



BY AUTHORITY.

CAP. IX.

An Act to provide for maintaining Light Houses within the Bay of Fundy. Passed 9th March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intitled *An Act to repeal all the Acts now in force relating to the Light House on Partridge Island, and to make provision for the future support thereof, and of other Light Houses at the entrance of the Harbour of Saint John*; and also an Act made and passed in the same year, intitled *An Act to provide for the maintenance of the Light House established upon the Island of Camps Bello, near Head Harbour, in the County of Charlotte*, be and the same are hereby repealed. II. And be it further enacted, That there be and the same is hereby granted to His Majesty, His heirs and successors, for the support of the several Light Houses now erected, or which may be hereafter erected, upon any of the Coasts of the Bay of Fundy, or upon any of the Islands or Rocks in or adjacent thereto, a duty of four pence per ton for each and every Ton which each and every vessel (excepting Coasters and Fishing vessels, new vessels not registered, and vessels proceeding to any of the Ports of the United States within the Bay of Passamaquoddy), shall admeasure agreeably to their Registers, which may arrive in any Port or Place within the Bay of Fundy from any Port or Place without the limits herein after described for Coasters; and for Registered Coasters and Fishing vessels under thirty five tons a duty of twelve shillings per annum; from thirty five to fifty tons twenty five shillings per annum; from fifty to seventy five tons thirty shillings per annum; and for all such vessels over seventy five tons, thirty five shillings per annum. III. And be it further enacted, That all the light duties imposed in and by the second section of this Act shall be paid by the Master, Owner, or Co-owner of each and every vessel, at the time of the arrival of such vessel at any Port or Place within the Bay of Fundy, to the Treasurer of the Province, or to any Deputy Treasurer at or near the Port or Place where such vessel may arrive, who are hereby severally authorized and required to demand, and receive the same; and upon the neglect or refusal of any Master or person receiving charge, or of any owner or consignee of any such vessel so arriving aforesaid, to pay the duties imposed by this Act, the same shall be recovered against, to any one of His Majesty's Justices of the Peace at or near the place where such neglect or refusal shall take place, and levied by warrant of distress under the hand and seal of such Justice, and sale of the Guns, Boats, Tackle, Apparel and Furniture of such vessel, and the overplus (if any) after deducting costs of such distress and sale, shall be paid to the Master of person having charge of such vessel. IV. And be it further enacted, That all vessels which are wholly employed in the Bay of Fundy, on either side thereof, as far southward as Cape Sable and in the Bay of Grand Manan, whether belonging to New Brunswick or Nova Scotia, shall be deemed Coasters within the meaning of this Act; and all vessels which are generally employed in Fishing on any of the fishing grounds upon the Coasts of the British Provinces or Newfoundland, and when not employed shall be otherwise wholly employed within the said Bay of Fundy, and the limits prescribed for Coasters, shall be deemed Fishing vessels within the meaning of this Act: Provided always, that all such vessels making a voyage, or their arrival at any Port or Harbour in the said Bay of Fundy, from or after such voyage, be liable to the same duties as vessels which are not deemed Coasters or Fishing vessels, and upon the payment of such duty, agreeably to the tonnage of such vessel, the Master or person having charge of such vessel may on payment of the annual duty imposed upon Coasters and Fishing vessels receive a new coasting receipt, which the Treasurer or Deputy Treasurer, as the case may be, is hereby required to give; which receipt shall excuse such vessel from the payment of any further light duty until the first day of January next following the date thereof, unless the said vessel shall again sail beyond the limits prescribed for Coasting and Fishing vessels, in which case such vessel shall upon her arrival again from without such limits be again liable to the tonnage light duty, and may again, upon payment of the annual duty, resume her character as a coaster, and so on as often as such case may happen: Provided also, that no vessel shall be deemed or taken to be a coasting or Fishing vessel until the Master or Person having charge shall have paid the annual duty imposed by this Act, and received a receipt for the same. V. And be it further enacted, That receipts given by the Treasurer, or any Deputy Treasurer, for the annual duty upon any coaster or Fishing vessel, which receipt the said Treasurer or Deputy Treasurer is hereby required to give, shall exempt such vessel from the payment of any further duty (except when such vessel shall have sailed beyond the limits prescribed for coasters and Fishing vessels), until the first day of January following, after which date they shall be liable, upon their first arrival at any Port or Place within the Bay of Fundy, to the payment of the annual duty imposed in and by the second section of this Act. VI. And be it further enacted, That the Commissioners who are or may be appointed by the Lieutenant Governor or Commander in Chief for the time being, to maintain or erect Light Houses upon any of the Coasts or Islands within this Province, shall make public contracts for furnishing all necessary supplies for such Light Houses, and for erecting new Light Houses, and for all necessary alterations and repairs that may be required to any Light House or Keeper's House, giving at least six weeks' notice for public competition, and shall in all cases accept the lowest tenders which are accompanied with the proper securities for the due performance of such contracts; and the said Commissioners so appointed, or to be hereafter appointed, shall annually, before the twenty fifth day of December, render to the Treasurer of the Province an account, in detail, duly attested, of all contracts and expences by them incurred, to be by him transmitted to the Lieutenant Governor or Commander in Chief for the time being, for the information of the General Assembly. VII. And be it further enacted, That all monies which shall or may be received under and by virtue of this Act, or which have been received under any former Acts for the purpose of erecting and supporting Light Houses, shall be applied to the support of the several Houses in the Bay of Fundy, and such other Light Houses as may be hereafter erected in the said Bay, and paid for such purposes by Warrant of the Lieutenant Governor or Commander in Chief for the time being; and any surplus light money which may remain after providing for all the above purposes, shall be kept separate from the ordinary revenues of the Province, until disposed of by a special Act to be passed for that purpose. VIII. And be it further enacted, That in case of the death of any Keeper of a Light House under the superintendence of any Commissioners for Light Houses, or in case of any neglect of duty of any keeper, and it becomes necessary to remove such keeper, full power and authority is hereby given to such Commissioners to remove such keeper for neglect, and to fill up the vacancy occasioned by such removal, or by the death of any keeper, until the same can be reported to the Lieutenant Governor or Commander in Chief for the time being; which report such Commissioners are required to make forthwith.

CAP. X.

An Act to alter the name of the Shire Town in the County of Kent from Liverpool to Richibucto. Passed 9th March 1832.

WHEREAS much inconvenience arises in consequence of the Shire Town of the County of Kent being called Liverpool: And whereas the name of the Shire Town would be more suitable if called after the river running through the said Shire Town: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the Town or Parish in the said County of Kent now called Liverpool, the same being the Shire Town of the County, shall be called and known by the name of Richibucto; any Law to the contrary notwithstanding.

CAP. XI.

An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John. Passed 9th March, 1832.

WHEREAS the increase of the number of Firemen in the City of Saint John will be of great benefit in preserving the properties of the Inhabitants thereof: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, it shall and may be lawful to and for the Mayor, Aldermen and Commonality of the City of Saint John, or the major part of them, in Common Council convened, and they are hereby required to elect, nominate and appoint forty strong, able, discreet, honest, and sober men, being freemen or freeholders of the said City, in addition to the number of Firemen appointed or authorized to be appointed in and by an Act made and passed in the seventh year of the Reign of His late Majesty King George the Fourth, intitled *An Act for the better extinguishing of Fires that may happen within the City of Saint John*, and to repeal all the Acts now in force relating to the same. II. And be it further enacted, That the said Firemen, so to be appointed in addition to the said Firemen appointed or authorized to be appointed in and by the said in part recited Act, shall be subject to all the provisions, and entitled to all the privileges, as in and by the said in part recited Act are provided and given for governing and regulating the said Firemen which by the said in part recited Act are authorized to be appointed.

CAP. XII.

An Act to alter and amend the laws now in force for the establishment, regulation, and improvement of the Great Roads of communication through the Province. Passed 9th March 1832.

WHEREAS in and by the second section of an Act made and passed in the third year of the Reign of His late Majesty King George the Fourth, intitled *An Act to repeal all the Laws now in force relating to the establishment, regulation, and improvement of the great Roads of communication through the Province, and to make more effectual provision for the same*, the road leading from Fredericton to the Canada line is established in part by the following line or route; (that is to say,) From the Market House in Fredericton, on the West side of the river Saint John to Townsant Goodline's, thence across the river Saint John and to join the road at John McKean's on the upper side of the Macleaguack river, from thence to join the road lately opened leading to Pennington's bridge, on the great road leading to Joseph Wolverton's; and it is found expedient to alter the said part of the said route: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, that in lieu of that part of the said route in this section described, the following shall be the line or route of the said road leading from the Market House in Fredericton to the Canada line; (that is to say,) From the Market House in Fredericton to the West side of the River Saint John to Bourgoins Ferry, thence to cross the River Saint John to Pennington's Bridge on the river, thence on the East side of the said River to Pennington's Bridge on the great Road leading to Joseph Wolverton's; and that the remainder of the said Road leading from Fredericton to the Canada line shall continue as established in and by the said recited Act.

CAP. XIII.

An Act to continue and amend the Acts relating to the support and relief of confined Debtors. Passed 9th March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intitled *An Act to repeal all the Acts now in force for the support and relief of confined Debtors, and to make other and more effectual provision in lieu thereof*; and also an Act made and passed in the first year of His present Majesty's reign, intitled *An Act to amend the Laws in force relating to insolvent confined Debtors*, be and the same are hereby continued, (excepting so much of the same as is hereby repealed, altered, or amended,) and together with this Act 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. II. And be it further enacted, That the second section of the said first herebefore recited Act be and the same is hereby repealed, and in lieu thereof, Be it enacted, that whenever any person may be confined within any Gaol or the limits thereof, within this Province, for any Debt, damages or Costs, whether on mesne or final process, and such persons so confined shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person, after fourteen days' confinement, to make application to any Judge of the Supreme Court, or any two Justices of the Inferior Court of Common Pleas of the County where such person shall be confined, for a weekly support or maintenance; and such Judge or Justices after fourteen days' previous notice to the Plaintiff or person at whose suit such person may be confined, his or her Attorney, shall examine on oath such person so confined as to his or her ability to support himself or herself, and if on examination to be taken in writing on oath as aforesaid, to be filed in the office of the Clerk of the Court or of Justices that such person is utterly unable to support him or herself, and has no property whatever real or personal, of what nature or kind soever, except necessary bedding, wearing apparel, Kitchen utensils and necessary tools of his Trade or occupation, not exceeding in value the whole fifteen pounds, and that such person is unable to support himself or herself, he or she may be served with the first or mesne process in the suit in which he or she may have been confined, or since he or she had notice of the said suit having been commenced, made over, assigned, transferred, or put out of his or her possession or power, either directly or indirectly, any property whatsoever, whether real or personal, for the purpose of defrauding such plaintiff, or giving their undue preference to any other plaintiff or creditor, that then it shall be lawful for such Judge or Justices to make an order for the party at whose suit such person may be confined to pay a weekly sum to be applied for the support of such person; which sum shall be paid weekly, and the first payment be made at the time such Judge or Justices may in such order direct; and from the first day of November until the last day of March shall be five shillings per week, and the remainder of the year four shillings per week; and after such order made, it shall be the duty of such party without any further notice, to pay such weekly support agreeably to such order, and in case of failure thereof it shall and may be lawful for any such Judge or Justices as aforesaid, on such failure being made known to him or them, to make an order under his or their hands, directed to the Sheriff or Jailor, to discharge the said person out of confinement by reason of such suit; Provided that nothing in this Act shall prevent any Plaintiff from prosecuting his or her suit, in mesne process, to final Judgement, or from taking out *Fieri Facias* against the Goods and Chattels, Lands and tenements of such Defendant, or from recovering in any other manner the amount of the judgment obtained in the suit, so always that the person of any debtor so discharged shall be freed from arrest in any proceeding or action upon such judgment; and provided also that in any case where 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.

CAP. XIV.

An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buoyage and Beacons for the County of Northumberland, the balance of moneys now remaining in their hands. Passed 9th March 1832.

WHEREAS in and by the fourth section of an Act made and passed in the tenth year of the Reign of His late Majesty King George the Fourth, intitled *An Act to repeal an Act, intitled, An Act for the better security of the navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent, and Gloucester*, it is provided that the Commissioners to be appointed under the said Act shall have full power and authority to call upon the Deputy Treasurer of their respective Districts, and the persons to be by him appointed, for such sum and sums of money as they shall from time to time respectively have collected under and by virtue of the said Act: And whereas also in and by the seventh section of the said Act it is further provided, that the balance (if any) of the moneys so received by them in the hands of the said Commissioners of the Harbours respectively on the twentieth day of December in each and every year, shall be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said Bays and Harbours: And whereas it appears by the accounts of the Province Treasurer that a large sum is now unexpended in the hands of the said Commissioners for the County of Northumberland, which will not be required for the purposes contemplated by the said Act: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Commissioners of Buoyage and Beacons for the County of Northumberland, and they are hereby authorized and required, forthwith to pay over to the Deputy Treasurer at Miramichi the amount of balance at present remaining in their hands respectively, on account of moneys received by them under the said Act; and the said Deputy Treasurer is hereby empowered to receive such Balance, and to render a separate account of the same, together with any surplus that may arise hereafter; the said sum or sums to be disposed of as the Legislature may hereafter direct.

CAP. XV.

An Act to enable the Province Treasurer to borrow the sum of Ten Thousand Pounds for the public service of the Province. Passed 9th March 1832.

WHEREAS in and by the sixteenth section of an Act of the General Assembly of this Province made and passed in the first year of His present Majesty's Reign, intitled *An Act to incorporate sundry persons by the name of the New Brunswick Fire Insurance Company*, it is enacted, that the Capital or Stock of the Company collected at each instalment, and at the times and in the manner therein before provided, shall be by the said Directors, invested and disposed of in such public funds, or to such public or Corporate Bodies or Associations, as may be deemed advisable: And whereas the sum of Ten Thousand pounds, being one fifth part of the Capital Stock of the said Corporation, hath been actually collected and paid in pursuant to the provisions of the said Act of Incorporation: And whereas it is deemed expedient that the same should be invested in the public funds of this Province: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Treasurer of the Province be and he is hereby fully authorized and empowered to borrow and receive of and from the President and Directors of the New Brunswick Fire Insurance Company the sum of Ten Thousand pounds, and to apply the same towards the payment of any Warrants which may have been drawn upon the Province Treasury and to grant to the said President and Directors a receipt in duplicate for the same under his hand and seal.

CAP. XVI.

An Act to amend an Act, intitled *An Act to repeal an Act passed in the fifth year of the reign of His Majesty King George the Third, intitled, An Act to declare the qualifications of Church Wardens and Vestrymen in the several parishes in this Province, and of the persons having voices in their election, and to make other and more effectual enactments in lieu thereof*, so far as the same relates to the Parish Church of Saint Andrews. Passed 9th March 1832.

WHEREAS the provisions of an Act made and passed in the first year of the Reign of His Majesty King William the Fourth, intitled *An Act to repeal an Act passed in the fifth year of the reign of His Majesty King George the Third, intitled, An Act to declare the qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their Elections, and to make other and more effectual enactments in lieu thereof*, have been found to be injurious to the interests of the Parish Church at Saint Andrews in the County of Charlotte: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That each pewholder in the said Parish Church at Saint Andrews if the actual occupier, or if each pewholder be not the actual occupier then the tenant or joint tenant in the actual occupation of the pew, shall or may be qualified to serve as Churchwarden or Vestryman, and also to vote at the election of Church Wardens and Vestrymen. II. Provided always, and be it further enacted, That where a Pew in the said Church is owned or leased by more than one person, the whole of said pewholders or pew tenants shall constitute but one vote, in order that there shall be no more votes than Pews, and that none but pewholders in the actual occupation of such pew, or any tenant or joint tenant in the actual occupation thereof, shall have the power of voting, or be eligible for office. III. And be it further enacted, That this Act shall be and continue in force in and from Easter Monday next ensuing, until the first day of May which will be in the year one thousand eight hundred and thirty five.

CAP. XVII.

An Act to amend an Act passed in the first Year of the Reign of His present Majesty King William the Fourth, intitled *An Act to make more effectual provision for preventing the importation and spreading of infectious distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland*. Passed 9th March 1832.

WHEREAS the above recited Act has not been found to be sufficiently effectual to prevent the introduction of infectious distempers into the said Counties of Charlotte and Northumberland: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That all the provisions, pains and penalties of the said recited Act shall be; and the same are hereby extended and applied to all vessels having passengers on board, which shall or may at any time, after the passing of this Act arrive at any Port or Place within the said Counties, whether such vessel or vessels shall or may have any sickness or infectious distempers on board or not, as fully to all intents and purposes as if this Act had been embodied with and made a part of the said recited Act, so far as the same are applicable. II. And be it further enacted, that this Act shall continue and be in force as long as the said recited Act, of which this is an amendment, and no longer.

CAP. XVIII.

An Act to repeal all the Laws now in force relating to Saint Andrews Church in the City of Saint John, and for incorporating certain persons Pewholders of the said Church, and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland. Passed 9th March 1832.

WHEREAS according to the forms and usages of the Church of Scotland as by law established, the spiritual and temporal affairs of the said Church are kept separate and distinct: And whereas the present Act of incorporation vesting the temporal affairs of Saint Andrews Church in the City of Saint John in connexion with the Church of Scotland, in the Ministers and Elders of the said Church, is at variance with the forms and usages of the said Church of Scotland: And whereas it appears to be the desire of the Members of the said Church in Saint John, and of a large majority of the Churches now established in this Province in connexion with the said Church of Scotland, to be incorporated in strict conformity with the forms and usages aforesaid, and to enable them to manage their temporal affairs in accordance therewith: Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That an Act passed in the fifty sixth year of the Reign of His late Majesty King George the Third, intitled *An Act to enable the Minister and Elders for the time being of the Church in communion with the Kirk of Scotland lately erected in the City of Saint John to hold the same to them and their Successors forever, and for other purposes therein mentioned*; and an Act passed in the fifty eighth year of the same Reign, intitled *An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John*, be and the same are hereby repealed.

II. And be it further enacted, That the present Committee of management in the said Church, consisting of Twelve members, namely, Thomas Walker, Robert Rankin, John Wishart, John Robertson, James Kirk, Robert Kelce, James Burns, Henry Hood, William Parks, William Walker, James Robertson, and Daniel Leavitt, elected on the fifteenth day of August last, together with the Elders of the said Church, namely, John Paul, Robert Robertson, Thomas Nisbet, William Hutchinson, Angus McKenzie, and John Gillies, be and they are hereby declared to be Trustees for the said church until the election and appointment of twelve other Trustees as hereinafter mentioned; and the above named Trustees and their Successors (the said twelve Trustees to be chosen and appointed in manner as hereinafter directed, and their success to be forever, shall be a body Politic and Corporate in deed and name, and shall have succession forever by the name of the Trustees of Saint Andrews Church in the City of Saint John, and by that name shall be enabled to sue and be sued in all Courts and be impleaded, answer and be answered under, in all Courts and impleaded, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Church according to their best discretion, and the true intent and meaning of the donors when the same shall be given, devised, or bequeathed to the use and benefit of the said church; any law, usage or custom to the contrary notwithstanding: Provided always, that the amount of annual rents, profits, and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of five hundred pounds.

III. And be it further enacted, That the several Lots of Land forming a Block on which the said Church is built, situate in Queen's ward of the said City, and fronting on Germain Street, together with a Lot of Land situate in the Parish of Portland, whether the same are now legally vested in the present corporation of the said church by the title of the Ministers and Elders of the Church of Scotland in the city of Saint John, or are still standing out in this original Trustees to when they were conveyed for the use and benefit of the said church, according to their full merits and boundaries, together with the said church thereon erected, shall be and remain fully and absolutely vested in the said Trustees of Saint Andrews church in the city of Saint John and their successors forever, as a good and absolute estate in Fee Simple, for the use, trust, and benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any Law, usage or custom to the contrary thereof in any wise notwithstanding; saving to all purchasers, tenants or occupiers of the Pews in the said church, or to all tenants or occupiers of the said Lots of Land or any part thereof, their present legal rights therein and thereto.

IV. And be it further enacted, That on the first Wednesday in June forever hereafter, yearly and every year, assemble and meet together at the said church, and then and there by a plurality of voices of the said Pewholders then present, and between the hours of twelve and two o'clock in the afternoon, elect and choose any number not exceeding twelve persons being owners or proprietors of Pews in the said church to be the Trustees for the said church, and continue in the same for one year, and until other fit persons shall be chosen in their stead: Provided always, that the ownership or proprietorship of a pew or pews shall not entitle more than one person to vote at any such election.

V. And be it further enacted, That the said Trustees of Saint Andrews church so chosen and appointed, or the Major part of them assembled, upon due notice publicly given, shall have full power and authority to have, use, and take all lawful ways and means as they in their discretion shall think meet, by the sale of the pew, of the said church, or the letting of them to hire, or by the letting to hire of the said lands, or of any other lands which may come into their possession (provided the same be for a term or terms not exceeding twenty years), and by the improvement and use as aforesaid of such goods, chattels, lands, tenements and hereditaments as shall be hereafter given or purchased to or for the use and benefit of the said church: Provided always, that the said Trustees shall not be empowered to sell or dispose of the said church, lands, tenements and hereditaments absolutely.

VI. And be it further enacted, That in case of a vacancy or the expiration of any agreement made or to be made with any Minister for the said church, the call or nomination of any candidate or candidates for the pastoral charge of the said church shall be in the Trustees and Elders if such candidates or choice of rejection of such candidates, shall be in the congregation, being pewholders or communicants, and including the said Elders and Trustees or a majority of them; and it shall be found necessary to call a Minister, from any part of Great Britain, the arrangements for that purpose shall be solely vested in the said Trustees and Elders of the said church: Provided always, that in either case, the Ministers to be called shall be duly ordained or Licensed Preachers, by a Presbytery in connexion with the established church of Scotland.

VII. And be it further enacted, That the Minister, Elders, and Deacons, of