

By, That from and after the passing of this Act, the Inhabitants of the several and respective Parishes in this Province who shall be Owners or Proprietors of Pews in any Church, or Chapel of Ease thereto belonging, situate in the Parish adjoining that in which they reside, shall and may be qualified and capable to be elected and appointed, and to have and hold the Offices or Places of Church Wardens and Vestrymen in such Church; any thing in the said in part recited Act to the contrary in any wise notwithstanding.

CAP. XXV.

An Act to establish and regulate a Ferry and Public Landing at Indian town in the County of Saint John.

Passed 9th March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace for the City and County of Saint John, be and they are hereby authorized and empowered to make regulations for the public landing at Indian town in the Parish of Portland, and to establish a Ferry from that place to the opposite shore near to Lovett's point, and to fix the rates and fares to be taken at such Ferry, and to make and ordain rules and regulations for keeping the landings upon each shore clear from rafts and other obstructions of every nature and kind whatsoever, and to fix penalties for the breach of such rules and regulations, not exceeding five pounds for any one offence, to be recovered on oath of one or more credible witnesses before any one of the Justices of the Peace for the City and County of Saint John, and levied by distress and sale of the offender's goods and chattels; one half of which penalties so recovered to be paid to the party complaining, and the other half to the Overseers of the Poor for the said Parish of Portland, for the use of the Poor thereof.

CAP. XXVI.

An Act to incorporate sundry persons by the name of the Saint John Water Company.

Passed 9th March 1832.

WHEREAS it is thought the establishment of a Water Company in the City of Saint John would promote the interest and convenience of the inhabitants of the city of Saint John, by increasing and facilitating the means of procuring Water therein;

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Honorable William Black, Nehemiah Merritt, James White, John Ward, George D. Robinson, Thomas Barlow, Hugh Johnston, John M. Wilnot, James Hendricks, Thomas Millidge, Robert W. Crookshanks, Zalmun Wheeler, Robert Parker, William B. Kinney, Richard Sands, Lauchlan Donaldson, Charles Simonds, James T. Hanford, William Leavitt, and Noah Disbrow, their associates, successors, and assigns, be and they are hereby declared to be a body corporate by the name of the Saint John Water Company; and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels and all other things, real, personal or mixed, and also to give, grant, let, or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able, in law capable, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts of law or equity, or other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they shall have one common seal to serve for the sealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers, warrants of attorney, and all and singular their affairs and things, touching and concerning the said corporation; and also that the said company or the major part of them shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said corporation, provided that such laws and ordinances be not contrary to or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland, called England, or repugnant or contrary to the laws and statutes of this Province.

II. And be it further enacted, That the capital or stock of the said corporation shall consist of current gold and silver coins of the Province, to the amount of twenty thousand pounds; five per cent of which to be paid in current gold and silver coins of the Province within twelve months after the passing of this Act, and the residue thereof as may be required by the President and Directors of the said Company for the service thereof, a month's notice being by them previously given in two of the public Newspapers of the said City of Saint John, that the residue or any part thereof will be required: the whole amount of the said stock to be divided into shares of five pounds each, making in the whole four thousand shares.

III. And be it further enacted, That whenever one thousand shares have been subscribed a General Meeting of Members and Stockholders, or the major part of them, shall take place by notice in one or more public newspapers of the City of Saint John, thirty days previous to such meeting, for the purpose of making, ordaining and establishing such Bye Laws, Ordinances and Regulations for the good management of the affairs of the Corporation as they shall deem necessary and for the purpose of choosing thirteen Directors, being Stockholders and Members of the Corporation, under and in pursuance of the Rules and Regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual Meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

IV. And be it further enacted, That there shall be a general Meeting of the Stockholder, and Members of the said Corporation to be annually holden on the second Tuesday in May in each and every year, at the City of Saint John; at which annual Meeting there shall be chosen by a majority thereof thirteen Directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which the Stockholders and Members of the said Corporation shall vote according to the rules hereinafter mentioned; and the Directors when chosen shall at their first meeting after their election choose out of their number a President: Provided always, that seven of the Directors in office shall be re-elected at such annual meeting, for the next succeeding twelve months, of which the President shall always be one.

V. And be it further enacted, That the Directors for the time being shall have power to appoint such Officers, Clerks and servants as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses for building reservoirs, conduits, pipes, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the Bye-laws and regulations of the same.

VI. And be it further enacted, That not less than seven Directors shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in cases of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

VII. And be it further enacted, That no Director shall be entitled to any salary or emolument for his services; but that the Stockholders and Members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

VIII. And be it further enacted, That no person shall be eligible as a Director unless such person is a stockholder, and holding not less than twenty shares of the capital or stock of the said corporation.

IX. And be it further enacted, That the number of votes to which each Proprietor of shares in the said corporation holding one or more shares in the said company shall be entitled on every occasion when in conformity with the provisions of this Act the votes of the members of the said corporation shall be given, shall be in the proportion following; that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making

ing fifteen votes for sixty shares; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; for every ten shares above one hundred and not exceeding one hundred and fifty, one vote, making twenty five votes for one hundred and fifty shares; but no person or persons, partnership, body politic or corporate, being a member or members of the said company, shall be entitled to a greater number, than twenty five votes.

X. And be it further enacted, That all stockholders resident within this Province or elsewhere may vote by proxy; provided such proxy be a stockholder and do produce sufficient authority from his constituent or constituents so to act.

XI. And be it further enacted, That no member or corporate body during the first twelve months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital or stock, except the corporation of the city of Saint John, who shall be allowed to take up the whole or any part thereof, if demanded within one calendar Month after the passing of this Act; and no person or persons, body or politic corporate, shall until the expiration of one calendar month from the passing of this Act be allowed to take or subscribe for any shares of the said capital or stock, unless the said corporation of the said City of Saint John, shall have sooner taken up the number of shares intended to be taken by the same corporation, or declared its option not to take any.

XII. And be it further enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its members; but that in the case of the removal of a Director by the stockholders for misconduct or misadministration, his place shall be filled up by the said stockholders, and the person so chosen by the Directors or Stockholders shall serve until the next succeeding annual meeting of the stockholders.

XIII. And be it further enacted, That the shares of the capital or stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be entered or registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable by him to the said Corporation; that in no case shall any fractional part of a Share, or other than a complete Share or Shares, be assignable or transferable; that whenever any Stockholder shall transfer in manner aforesaid all his Stock or Shares in the said Company to any other person or persons whatever such Stockholder shall cease to be a Member of the said Corporation.

XIV. And be it further enacted, That the Directors shall make half-yearly or yearly dividends, as may to them appear most proper, of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days' previous notice in two of the newspapers published in the City of Saint John.

XV. And be it further enacted, That the said Corporation shall have full power and authority to draw water from, erect reservoirs on, and to carry pipes or conduits through, (when such shall be deemed absolutely necessary for the conveyance of the water to the City by the said Corporation) the private property of individuals whose lands may lie at the source or in the line the said Corporation shall think it expedient to convey the water from or through which it may be necessary to carry such pipes or conduits, or erect such reservoirs: Provided always, that no such water be drawn, reservoirs erected, or pipes or conduits carried from, upon or through the private property of any person without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for any damage sustained by the operations of the said Corporation, to be agreed upon by the said Corporation and the respective owners of such private property; and in case of disagreement between the said Corporation and the said owners or any of them, then such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall any may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Corporation to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners of such private property shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation may make application to the Supreme Court of the Province (stating the grounds of such application), and such Court is hereby empowered and required from time to time upon such application to issue a writ or warrant directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested then to the Coroner of the said City and County, and in case of the said Sheriff and Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and equip a Jury of twelve freeholders within the said City and County, who may be altogether disinterested; which Jury upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the Officer or person or persons summoning such Jury is hereby empowered to administer) inquire of, assess and ascertain the distinct sum or sums of money, or annual rent, to be paid for the use and convenience of such private property, or the indemnification to be made for the damage that may or shall be sustained as aforesaid, and the inquiry, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; and the costs and expenses of these proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation.

XVI. And be it further enacted, That it shall and may be lawful for the said Company, at a proper and convenient depth under the surface of each and every of the Roads and Streets leading into and through the said City and its vicinity, to lay down, set and place such and so many pipes, leaders and conduits for the said water as they shall find to be necessary for conveying it to any or every dwelling house in the said City, or its vicinity, and from time to time as often as the said Company shall think proper, to lay down such pipes, leaders and conduits, or shall have occasion to alter, amend or repair the same, it shall also be lawful for the said Company to break up and open any part whatever of the said roads and streets, or of the covering, pavement or side walks thereof, and the same to keep open and undecorated during the time necessary for the said purposes: Provided always, that before the said Company shall break up or open any such road or street, they shall give previous notice of their intention so to do to the Mayor, Aldermen and Commonalty of the said City, and shall receive their permission in writing thereof, and not otherwise: And provided also, that the said Company shall do, at their own proper costs and charges, and to the satisfaction of the said Mayor, Aldermen and Commonalty, and without unnecessary delay, repair and amend the said roads and streets in every part where they shall be so broken up and opened as aforesaid, and restore the covering, pavement, and side walks thereof respectively, to the condition in which they were before breaking up or opening the same.

XVII. And be it further enacted, That if the said Company shall not repair the said roads or streets, or any of them, so broken up, to the satisfaction of the said Mayor, Aldermen and Commonalty, it shall be lawful for the Mayor, Aldermen and Commonalty to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company in the Supreme Court of the Province, or in case the sum demanded shall not exceed five pounds, then before any Justice of the Peace for the said City and County not being an allyman of the said City; such Justice to proceed in the manner directed in the Act for the more easy and speedy recovery of small debts.

XVIII. And be it further enacted, That the said Company do and shall in every street or road through which the said pipes shall be laid, make and provide proper vents and openings for supplying water whenever fires shall happen in the said City, or the vicinity thereof, and do and shall make such vents, and openings in such places and at such distances from each other, as the Mayor, Aldermen and Commonalty of the said City in Common Council convened shall from time to time direct and appoint, under penalty of forfeiting the privileges and immunities in and granted by this Act: Provided always, that the said Mayor, Aldermen and Commonalty shall pay any additional expense that may be incurred by the making and maintaining of such vents and openings for supplying water in cases of fire.

XIX. And be it further enacted, That in case the Mayor, Aldermen and Commonalty of the said City of Saint John shall take up and subscribe for the whole of the said Capital or Stock within one calendar month after the passing of this Act, as provided for in the eleventh section of this Act, then and in such case the establishment of the said corporation, by the name of the Saint John Water Company shall not take effect, and all the provisions hereinafter contained relating to the establishment, constitution and regulation of the said Company shall be void and of no effect; and then and in such case also the said Mayor, Aldermen and Commonalty of the City of Saint John shall have and exercise all the powers, privileges and authorities, and be subject to all the regulations and provision, in the fifteenth, sixteenth, seventeenth and eighteenth sections of this Act mentioned and contained, so far as the same may be applicable to the said Mayor, Aldermen and Commonalty, and then and in such case also it shall be the duty of the said Mayor, Aldermen and Commonalty, and they are hereby required forthwith to proceed to carry into effect the intention of this Act, by supplying the said City and its vicinity with water in the manner herein contemplated.

CAP. XXVII.

An Act further to amend the Act relative to the importation and spreading of

infectious distempers in the city of Saint John, and to extend the provisions thereof.

Passed 9th March 1832.

WHEREAS sundry defects have been discovered in the Act made and passed in the tenth and eleventh years of the Reign of the late Majesty King George the Fourth, intitled, "An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the city of Saint John, and to make more effectual provisions for preventing the same;" and whereas it is necessary to obviate the said defects by further amending and extending the provisions of the said Act;

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the eighth Section of the said herebefore in part recited Act be and the same is hereby repealed.

II. And be it further enacted, That the line in the second and fourth Sections of the said Act mentioned, running westwardly, from Broad or Main street to Sand Point in Carleton, further or higher up than which no vessel by the said Act is allowed to proceed or be navigated until the provisions thereof shall be complied with, shall from and after the passing of this Act be altered to a line running westwardly from the Breakwater so called on the eastern side of the Harbour of Saint John to Sand Point in Carleton, which shall and is hereby declared to be the line further or higher up than which no vessel situated as in the said sections of the said Act is mentioned, shall be allowed to proceed or be navigated, until the provisions of the said Act respecting the said line be fully complied with.

III. And be it further enacted, That the Master or Commander of every ship or vessel which shall arrive in the harbour of Saint John from any port or place in the West Indies, South America, the United States of America, from Boston and the Southward of Boston, Bermuda, Africa or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, shall hoist the said vessel's ensign, or such other colour as may be on board, in the starboard main rigging of the said vessel, and shall not proceed with the said vessel further or higher up into the said harbour than a line running westwardly from the said Breakwater to Sand Point in Carleton aforesaid, and shall not suffer or permit any passenger, seaman or other person to be landed, or himself land, from the said ship or vessel, until such ship or vessel shall have been visited, inspected and examined by the Physician or Physicians in the said Act mentioned, and his or their permission in writing first obtained from the Master or Commander of any vessel who shall not hoist the said vessel's ensign or other colour as aforesaid in manner aforesaid, or shall suffer or permit any passenger, seaman or other person as aforesaid to be landed, or himself land as aforesaid, or whose vessel shall proceed higher up than the line herebefore altered and specified as aforesaid, until such permission shall be obtained as aforesaid, shall for each and every offence forfeit and pay the sum of twenty pounds, to be prosecuted, sued for, recovered and applied as in and by the ninth section of the said in part recited Act is provided.

IV. And be it further enacted, That no master or commander of any vessel arriving in the Bay of Fundy, and having on board any pestilential or contagious distemper, or in any particular circumstances as in the second section of the said Act mentioned, shall land, or suffer or permit to be landed, any person or persons whatsoever, or himself land, from the said vessel, on any port or place whatever within the City and County of Saint John, until he shall bring the said vessel into the harbour of Saint John, in order that he may comply with all the requisitions of the said Act, under the penalty of two hundred pounds for such offence, to be sued for, recovered and applied as in and by the said ninth section of the said Act is provided; and if disease of a contagious nature should break out among any persons landed contrary to the provisions of this or the said in part recited Act, or in any case whatever among persons or passengers landed from any such vessel, it shall and may be lawful for the Mayor or Recorder of the said city, together with six other Magistrates of the city and county of Saint John to be summoned by the said Mayor or Recorder, to order and direct the removal of the said person or persons so diseased to some proper place, as far as conveniently may be, to prevent communicating the infection to others.

V. And be it further enacted, That on the breach of any of the provisions of this Act, or of the said Act to which this is an amendment, or of a certain Act made and passed in the first year of His present Majesty's Reign, intitled, "An Act to amend an Act, intitled 'An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the city of Saint John, and to make more effectual provisions for preventing the same,'" all and every person and persons guilty of a breach of any one or more of the said provisions, shall and may be held to Bail for the penalty or penalties accruing by reason of such breach or breaches thereof, at the suit of the person entitled to prosecute the same, by virtue of an order for that purpose to be obtained under the hand of any Judge of either of the said courts, in the said in part recited Act mentioned, on proper Affidavits being laid before him, satisfactorily establishing the breach of all or any of the provisions aforesaid; which order any one of the Judges of the said courts is hereby authorized to grant; and in default of giving such bail, such person or persons so aforesaid shall be held to bail, shall be committed to prison, or to such other place within the said city and county, in case the said person or persons should be infected with any contagious distemper as aforesaid, as the said Mayor or Recorder and six magistrates so aforesaid to be summoned shall think necessary to prevent the spreading of such contagious distempers, to await his or their trial.

CAP. XXVIII.

An Act further to continue an Act, intitled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John."

Passed 9th March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That an Act passed in the fifty sixth year of the Reign of His Majesty King George the Third, intitled "An Act more effectually to provide for the support of a nightly Watch in the city of Saint John," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty four.

CAP. XXIX.

An Act to amend an Act, intitled "An Act to repeal all the Laws now in force for regulating and repairing the Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same."

Passed 9th March 1832.

I. BE it enacted by the Lieutenant Governor, Council, and Assembly, That whenever an alteration is made in any Highway or Road in the Province pursuant to the provisions of the said in part recited Act, and the part or parts of such road or highway between the points of such alteration are not settled by the erection of dwelling houses thereon, and where the alteration so made shall not cut off any proprietor from the road so altered, then and in such case it shall and may be lawful to and for the Commissioners of Highways in the Town or Parish where each alteration may be made, to order and direct that the said points between such alteration may be stopped up and inclosed by the proprietor or proprietors of the lands between such points of alteration as aforesaid, after which order and direction the said old road shall no longer be considered public: Provided always, that the altered or new part of the road shall be made equally as good and as passable for travellers as the old road, before the latter shall be shut up and inclosed as aforesaid.

II. And be it further enacted, That the commissioners of highways in the respective towns or parishes for which they shall be appointed be and they are hereby authorized and empowered, upon the application and with the consent of all the owners of the land over which any road may pass, to shut up and stop the same; provided that the said commissioners shall be of the opinion that such road shall not be required for the convenience of the inhabitants of the town or parish in which any such road is situated, or of the inhabitants of the next adjoining towns, villages and neighbourhoods.

III. And be it further enacted, That the said commissioners shall from time make returns of all roads or highways which shall be by them shut and stopped up within their respective towns or parishes, into the office of the Clerk of the Peace of the County in which such roads are situated, in like manner as is directed in and by the fourteenth section of the said Act, to which this is an amendment; which said return shall be entered by such Clerk of the Peace in the same way as is provided for by the said section; and whatever the said commissioners shall do according to the powers given to them by this Act, being so returned and entered, shall be valid and good to all intents and purposes whatsoever.

CAP. XXX.

An Act to authorize the issue of Treasury Debentures to the amount of the Five thousand Pounds.

Passed 9th March 1832.

WE His Majesty's most dutiful and loyal subjects the Assembly of New Brunswick, in General Assembly convened, towards raising the necessary supplies which we have cheerfully granted for the public service, have freely and voluntarily resolved to give and grant unto the King's most Excellent Majesty the sum heretofore mentioned, and do therefore most humbly pray Your Excellency that it may be enacted: And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Council, and Assembly, in General Assembly convened, and by the authority of the same, That from and after the first day of June next, it shall and may be lawful for the Treasurer of the Province for the time being to prepare, make and issue, or cause to be prepared, made or issued, Treasury Debentures not exceeding in the whole amount the sum of Five thousand Pounds currency, in the manner and form hereinafter mentioned, payable at the expiration of eighteen months after the date of the same, with interest at the rate of six per centum per annum; and that the said Debentures shall be numbered according to their classes in numerical progression beginning with each class with number one.

II. And be it further enacted, That the said Treasury Debentures so to be issued in pursuance of this Act, shall be issued as follows: (to wit.) Class A. Ten Debentures of one hundred pounds each. Class B. Twenty Debentures of fifty pounds each. Class C. Forty Debentures of Twenty five pounds each.