



CAP. XXIX.

An Act to amend the Law relative to the sale of spirituous liquors by tavern keepers and retailers, within the county of Saint John, and for the more effectual prevention and punishment of drunkenness.

WHEREAS in and by an Act of Assembly made and passed in the first year of His Majesty's present Majesty, intitled, "An Act to regulate Inns, Taverns, and houses for selling strong or spirituous liquors, and to repeal all the laws now in force relating to the same," the Justices of the Peace for the City and County of Saint John are authorized and empowered to grant licences to such and to so many persons as they in their discretion shall think fit to keep a Tavern or Inn, within the County of Saint John, and to receive for each licence so granted, a sum not exceeding ten pounds: And whereas it is deemed expedient, that the number of tavern licences within the said County of Saint John should be regulated and limited by law:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That the number of licences to be granted by the Justices of the Peace of the said City and County of Saint John, to keep a Tavern or Inn within the said County of Saint John, without the bounds of the said City, shall not in the whole exceed thirty five, to be divided and appointed as follows: (that is to say,) a number not exceeding twenty five within the Parish of Portland; a number not exceeding seven within the Parish of Lancaster; and a number not exceeding three within the Parish of Saint Martins.

II. And be it further enacted, That no Tavern keeper or Inn keeper within the said County of Saint John, shall suffer or allow any person, not being a member of the family of such Tavern keeper or Inn keeper, or living or boarding in the house, to drink any wine, strong beer, ale, brandy, rum, or other spirituous liquors, mixed or unmixed, within the said Tavern or Inn on the Lord's day, commonly called 'Sunday,' under the penalty of two pounds for each and every offence to be recovered, levied and applied as directed in and by the said Act.

III. And be it further enacted, That the penalty for selling any wine, brandy, rum, beer, ale, or any strong liquors whatsoever, in any quantity less than five gallons, within the County of Saint John, without license, shall be ten pounds for each and every offence, to be recovered, levied and applied as directed in and by the said Act.

IV. And whereas in and by a certain other Act passed in the said first year of His Majesty's reign, intitled "An Act to repeal the Act now in force against the prohibition of the Lord's day, commonly called 'Sunday,' and for the suppression of immorality, and to make other provisions in lieu thereof," every person convicted of drunkenness is liable to forfeit and pay a sum not less than five shillings, nor more than twenty shillings, at the discretion of the Justice before whom the said conviction shall take place: And whereas it sometimes happens that persons are found in such a state of intoxication as to render them incapable of immediately appearing before a Justice, in order to their being convicted of the said offence, within the County of Saint John; Be it therefore further enacted, That any Justice of the Peace of the City and County of Saint John, shall have power and authority to commit any person who may be found in a state of drunkenness, in any part of the County of Saint John, to the custody of any constable of the Parish, wherein the offender may be found; and that it shall be the duty of such constable thereupon to take and detain such drunken person in his keeping, in some convenient place, until he becomes sober, and then to take him before the said or some other Justice, who shall thereupon have full power to examine into such offence, and to proceed to the conviction and punishment of the said offender, in the manner directed by the said Act, without any summons for that purpose being first served on the said offender; and if the place where any offender shall be so found in a state of drunkenness, be in or within five miles of the City of Saint John, the constable to whose custody he shall have been so committed may carry him to the common gaol or house of correction within the said City of Saint John, in order that he may be there detained, until he is in a proper state to be carried before the Justice; but no person shall be detained under this section for any longer space of time than forty eight hours before he is carried before a Justice of the Peace as hereby directed.

V. And be it enacted, That this Act shall continue and be in force for three years from the first day of April next, and no longer.

CAP. XXX.

An Act to amend an Act to provide for maintaining Light Houses within the Bay of Fundy.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the second section of an Act made and passed in the second year of His Majesty's reign, intitled "An Act to provide for maintaining Light Houses within the Bay of Fundy," be and the same is hereby repealed.

II. And be it enacted, That there be and are hereby granted to the King's most excellent Majesty, his Heirs and Successors, for the support of the several Light Houses already erected, or which may hereafter be 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 shall admeasure agreeably to their registers, which shall arrive at any port or place within the Bay of Fundy, excepting coasters and fishing vessels and new vessels not registered; and for registered coasters and fishing vessels as defined and described in and by the Act to which this Act is an amendment, when under thirty five tons, 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: Provided always, that vessels arriving from any port or place without the Bay of Fundy shall not be liable to pay the duties herein imposed more than once, notwithstanding they may in order to complete their voyages have occasion to visit several ports or places within the said Bay; and provided also, that no ship or vessel shall be liable to pay the light duties herein imposed more than six times in any one year.

III. And be it enacted, That the several rates and duties imposed by this Act shall be levied, collected, paid, received, recovered and applied, as directed in and by the provisions of the Act to which this Act is an amendment.

CAP. XXXI.

An Act relating to Parish Schools.

WHEREAS the laws now in force for the encouragement of Parish Schools in this Province require amendment:

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the General Session of the Peace for the several and respective counties in this Province, shall and may at the time of making the annual appointment of town or parish officers nominate and appoint three fit persons to be trustees of schools for the several towns and parishes within their respective counties, who shall be sworn to the faithful discharge of their duty, and be in every respect subject to the same rules, regulation, penalties and forfeitures as any other town or parish officers are subject to by virtue of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intitled "An Act for the appointment of town or parish officers in the several counties of this Province," and of another Act made and passed in the third year of the reign of His late Majesty King George the fourth, intitled "An Act in addition to an Act, intitled, 'An Act for the appointment of town or parish officers in the several counties in this Province.'"

II. And be it enacted, That it shall be the duty of the said trustees to divide their respective parishes into as many school districts as they may from time to time be found convenient or necessary; and when the inhabitants of any such district shall provide or build a proper school house for the use and purpose of a school, and do, by and with the consent and approbation of said Trustees, agree with a person or persons duly licensed, as by His Majesty's royal instructions is directed, to teach in the same six months or one year, such trustees are hereby required to visit and inspect such school at least twice during the said period, and to inquire into the order, and direct the discipline and regulation of such school; and in case such teacher should refuse or neglect to comply with such rules and regulations, or may otherwise be guilty of misconduct, the said trustees may in their discretion discharge and displace any such teacher: Provided always, that whenever such trustees may displace any such teacher, they shall make report thereof, with the cause of such dismissal, to the Justices in their next General Sessions, in order that a statement thereof may be transmitted by such Justices to the Secretary's Office for the information of the Lieutenant Governor or Commander in Chief of this Province, provided the said Justices shall be of opinion that there was sufficient cause for such dismissal.

III. And be it enacted, That the said trustees may and they are hereby authorized to admit into any such school such number of free scholars, being children of indigent persons, as they may think proper.

IV. And be it enacted, That when any school may have been kept, pursuant to agreement, by a person duly licensed and employed as aforesaid, for the space of six months or one year, to the satisfaction of such trustees, in a school house built or provided for that purpose, and the inhabitants of the district have subscribed or paid towards the support of said school, if kept by agreement as aforesaid for six months, ten pounds, or if kept twelve months, twenty pounds, or have furnished the said teacher with washing, boarding and lodging during such period in lieu of such subscription, or in case of a female teacher that five pounds for a school taught six months, or ten pounds for a school taught twelve months have in like manner been subscribed and paid, or board, washing and lodging found and provided for the teacher in lieu thereof as aforesaid, that then it shall and may be lawful for such trustees to make a certificate thereof in the form following, viz:

"We the Trustees of schools in and for the parish of _____ do hereby certify to the Court of the General Sessions of the Peace in and for the said County, that in and for the said Parish of _____ the following schools have been established and kept; (that is to say,)

In district number one a school house has been built or provided for the use and purpose of a school, that A. B. (a male or female), duly licensed as by His Majesty's royal instructions is directed, has been employed as a teacher in the same, and has actually taught therein for the period of _____ months, from the _____ day of _____ to _____ one thousand eight hundred and thirty _____ (or have furnished the said teacher during the said period with board, washing and lodging in lieu thereof) towards the support of the said school. C. D. } Trustees. E. F. }

V. And be it enacted, That the said Justices at their General Sessions shall and they are hereby required once in each and every year to certify to His Excellency the Lieutenant Governor or Commander in Chief for the time being, the number of schools kept in the several parishes of their respective counties the names of the teachers employed, and the number of scholars whether male or female taught therein, and the amount subscribed as aforesaid, agreeably to and paid hereinafter prescribed, upon which certificate there shall be allowed and paid towards the support of such school, a sum of money at and after the rate of twenty pounds per annum for each school taught by a schoolmaster named in such certificate, (that is to say,) for a school kept six months pursuant to agreement as aforesaid ten pounds, and for a school kept one year twenty pounds, and for each school taught by a schoolmistress for the term of one year ten pounds, and for six months pursuant to agreement as aforesaid five pounds; the same to be drawn from the Treasury of the Province by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favor of the Trustees of Schools of the respective parishes mentioned in such certificates, to be applied towards the support of said school according to the true intent and meaning of this Act: Provided nevertheless, that no larger sum than one hundred and sixty pounds shall be paid out of the Treasury of this Province for schools kept in any parish in any one year; and provided that no county in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and twenty pounds for each and every parish in such county; and provided also, that no more than two female schools shall be included in such certificate for any one parish in one year; and provided also, that when the whole sum allowed for any one parish pursuant to this Act is not sufficient to afford each school the above allowance, by reason of the great number of schools in the Parish, that the trustees be and are hereby authorized to apportion the whole sum among all the schools in the parish according to the nature of their respective claims, whether male or female, yearly or half yearly schools.

VI. And be it enacted, That the Certificate mentioned in the next preceding section shall be in the form following;—(that is to say.)

"At a Court of General Session of the Peace held at _____ in and for the County of _____ on the _____ Tuesday in _____ one thousand eight hundred and thirty _____ Present. A. B. } C. D. } Esquires, Justices. E. F. }

"The said Court of General Sessions of the Peace do hereby certify to His Excellency the Lieutenant Governor [or Commander in Chief for the time being] in the said County, the following schools have been reported by the Trustees of schools in said Parish, viz:

In district number one a school house has been built or provided for the use and purpose of a school, that A. B. Master (or Mistress) a competent person duly licensed, as by His Majesty's Royal instructions is directed, has been employed as a Teacher in the same for the period of _____ months, from the _____ day of _____ to _____ one thousand eight hundred and thirty _____ (or have furnished the said teacher during the said period with board, washing and lodging in lieu thereof) towards the support of the said school. C. D. } Trustees. E. F. }

V. And be it enacted, That the said Justices at their General Sessions shall and they are hereby required once in each and every year to certify to His Excellency the Lieutenant Governor or Commander in Chief for the time being, the number of schools kept in the several parishes of their respective counties the names of the teachers employed, and the number of scholars whether male or female taught therein, and the amount subscribed as aforesaid, agreeably to and paid hereinafter prescribed, upon which certificate there shall be allowed and paid towards the support of such school, a sum of money at and after the rate of twenty pounds per annum for each school taught by a schoolmaster named in such certificate, (that is to say,) for a school kept six months pursuant to agreement as aforesaid ten pounds, and for a school kept one year twenty pounds, and for each school taught by a schoolmistress for the term of one year ten pounds, and for six months pursuant to agreement as aforesaid five pounds; the same to be drawn from the Treasury of the Province by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favor of the Trustees of Schools of the respective parishes mentioned in such certificates, to be applied towards the support of said school according to the true intent and meaning of this Act: Provided nevertheless, that no larger sum than one hundred and sixty pounds shall be paid out of the Treasury of this Province for schools kept in any parish in any one year; and provided that no county in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and twenty pounds for each and every parish in such county; and provided also, that no more than two female schools shall be included in such certificate for any one parish in one year; and provided also, that when the whole sum allowed for any one parish pursuant to this Act is not sufficient to afford each school the above allowance, by reason of the great number of schools in the Parish, that the trustees be and are hereby authorized to apportion the whole sum among all the schools in the parish according to the nature of their respective claims, whether male or female, yearly or half yearly schools.

VI. And be it enacted, That the Certificate mentioned in the next preceding section shall be in the form following;—(that is to say.)

"At a Court of General Session of the Peace held at _____ in and for the County of _____ on the _____ Tuesday in _____ one thousand eight hundred and thirty _____ Present. A. B. } C. D. } Esquires, Justices. E. F. }

"The said Court of General Sessions of the Peace do hereby certify to His Excellency the Lieutenant Governor [or Commander in Chief for the time being] in the said County, the following schools have been reported by the Trustees of schools in said Parish, viz:

In district number one a school house has been built or provided for the use and purpose of a school, that A. B. Master (or Mistress) a competent person duly licensed, as by His Majesty's Royal instructions is directed, has been employed as a Teacher in the same for the period of _____ months, from the _____ day of _____ to _____ one thousand eight hundred and thirty _____ (or have furnished the said teacher during the said period with board, washing and lodging by the inhabitants of said district in lieu of such subscription, toward the support of said school during said period. In District number two [here proceed in the same form, and so on for all other schools in the Parish].

VII. And be it enacted, That the said Trustees so as aforesaid to be appointed in the several Towns or Parishes, shall annually account to and with the Court of General Sessions of the Peace in their respective Counties for all moneys by them received, disbursed and distributed for their respective schools, and shall be subject to such rules and orders as the said Courts shall from time to time make, touching the funds of the said schools or the application thereof.

VIII. And be it enacted, That all Teachers of schools in this Province, once every six months, during the period they may be employed to teach school shall render to the Clerks of the Peace in the several and respective Counties to be laid before the General Sessions, a true and correct account of the number of male and female scholars taught by them respectively, with their names and ages; and in case of the neglect or refusal of any teacher so to do, he shall forfeit all claim to the Provincial bounty.

IX. And be it enacted, That the Justices of the Peace for the several Counties in this Province, shall once in each and every year make return to His Excellency the Lieutenant Governor, or Commander in Chief for the time being, of the names of the teachers employed in their respective Counties, the number of children male and female taught in the respective schools, for the purpose of being laid before the Legislature.

X. And whereas difficulties have frequently arisen from the set off house being the property of private individuals, as built on their land; Be it further enacted, That the Justices of the Peace in their respective Counties, and also the Trustees of schools in their several Parishes, shall as much as in them lie endeavour to cause the school houses to be built on the public ground of any County, or on property conveyed to the Justices of the Peace for that purpose, who are hereby empowered to receive conveyances of the same, and to hold the same for the use of such schools; and that no school house shall be removed from one part of the Parish to another part without the order of the Justices in their General Sessions, to be made if they should so think fit, upon the application and with the consent of the Trustees and Proprietors.

XI. And be it enacted, That an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intitled "An Act for the encouragement of Parish schools in this Province;" also an Act made and passed in the ninth and tenth years of the said reign, intitled "An Act in amendment to the Act for establishing Parish schools;" also an Act passed in the first year of His present Majesty's reign, intitled "An Act to continue the Acts for the encouragement of Parish schools in this Province;" be and the same are hereby repealed; saving nevertheless that all schools established and in operation at the time of passing this Act, which may not be finished nor certified agreeably to the provisions of the said Acts, shall be kept until the expiration of the year contracted or agreed for, and be subject and entitled in all respects to the same regulations, certificate and encouragement, as if the said Acts had not been repealed; and all Trustees appointed by virtue of said Acts shall continue in their said offices, and shall have in all respects the like powers, duties and authority so far as respects the said schools so in operation as aforesaid, until the same shall be finished and certified respectively; and also that the Trustees now in office under and by virtue of the provisions of the Acts now in force shall be to all intents and purposes Trustees to carry into effect the provisions of this Act, until the making of the annual appointment of Town or Parish officers.

XII. And be it further enacted, That this Act shall continue and be in force until the first day of April in the year one thousand eight hundred and thirty six.

CAP. XXXII.

An Act to prevent nuisances within the City of Saint John and Parish of Portland in the County of Saint John.

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any hog or hogs, swine, horse or horses, ox or oxen, sheep, goat or goats, dog or dogs, shall be found going at large, except under unavoidable circumstances, within the said City of Saint John, or Parish of Portland, within such bounds as the Justices of the Peace for the City and County of Saint John in their General or Special Sessions, may from time to time appoint, on any of the roads, highways, streets, squares, or alleys thereof, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every hog or other animal as aforesaid so found going at large, one half to the overseers of the poor for the said City, in case the offence shall happen there; or to the overseers of the poor for the said Parish in case the offence shall happen there; and one half to the informer, to be recovered together with costs of prosecution upon conviction before any one of His Majesty's Justices of the Peace for the said City and County of Saint John, and to be levied of the goods and chattels of the owner or owners of such hog or hogs, or other animal or animals as aforesaid; and in case the owner or owners of such hog or hogs or other animal or animals as aforesaid shall not be known, then it shall be the duty of any Hog Reeve or Hog Reeves of the said City or Parish to impound such hog or hogs or other animals as shall be found going at large; and it shall be the duty of the Pound Keeper or Pound Keepers of the said City and Parish respectively, upon any hog or hogs or other animals as aforesaid being so impounded, to advertise the same in three public places in the said City and Parish respectively, and in case within six days after such advertisement being put up as aforesaid pay the said fine for each animal so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said Pound Keeper or Pound Keepers of the said City and Parish respectively, to sell such hog or hogs or other animal or animals as aforesaid at public auction, and apply the money arising therefrom towards payment of the said fine and charges, and all other expenses, and to pay the overplus (if any) to the owner or owners thereof, whenever such owner or owners shall appear and demand the same within six months after such hog or hogs or other animal or animals shall have been impounded, then the said overplus shall be paid to the said overseers of the poor for the use of the poor of the said City or Parish, according to the place where the offence shall be committed.

CAP. XXXIII.

An Act to explain an Act, intitled "An Act for the more summary punishment of Persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle."

WHEREAS doubts have arisen whether persons convicted under the Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intitled "An Act for more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring cattle;" Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That in all cases of convictions already had or which hereafter may be had before any Justices of the Peace, against any person, under and by virtue of said Act, it is and shall be lawful for such Justices to tax and award costs of the prosecution for such conviction agreeably to the scale established by the Act now in force for the recovery of small debts, and to issue execution therefor together with the damages assessed by such Justice.

CAP. XXXIV.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of Saint Stephen in the said County for the purpose therein mentioned.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said county at any General Session of the Peace hereafter to be holden, or the major part of them, be and they are hereby authorized and empowered to make a rate and assessment on the inhabitants of Saint Stephen in the said county of Charlotte, of any sum not exceeding ninety pounds, for the purpose of paying the purchase money of the reserved land at Milltown in the said parish of Saint Stephen recently sold at public sale; the said sum to be assessed, levied, collected and paid in such proportion and in the same manner as any other parish rates can or may be assessed, levied, collected and paid, under any Act or Acts in force in this Province for assessing, levying and collecting of rates in this Province for public charges.

CAP. XXXV.

An Act to enable the Chancellor, President and Scholars of King's College at Fredericton in the Province of New Brunswick, to assign a certain Mortgage and Mortgaged premises therein mentioned.

WHEREAS by a certain indenture of mortgage bearing date the twenty second day of August, anno domini one thousand eight hundred and fifteen, and made between Thomas Wetmore of the County of York and Province of New Brunswick, Esquire, since deceased of the one part, and the Governor and Trustees of the late College of New Brunswick, and their successors, and Trustees of the said late College of New Brunswick, and their successors, all that message and tract of land situate, lying and being in the parish of Kingsclear in the County of York, containing one thousand one hundred and ninety acres with the usual allowance for roads and waste thereto, granted by the Crown by letters patent under the seal of the Province of New Brunswick, bearing date the tenth day of June anno domini one thousand seven hundred and ninety one, to the Honorable Edward Winslow, and by the said Edward Winslow sold and conveyed to the said Thomas Wetmore, bounded north by the river Saint John, easterly by a lot granted to one Cornelius Anderson, westerly partly by land reserved for the use of the Crown and partly by a lot granted to the late William Garden, and southerly by ungranted land, together with all Houses, out houses, barns, fences and all the estate, right, title, interest, appurtenances thereto belonging, and also all the estate, right, title, interest, claim and demand whatsoever of the said Thomas Wetmore, of, in and to the same, to hold the same unto the said Governor and Trustees of the late College of New Brunswick and their successors, to their only proper use and behoof forever, subject nevertheless to a proviso for redemption of the same premises in the said recited indenture of mortgage contained, upon the payment by the said Thomas Wetmore, his heirs, executors, administrators, or assigns unto the said Governor and Trustees of the said late College of New Brunswick or their successors, of the sum of five hundred and twenty pounds of lawful money of New Brunswick, with interest one year after date of the said indenture of mortgage, according to the condition of a certain bond or obligation bearing even date with the said Mortgage, and in the said Mortgage mentioned: And whereas by the operation of an Act of the General Assembly of this Province made and passed in the ninth and tenth years of the reign of late Majesty King George the Fourth, intitled "An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of grammar schools throughout the Province," all the estate, right, title and interest of, in, and to the said in part recited mortgage and mortgaged premises became and is fully vested in the said Chancellor, President and Scholars of King's College in the Province of New Brunswick aforesaid: And whereas the said Chancellor, President and Scholars of King's College at Fredericton in the Province of New Brunswick are desirous of selling and disposing of the said in part recited mortgage and mortgaged premises for the principal and interest now due thereon, in order to call in the moneys secured thereby for the purpose of assisting in paying off certain debts now due from the said college:

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Chancellor, President and Scholars of King's College at Fredericton, New Brunswick, be and they are hereby fully authorized and empowered to grant, bargain, sell, assign, transfer and set over all the estate, right, title and interest of them, the said Chancellor, President and Scholars of King's College in Fredericton, and into the said in part recited indenture of mortgage and of, in, and to all and singular the lands tenements and hereditaments therein conveyed or meant, mentioned or intended so to be, unto any purchaser or purchasers, they may find for the same, for the consideration of the full principal and interest due thereon, to hold the same and every part thereof unto such purchaser or purchasers, his or their several and respective heirs, executors, administrators and assigns for ever, in as full, ample and beneficial a manner to all intents and purposes as the said Chancellor, President, and Scholars now hold or heretofore have held and enjoyed the same, subject however to the proviso or condition of redemption in the said indenture reserved and contained.

II. And be it further enacted, That from and after the passing of this Act, no person or persons whatsoever shall be permitted to coast or ride down any of the hilly parts of the said City of Saint John, or such parts of the Parish of Portland within the County of Saint John, as may be prohibited by the Justices of the Peace for the said City and County, at any General or Special Sessions, on any handeled or sleds, or other vehicle or vehicles; and in case any person or persons whatsoever shall be found coasting on any such sled or sleds, vehicle or vehicles, down such hilly parts of the said City or Parish, as shall be prohibited by the said Justices as aforesaid, it shall and may be lawful for the Mayor, or any one of the Aldermen, or Assistants of the said City, or any one of the Justices of the Peace for the said City and County, or any person or persons to be appointed or authorized by them or either of them, or any Constable of the said City or City and County, to seize, take and destroy the said sled or sleds, vehicle or vehicles, on which such person or persons may be found coasting as aforesaid.

III. And be it further enacted, That no person or persons whatsoever shall sell or expose to sale any bad or unwholesome dead meats, poultry or other provisions within the said City or County; and in case any such bad or unwholesome dead meats, poultry or other provisions, shall be sold or exposed to sale as aforesaid, it shall and may be lawful for the said Mayor, or any one of the Aldermen or Assistants of the City aforesaid, within the said City, or any one of the Justices of the Peace for the City and County aforesaid, within the said County, or any person or persons to be authorized or appointed by them or either of them, to seize, take and destroy the said bad or unwholesome dead meats, poultry or other provisions aforesaid.

CAP. XXXIII.

An Act to explain an Act, intitled "An Act for the more summary punishment of Persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle."

WHEREAS doubts have arisen whether persons convicted under the Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intitled "An Act for more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring cattle;" Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That in all cases of convictions already had or which hereafter may be had before any Justices of the Peace, against any person, under and by virtue of said Act, it is and shall be lawful for such Justices to tax and award costs of the prosecution for such conviction agreeably to the scale established by the Act now in force for the recovery of small debts, and to issue execution therefor together with the damages assessed by such Justice.

CAP. XXXIV.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of Saint Stephen in the said County for the purpose therein mentioned.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said county at any General Session of the Peace hereafter to be holden, or the major part of them, be and they are hereby authorized and empowered to make a rate and assessment on the inhabitants of Saint Stephen in the said county of Charlotte, of any sum not exceeding ninety pounds, for the purpose of paying the purchase money of the reserved land at Milltown in the said parish of Saint Stephen recently sold at public sale; the said sum to be assessed, levied, collected and paid in such proportion and in the same manner as any other parish rates can or may be assessed, levied, collected and paid, under any Act or Acts in force in this Province for assessing, levying and collecting of rates in this Province for public charges.

CAP. XXXV.

An Act to enable the Chancellor, President and Scholars of King's College at Fredericton in the Province of New Brunswick, to assign a certain Mortgage and Mortgaged premises therein mentioned.

WHEREAS by a certain indenture of mortgage bearing date the twenty second day of August, anno domini one thousand eight hundred and fifteen, and made between Thomas Wetmore of the County of York and Province of New Brunswick, Esquire, since deceased of the one part, and the Governor and Trustees of the late College of New Brunswick, and their successors, and Trustees of the said late College of New Brunswick, and their successors, all that message and tract of land situate, lying and being in the parish of Kingsclear in the County of York, containing one thousand one hundred and ninety acres with the usual allowance for roads and waste thereto, granted by the Crown by letters patent under the seal of the Province of New Brunswick, bearing date the tenth day of June anno domini one thousand seven hundred and ninety one, to the Honorable Edward Winslow, and by the said Edward Winslow sold and conveyed to the said Thomas Wetmore, bounded north by the river Saint John, easterly by a lot granted to one Cornelius Anderson, westerly partly by land reserved for the use of the Crown and partly by a lot granted to the late William Garden, and southerly by ungranted land, together with all Houses, out houses, barns, fences and all the estate, right, title, interest, appurtenances thereto belonging, and also all the estate, right, title, interest, claim and demand whatsoever of the said Thomas Wetmore, of, in and to the same, to hold the same unto the said Governor and Trustees of the late College of New Brunswick and their successors, to their only proper use and behoof forever, subject nevertheless to a proviso for redemption of the same premises in the said recited indenture of mortgage contained, upon the payment by the said Thomas Wetmore, his heirs, executors, administrators, or assigns unto the said Governor and Trustees of the said late College of New Brunswick or their successors, of the sum of five hundred and twenty pounds of lawful money of New Brunswick, with interest one year after date of the said indenture of mortgage, according to the condition of a certain bond or obligation bearing even date with the said Mortgage, and in the said Mortgage mentioned: And whereas by the operation of an Act of the General Assembly of this Province made and passed in the ninth and tenth years of the reign of late Majesty King George the Fourth, intitled "An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of grammar schools throughout the Province," all the estate, right, title and interest of, in, and to the said in part recited mortgage and mortgaged premises became and is fully vested in the said Chancellor, President and Scholars of King's College in the Province of New Brunswick aforesaid: And whereas the said Chancellor, President and Scholars of King's College at Fredericton in the Province of New Brunswick are desirous of selling and disposing of the said in part recited mortgage and mortgaged premises for the principal and interest now due thereon, in order to call in the moneys secured thereby for the purpose of assisting in paying off certain debts now due from the said college:

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Chancellor, President and Scholars of King's College at Fredericton, New Brunswick, be and they are hereby fully authorized and empowered to grant, bargain, sell, assign, transfer and set over all the estate, right, title and interest of them, the said Chancellor, President and Scholars of King's College in Fredericton, and into the said in part recited indenture of mortgage and of, in, and to all and singular the lands tenements and hereditaments therein conveyed or meant, mentioned or intended so to be, unto any purchaser or purchasers, they may find for the same, for the consideration of the full principal and interest due thereon, to hold the same and every part thereof unto such purchaser or purchasers, his or their several and respective heirs, executors, administrators and assigns for ever, in as full, ample and beneficial a manner to all intents and purposes as the said Chancellor, President, and Scholars now hold or heretofore have held and enjoyed the same, subject however to the proviso or condition of redemption in the said indenture reserved and contained.

CAP. XXXVI.

An Act to empower the Rector, Church Wardens and Vestry of Christ's Church in the Parish of Fredericton to assign certain mortgages and mortgaged premises.

WHEREAS by a certain indenture of mortgage, bearing date the thirty first day of May in the year of our Lord one thousand eight hundred and twenty eight, and made between Mark Needham of Fredericton aforesaid, Merchant, and Isabel his wife of the one part, and the said Rector, Church Wardens and Vestry of the other part, after reciting that the said Mark Needham by his bond or obligation bearing even date therewith, stood bound to the said Rector, Church Wardens and Vestry in the penal sum of four hundred pounds of lawful money of the Province of New Brunswick, conditioned for the payment of two hundred pounds of like lawful money, on or before the first day of May next ensuing the date thereof, it was witnessed that the said Mark Needham and Isabel his wife, for the consideration thereof mentioned, did grant, bargain, sell, alien, release and confirm unto the Rector, Church Wardens and Vestry aforesaid, their successors and assigns, a certain lot or piece of land in the said indenture particularly described, and subject nevertheless to a proviso or condition of redemption in the said indenture contained, that if the said Mark Needham should pay or cause to be paid unto the said Rector, Church Wardens and Vestry, or their successors or assigns, on or before the thirty first day of May next ensuing, the date of the said indenture, the sum of two hundred pounds of such lawful money as aforesaid, with lawful interest, that the same indenture and the bond therein mentioned should cease and determine and become void: And whereas by a certain other indenture of mortgage made and bearing date the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty eight, between Henry Smith of Fredericton aforesaid, Esquire, and Hannah Winslow Smith his wife, of the one part, and the said Rector, Church Wardens and Vestry of the other part, after reciting that the said Henry Smith by his bond or obligation, bearing even date therewith, stood bound to the said Rector, Church Wardens and Vestry in the penal sum of two hundred pounds conditioned for the payment of one hundred pounds with lawful interest on or before the eighteenth day of June next ensuing the date of the same indenture, and also reciting that Richard Dibblee of Fredericton aforesaid, Merchant, stood bound to the said Rec-

CAP. XXXVII.

An Act to empower the Rector, Church Wardens and Vestry of Christ's Church in the Parish of Fredericton to assign certain mortgages and mortgaged premises.

WHEREAS by a certain indenture of mortgage, bearing date the thirty first day of May in the year of our Lord one thousand eight hundred and twenty eight, and made between Mark Needham of Fredericton aforesaid, Merchant, and Isabel his wife of the one part, and the said Rector, Church Wardens and Vestry of the other part, after reciting that the said Mark Needham by his bond or obligation bearing even date therewith, stood bound to the said Rector, Church Wardens and Vestry in the penal sum of four hundred pounds of lawful money of the Province of New Brunswick, conditioned for the payment of two hundred pounds of like lawful money, on or before the first day of May next ensuing the date thereof, it was witnessed that the said Mark Needham and Isabel his wife, for the consideration thereof mentioned, did grant, bargain, sell, alien, release and confirm unto the Rector, Church Wardens and Vestry aforesaid, their successors and assigns, a certain lot or piece of land in the said indenture particularly described, and subject nevertheless to a proviso or condition of redemption in the said indenture contained, that if the said Mark Needham should pay or cause to be paid unto the said Rector, Church Wardens and Vestry, or their successors or assigns, on or before the thirty first day of May next ensuing, the date of the said indenture, the sum of two hundred pounds of such lawful money as aforesaid, with lawful interest, that the same indenture and the bond therein mentioned should cease and determine and become void: And whereas by a certain other indenture of mortgage made and bearing date the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty eight, between Henry Smith of Fredericton aforesaid, Esquire, and Hannah Winslow Smith his wife, of the one part, and the said Rector, Church Wardens and Vestry of the other part, after reciting that the said Henry Smith by his bond or obligation, bearing even date therewith, stood bound to the said Rector, Church Wardens and Vestry in the penal sum of two hundred pounds conditioned for the payment of one hundred pounds with lawful interest on or before the eighteenth day of June next ensuing the date of the same indenture, and also reciting that Richard Dibblee of Fredericton aforesaid, Merchant, stood bound to the said Rec-

CAP. XXXVIII.

An Act to empower the Rector, Church Wardens and Vestry of Christ's Church in the Parish of Fredericton to assign certain mortgages and mortgaged premises.

WHEREAS by a certain indenture of mortgage, bearing date the thirty first day of May in the year of our Lord one thousand eight hundred and twenty eight, and made between Mark Needham of Fredericton aforesaid, Merchant, and Isabel his wife of the one part, and the said Rector, Church Wardens and Vestry of the other part, after reciting that the said Mark Needham by his bond or obligation bearing even date therewith, stood bound to the said Rector, Church Wardens and Vestry in the penal sum of four hundred pounds of lawful money of the Province of New Brunswick, conditioned for the payment of two hundred pounds of like lawful money, on or before the first day of May next ensuing the date thereof, it was witnessed that the said Mark Needham and Isabel his wife, for the consideration thereof mentioned, did grant, bargain, sell, alien, release and confirm unto the Rector, Church Wardens and Vestry aforesaid, their successors and assigns, a certain lot or piece of land in the said indenture particularly described, and subject nevertheless to a proviso or condition of redemption in the said indenture contained, that if the said Mark Needham should pay or cause to be paid unto the said Rector, Church Wardens and Vestry, or their successors or assigns, on or before the thirty first day of May next ensuing, the date of the said indenture, the sum of two hundred pounds of such lawful money as aforesaid, with lawful interest, that the same indenture and the bond therein mentioned should cease and determine and become void: And whereas by a certain other indenture of mortgage made and bearing date the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty eight, between Henry Smith of Fredericton aforesaid, Esquire, and Hannah Winslow Smith his wife, of the one part, and the said Rector, Church Wardens and Vestry of the other