's County, all that certain lot, piece, or parcel of land situate in the said Parish of Kingston, bounded and described as follows; that is to say, The front or northerly line of the said lot to be twelve feet distant from and parallel to the front of the said Court House, and to extend the whole width of the said Court House and fourteen feet beyond on each side, so as to make a front of eighty-eight feet, and the said lot to extend back, preserving the same width of eighty-eight feet, until it meets the line of land belonging to George Raymond and Achah Raymond, the said lines to be at right angles with the said front line, together with the rights, members, and appurtenances thereunto belonging; to hold to the Justices of the Peace of King's County for the time being, in trust for the use, benefit and behoof of the inhabitants of the said County for the purpose of erecting, maintaining and keeping thereon the Court House of the said County from henceforth forever, and for no other use or purpose.

II. And be it further enacted, That the Justices of the Peace of the said County, shall be and they are hereby authorized and empowered, at any Court of General Sessions of the Peace for the said County, by good and sufficient deed under the seal of the said Court, to grant, bargain, sell, and convey unto the said Rector, Church Wardens, and Vestry of Trinity Church in the Parish of Kingston and their successors forever, the said Lot, piece or parcel of Land first hereinbefore described, being part of the said tract so granted to them for public purposes as aforesaid, and held by them by virtue of the said grant and the Act of Assembly in such case made and provided.

III. And whereas all that parcel of land lying in front of the said Court House in the said Parish of Kingston, bounded northerly by the church yard of Trinity Church, easterly by the highway, and westerly by the land of the said Reverend Elias Scovil and George Raymond, has for many years past been used by the inhabitants of the said County as a public and open square; and it is the desire of the said Rector, Church Wardens and vestry of Trinity Church in the Parish of Kingston, and the said Justices of the Peace of King's County, that the same open space, and also the land adjoining thereto, belonging to the said Rector, Church Wardens and Vestry, on each side of the lot so intended to be conveyed to the Justices of the Peace for the purpose aforesaid, should be recognized and established by law as a Public Square: Be it therefore further enacted, That the said open space above described, together

with the land adjoining thereto and extending therefrom to the line of Messieurs Raymonds' land lying on each side of the said Court House Lot, and bounded westerly by the land of the Reverend Elias Scovil and George Raymond, and easterly by the public road or highway, shall forever hereafter continue and be a public and open square; and that it shall not be lawful to erect or place any buildings or incumbrances thereon; and that all or any buildings or incumbrances erected or placed thereupon, shall be deemed and taken to be public nuisances, in the same manner, to all intents and purposes, as if the same were placed on any public road or highway in the said Parish.

IV. Provided also, and be it further enacted, That nothing in this Act contained shall take away or affect, or be construed to take away or affect, the right and title of the King's Majesty, his heirs and successors, or the Right of any person or persons, body politic or corporate, whatsoever, other than the said Rector, Church Wardens, and Vestry of Trinity Church in the Parish of Kingston, and the said Justices of the Peace of the said County in behalf of the inhabitants of the said County, as before particularly set forth.

V. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and as such judicially noticed without being specially set forth or pleaded.

## An Act to regulate sales by Public Auction.

Passed 31st March 1831.

**WHEREAS** by the present law for regulating sales by auction much doubt has arisen as to the construction of several clauses: And whereas several other parts or clauses in the said law, are deemed injurious and oppressive to the auctioneer, as well as to the general interest of trade and commerce in this Province:

I. Be it enacted by the President, Council, and Assembly, That from and after the time limited and appointed for this Act going into effect, the Act passed in the ninth and tenth years of the Reign of His late Majesty George the Fourth, intituled "An Act for the better regulation of sales by auction," be and the same is hereby declared to be repealed; saving nevertheless the right of recovery of all the duties and penalties which are now due, or may hereafter become due, under and by virtue of the said Act.

II. And be it further enacted, That there be granted to the King's most Excellent Majesty, his heirs and successors, for the use of this Province, and for the support of the Government thereof, the rate and duty hereinafter mentioned on goods sold by auction or public outcry; that is to say, On all goods, chattels, wares, merchandize and effects whatsoever, sold by public vendue, auction, or outcry within this Province, the sum of two pounds ten shillings for every hundred pounds in value sold as aforesaid, and at and after the same rate for every greater or lesser sum; Provided always, that the Auction duties imposed by this section, shall not extend to any teas imported direct from China.

III. And be it further enacted, That all goods, wares and merchandize advertised or exhibited for public sale by any auctioneer or vendue master, shall be liable and subject to the duty aforesaid, if sold during or within twelve hours after the commencement of such sale: Provided always, and be it further enacted, that all goods belonging to the Crown, or seized by any public officer or officers for or on account of any forfeiture or penalty, houses, cattle, lands, ships, vessels, salt, coal, household effects, agricultural products, and manufactures of this Province or Nova Scotia, goods and effects of deceased persons, or goods distrained for rent or taken in execution, effects of insolvent debtors, goods damaged at sea and sold on account of the owners or insurers within twenty-one days after the same shall be landed, shall in no wise be subject to, but are hereby altogether exempted and declared free from the duty before mentioned.

IV. And in order more effectually to secure the duty hereby imposed as aforesaid; Be it further enacted, That no vendue master or auctioneer, already appointed, or hereafter to be appointed, shall sell or dispose of any goods, chattels, wares, merchandize or effects, by public vendue, auction or outcry, until he or they shall have first given bond to our Sovereign Lord the King, his heirs and successors, to be approved of by the Treasurer or Deputy Treasurer, as the case may be, conditioned for the payment of the duties hereinafter mentioned to the Treasurer of the Province for the time being, or to his Deputy; such bond, if within the City of Saint John, to be taken in the penal sum of five hundred pounds, and if within any other part of this Province, in the penal sum of two hundred pounds.

V. Provided always, and be it further enacted, That should any person or persons so becoming surety for any vendue Master or Auctioneer die or remove from the Province, or become insolvent, or, in the opinion of the Treasurer or Deputy Treasurer as the case may be, insufficient, it shall and may be lawful for such Treasurer or Deputy to require such vendue master or auctioneer to enter into a new bond with other good and sufficient sureties, conditioned as aforesaid; and if such vendue master or auctioneer shall refuse or neglect to give such security, within one month after being required so to do, he shall be deemed and taken to have forfeited his licence or appointment.

VI. And be it further enacted, That every auctioneer or vendue master shall,

at or within thirty days after the expiration of every three months, to be computed from the time at which this Act goes into operation, render a just and true account in writing, upon oath, to the Treasurer of the Province for the time being, or to the Deputy Treasurer of the district within which the sales shall take place, of all and singular the goods, chattels, wares and merchandize, with the amount thereof, which he or they may have sold within the period for which such account is rendered, and which are made subject and liable to duty by this Act, and shall forthwith pay to the said Treasurer or Deputy Treasurer, as the case may be, the full amount of duties on such sales; the oath required by this Act to be according to the form set forth in the schedule to this Act, or to that effect; and if any vendue master or auctioneer shall neglect or refuse to deliver such account on oath, and pay the duties as herein directed, he shall for each and every offence forfeit and pay the sum of fifty pounds.

VII. And be it further enacted, That any person or persons who shall sell or dispose of any lands, tenements, ships, vessels, goods, wares or merchandize, by public vendue, auction or outcry, without being first duly licensed and appointed, and without having first given bond as directed by this Act, shall for each and every offence forfeit and pay the sum of one hundred pounds: Provided always, that nothing herein contained, shall extend or be construed to affect sales made under the process, order or decree of any Court of justice, or by any public officer, or by any executor or administrator of the lands or effects of the testator or intestate, or of any property real or personal belonging to the Crown.

VIII. And be it further enacted, That the penalties imposed by the sixth and seventh sections of this Act, shall and may be recovered by information to be made and filed by his Majesty's Attorney General in the Supreme Court of Judicature; and the said penalties, after deducting the costs and charges of the prosecution, shall be paid into the Treasury of the Province for the use of the same.

IX. And be it further enacted, That it shall be the duty of the Treasurer of the Province, and the Deputy Treasurers within their respective districts, to require the returns and accounts to be regularly made as directed by this Act, and to cause proceedings to be instituted against such vendue master or auctioneer as shall neglect or refuse to render the same.

X. And be it further enacted, That every vendue master or auctioneer who may be licensed or appointed within any of the Counties of this Province, (the City of Saint John excepted,) shall pay to the Treasurer of the County, within ten days after the beginning of every year, such yearly sum as the Justices of the Peace for the said County at any General Sessions of the Peace may direct and appoint, not exceeding ten pounds per annum; the same to be applied in the like manner as other County rates; and every vendue master or auctioneer neglecting or refusing to pay the same, shall forfeit and pay the sum of twenty pounds, to be sued for and recovered by the County Treasurer for the time being, in his own name, by action of debt, in any Court of competent jurisdiction, together with the costs of suit; and the same when recovered to be applied as above mentioned; in which action any inhabitant of the County shall be considered a competent witness.

XI. And whereas, by the charter of the City of Saint John, the Mayor of the said City for the time being is authorized and empowered to license and appoint vendue masters and auctioneers within the said City; Be it further enacted, that nothing in this Act contained, shall extend or be construed to interfere with the rights so granted as aforesaid; provided always, that no vendue master or auctioneer, shall attempt to sell without first having given bond as herein before directed; and provided also, that every vendue master or auctioneer so licensed or appointed within the said City, shall pay to the chamberlain of the said City, for the use of the Mayor, Aldermen and Commonalty of the said City, such yearly sum as they may direct and appoint, not exceeding thirty pounds in any one year.

XII. And be it further enacted, That the said Province Treasurer, and the Deputy Treasurers, shall keep exact and distinct accounts of the monies arising from time to time by virtue of this Act which may be by them respectively received.

XIII. And be it further enacted, That no auctioneer or vendue master shall knowingly sell or dispose of any contraband or smuggled goods, under the penalty of one hundred pounds, to be recovered and applied in the manner and to the uses directed in and by the eighth section of this Act.

XIV. And be it further enacted, That if any auctioneer or auctioneers shall be guilty of false swearing in any affidavit taken under and by virtue of this Act, such auctioneer or auctioneers so offending shall, on due conviction thereof, be liable to suffer the pains and penalties by law imposed for wilful and corrupt perjury.

XV. And be it further enacted, That this Act shall go into operation on the first day of May next.

## Schedule containing form of Affidavit and Bond.

I, A. B. [or We A. B. and C. D.] do solemnly swear in the presence of Almighty God, that the account now exhibited by me [or us,] and to which I [or we] have subscribed my name [or our names,] contains a just and true account of all goods, wares, merchandize and effects sold by me [or us,] or any person or persons under me [or us,] within the time set forth in the

said account, which are liable to the duty imposed by an Act of the General Assembly, intituled "An Act to regulate sales by public auction." So help me God.

Know all men by these presents, that we, ———— are held and firmly bound unto our Sovereign Lord the King, his heirs and successors, in the penal sum of ———— of current money of the Province of New-Brunswick, to be paid to our said Sovereign Lord the King, his heirs and successors; for which payment well and truly to be made and done, we bind ourselves jointly and severally, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated this ———— day of ———— in the year of our Lord one thousand eight hundred and ————

Whereas, in pursuance of an Act of Assembly passed in the first year of His Majesty's Reign, intituled "An Act to regulate sales by public auction," the above bounden ———— has been duly licensed and appointed an auctioneer, or vendue-master, within the ———— County of

Now the condition of the above written obligation is such, that if the above bounden ———— shall and do from time to time, and at all times hereafter, so long as he shall continue an auctioneer or vendue master as aforesaid, render just, exact, and true account, upon oath, to the Treasurer of the Province for the time being, or the Deputy Treasurer (if there shall be) within the district, of all and singular the goods, chattels, wares and merchandize which he the said ———— may from time to time sell, and which are liable to duty under the said Act, and shall and do from time to time, well, truly, and punctually pay to the said Treasurer or Deputy Treasurer, as in and by the said Act required, the full amount of auction duty or duties on such sales, pursuant to the said Act, and shall in all things well and truly obey and observe the provisions of the said Act, then the said obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of }

A Bill to amend the Laws in force relating to insolvent confined debtors.

Passed 31st March 1831.

**WHEREAS** by an Act made and passed in the tenth and eleventh year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal all the Laws now in force for the support and relief of confined debtors, and to make other and more effectual provision in lieu thereof," it is enacted that one Justice of the Inferior Court of Common Pleas is authorized and empowered to carry into effect the provisions of the said Act: And whereas it is considered expedient to repeal so much and such part of the said Act as authorizes one Justice of the Inferior Court of Common Pleas to examine the confined debtor upon oath and make an order of maintenance, and in lieu thereof to enact that not less than two Justices of the Inferior Court of Common Pleas shall be authorized to examine such debtor and make an order of maintenance:

I. Be it therefore enacted by the President, Council, and Assembly, That so much of the said recited Act as authorizes any one Justice of the Inferior Court of Common Pleas for any County in this Province to examine on oath such person so confined touching his or her ability to support him or herself, and if found unable to support him or herself to make an order of maintenance, be and the same is hereby repealed; and in lieu thereof, be it further enacted, that two Justices of the Inferior Court of Common Pleas shall be invested with the power to examine any confined debtor or debtors, and to make an order for the support and relief of such confined debtor or debtors; and to suspend the same if occasion may require; provided always, that in case two Justices of the Inferior Court of Common Pleas cannot attend, that then it shall and may be lawful for any Justice of the Peace of the County, being of the quorum, to act in the stead of such Justice of the Inferior Court of Common Pleas who shall not attend upon such examination.

II. And be it further enacted, That such allowance after passing of this Act shall be paid to the Gaoler of the County in which such debtor may be confined, at any time during the day (between sunrise and sunset) such allowance becomes due, for the use and support of such confined debtor: Provided always, that nothing in the two foregoing sections of this Act contained shall extend to the City and County of Saint John.

III. And whereas it is expedient in certain cases to authorize and empower the Supreme Court of Judicature of this Province to grant relief or discharge confined debtors who by the strict provisions of the said Act may not be entitled to the benefit thereof: Be it therefore further enacted, That when any person may have been confined in any Gaol or Limits thereof, in this Province, for the space of one year at the suit of any person for either debt, costs, or damages, such confined person may apply to the said Supreme Court in term time on affidavit of the circumstances for relief or discharge; which said court on notice having been given of such application to the adverse party or his Attorney, may inquire into the matter on affidavit, or otherwise, and if it shall thereupon appear to said Court that the person so confined has no property whatever, real or personal, within his possession, power or controul, where-with he can satisfy such demand, or any part thereof, or support himself in custody, such court may in its discretion make an order either for the maintenance or discharge of such person so confined, in the

same manner as any Judge of such Court may now by virtue of said Act; and which order or discharge shall in all respects have the like force and effect as any order or discharge made by any Judge pursuant to the directions of said Act.

IV. And be it further enacted, That this Act shall continue and be in force so long as the said Act to which this is an amendment.



## GOVERNMENT CONTRACT.

Assistant Commissary General's Office, St. John, N. B. April 11, 1831.

SEALED Tenders will be received at this Office, until Tuesday the 10th of May next, at noon, from persons disposed to enter into Contract to Supply for the Use of His Majesty's Troops in this Province, the following Articles, viz:

Port Cartridges, 40  
Saint Andrews, 500  
Frederickton, 12  
Saint John, 12

WOOD, Cords 40 500  
COAL, Chaldrons 250 12

For such quantities of best PORPOISE OIL and COTTON WICK, as may be required for One Year from the 1st of July next, at St. John and Frederickton, to be issued to the Troops in detail by the Contractors.

For such quantities of FRESH BEEF, as may be required for One Year from the 1st July next, for the Troops and Departments in the Garrisons of St. John, Frederickton, and St. Andrews.

For supplying into the Commissariat Stores at St. John, on or before the 30th day of June next, Ten Barrels of Prime Mess Irish PORK, warranted to keep good and sweet until the 30th day of June 1832.

For the Baking of BREAD, for One Year from the 1st of July next, for the Garrison of St. John, from Flour to be furnished from the King's Stores; the Bread to be raised with Brewer's Yeast, and the Contractor's Bake House to be at all times liable to be inspected by a Commissariat Officer.

The rate of Fresh Beef, Salt Pork, Wood Coal, Oil and Cotton Wick, to be expressed in the Tenders in British Sterling in words at length; and payment will be made in British Silver Money, or if the amount due upon any of these supplies exceed One Hundred Pounds Sterling, it will be at the option of the Commissariat to pay in Bills of Exchange at the rate of One Hundred Pounds or every One Hundred and One Pounds Ten Shillings due upon the Contract.

It is distinctly to be understood that the Bids to be supplied is of the best Marketable quality of Ox or Heifer Beef.

That no crooked or rotten Wood, or any other than the best quality that is brought to Market, will be received, the Cord to be English measure, viz.—four feet high, four feet in width, and eight feet long. The Coal to be of the best quality of Liverpool, Newcastle, or Cape Breton, and none other will be received.

No tender will be noticed, unless accompanied by a letter addressed to the Senior Commissariat Officer at St. John, signed by Two respectable persons offering to become bound with the party tendering, for the faithful performance of the Contract.

The Tenders to be written upon the back of "Tenders for Wood, Coal, &c." as the case may be.—Persons tendering, or agents for them, are particularly requested to attend at this Office on the 10th of May next, at 12 o'clock.

Terms of the Contract may be seen and every information obtained, on application at the respective Commissariat Offices in the Province.

## FOR SALE OR TO LET.

[From the first day of May next]  
A LOT of Ground, on the upper part of King Street; the Buildings are of Wood and in good repair. If let to a good tenant the terms will be very low; and if sold, the purchaser will have five years credit.—For further particulars enquire of

THOS. TIERNEY.  
Regent-st. one door from Queen-street.  
Frederickton, April 20, 1830. 2t

## VALUABLE PROPERTY.

## FOR SALE.

ROBERT RANKIN & Co. offer for sale upon highly advantageous Terms several LOTS OF LAND, in the Parishes of Kent, Wakefield, and Woodstock; and also that well known, excellent stand for Business, in the lower part of Frederickton (Waterloo Row,) where Mr. Oliver Smith now resides. Persons wishing to purchase any of the said Property will please apply to WILLIAM J. BEDELL in Frederickton.  
20th April 1831. tf.

## TO LET.

THAT Convenient and pleasant situated HOUSE, and premises, on Westmorland Street in which the Subscriber now lives.

—ALSO—  
THE STORE presently occupied by Mr. Wm. Miller, on Phoenix Square; with ROOMS over the same to accommodate a small family if required.—Please apply to THOS. C. EVERITT.  
Frederickton, 13th April 1831.

## THE ROYAL GAZETTE.

TERMS—16s. per Annum, exclusive of Postage.

Advertisements not exceeding Twelve Lines will be inserted for Four Shillings and Sixpence the first, and one Shilling and Sixpence for each succeeding Insertion. Advertisements must be accompanied with Cash, and the Insertions will be regulated according to the amount received. Blanks, Handbills, &c. &c. can be struck off at the shortest notice.

## AGENTS FOR THE ROYAL GAZETTE.

SAINT JOHN, Mr. Peter Duff.  
SAINT ANDREWS, Mr. George Miller.  
DORCHESTER, E. B. Chandler, Esq.  
KENT, J. W. Weldon, Esq.  
MIRAMICHI, Edward Baker, Esq.  
KENT, (COUNTY OF) Geo. Moorhouse, Esq.  
WOODSTOCK, and NORTHAMPTON, Mr. Jeremiah Connell.  
SHEFFIELD, James Tilley, Esq. &  
GAGETOWN, Doctor Barker.  
KINGSTON, Mr. Wm. F. Bonnell, Junr.  
HAMPTON, Mr. Asa Davidson, Jr.  
SUSSEX VALE, Mr. Samuel Hallett, J. C. Vail Esq.