



(Continued from our last.)

County of (or as the case may be) Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ A. B. of \_\_\_\_\_ in the County of \_\_\_\_\_ (or as the case may be) personally came before me (or before us &c.) C. D. one (or more as the case may be) of His Majesty's Justices of the Peace for the said \_\_\_\_\_ and informed me (or us &c.) that E. F. of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ did (here set forth the fact for which the information is laid) contrary to the form of the Act of Assembly (or of the Imperial Parliament) in such case made and provided, whereupon the said E. F. after being duly summoned to answer the said charge appeared before me (or us &c.) on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ and, having heard the charge contained in the said information, declared he was not guilty of the said offence (or as the case may happen to be) did not appear before me (or us &c.) pursuant to the said summons (or did neglect and refuse to make any defence against the said charge) whereupon I (or we &c.) or nevertheless I (or we &c.) the said Justice (or Justices) did proceed to examine into the truth of the charge contained in the said information, and on the \_\_\_\_\_ day of \_\_\_\_\_ aforesaid, at the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ upon his oath depose and saith (if E. F. be present say in the presence of the said E. F.) that on the \_\_\_\_\_ day of \_\_\_\_\_ the said E. F. at \_\_\_\_\_ in the said County of \_\_\_\_\_ (here state the evidence as nearly as possible in the words used by the Witness and if more than one Witness be examined state the evidence given by each, or if the Defendant confess instead of stating the evidence say (And the said E. F. acknowledged and voluntarily confessed the same to be true; therefore it manifestly appearing to me (or us &c.) that he the said E. F. is guilty of the offence charged upon him in the said information I (or we &c.) do hereby convict him of the offence aforesaid, and do declare and adjudge that he the said E. F. hath forfeited the sum of \_\_\_\_\_ of lawful money of \_\_\_\_\_ for the offence aforesaid, to be distributed (or paid as the case may be) according to the form of the Act of Assembly (or of the Imperial Parliament) in such case made and provided (if the Acts as aforesaid allow costs to be awarded add) and also the sum of \_\_\_\_\_ now by me (or us &c.) adjudged to the said A. B. for the costs of this prosecution, pursuant to the said Act.) Given under my hand (or our hands &c.) and Seal (or Seals &c.) the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

VIII. And be it enacted, That in all cases where two or more Justices are authorized and required to hear and determine any complaint, one Justice shall be competent to receive the original information or complaint, and to issue the Summons or Warrant requiring the party to appear before two or more Justices of the Peace, and after examination upon oath into the merits of the said complaint or confession of the party, and the adjudication thereupon by any such two Justices, all and every the subsequent proceedings to enforce obedience thereto or otherwise, whether respecting the penalty, fine, imprisonment, costs or other matter or thing now enacted or to be hereafter enacted, may be enforced by either of the said Justices, or any other Justice of the Peace for the same County or City and County, in such and the like manner as if done by the same two Justices who so heard and adjudged the said complaint, and where the original complaint or information shall be made to any Justice or Justices of the Peace different from him or them before whom the same shall be heard and determined, the form of conviction shall be made conformable and according to the fact.

IX. And be it enacted, That in all cases where it appears by the conviction that the Defendant has appeared and pleaded, and the merits have been tried, and that the Defendant has not appeared against the said conviction where an appeal is allowed, or, if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the Justice of the case.

X. And whereas warrants dressed out to Constables and other Peace Officers of Parishes or places in their character of, and as Constables or other Peace Officers of such respective Parishes or places, cannot be lawfully executed by them out of the precincts thereof respectively, whereby means are afforded to criminals and others of escaping from Justice; For remedy whereof; Be it enacted, That it shall and may be lawful to and for each and every Warrant of any Justice or Justices of the Peace within any Parish or place, situate, lying or being within the jurisdiction of such Justice or Justices granting or backing such Warrant, in such and the like manner as if such Warrant had been addressed to such Constable or other Peace Officer specially by his name, and notwithstanding the Parish or place in which such Warrant shall be executed shall not be the Parish or place for which he shall be Constable or other Peace Officer; Provided the same be within the jurisdiction of the Justice or Justices so granting such Warrant, or within the jurisdiction of the Justice or Justices by whom any such Warrant shall be backed or indorsed.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to proceedings in Civil Suits before any Justice or Justices of the Peace.

#### CAP. XVIII.

An Act to prevent desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters.

Passed 22d March 1834.

WHEREAS soldiers stationed within this Province for the defence of the same, have been frequently found to desert or absent themselves from the Head Quarters of their respective Regiments or Detachments without leave, to the great injury of His Majesty's Service;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any person shall directly or indirectly persuade any soldier to desert from His Majesty's service, knowing him to be such, in deserting or in concealing himself from such service, every such person so offending, shall, for each and every offence, on conviction, forfeit the sum of twenty pounds.

II. And be it enacted, That if any person shall buy, exchange or detain, or otherwise receive, from any soldier or deserter, upon any account whatever, any arms, clothing, caps or other furniture belonging to the King, or any such articles belonging to any soldier or deserter as are general deemed regimental necessities, according to the custom of the army, or shall exchange, buy or receive from any soldier any provisions, unless by consent of the officer commanding the Regiment or Detachment to which such soldier shall belong, every person so offending shall for each and every offence incur the penalty of five pounds.

III. And be it enacted, That the first mentioned penalty shall and may be recovered before any two Justices of the Peace, and the last mentioned penalty before any one Justice of the Peace in the County where such offence may be committed, upon conviction, at the suit of the Commanding Officer of that Regiment, or any person who may prosecute for the same, on the oath of one or more credible witness or witnesses, to be levied by Warrant of Distress and sale of the goods and chattels of the offender, one moiety of which penalty shall be paid into the Province Treasury for the purpose of encouraging the apprehension of deserters, the other moiety to such person who shall prosecute the same offences to conviction; and in case no sufficient goods or chattels can be found whereon to levy such distress, every offender shall by such Justice or Justices be committed to the common Gaol in such County, there to remain without Bail or Mainprize for a term not exceeding three months, nor less than one month.

IV. And be it enacted, That any person or persons who shall apprehend any deserter or deserters from His Majesty's Forces, and deliver up such deserter or deserters to any officer commanding any military Post in this Province, shall for each and every deserter so apprehended and delivered up receive a reward of five pounds, on producing a certificate of such apprehension and delivery, specifying the name or names of such deserter or deserters, and to what Regiment or Corps he or they belong, signed by such commanding Officer and one Justice of the Peace for the County or District before whom such deserter or deserters shall be brought: Provided always, that the rewards so to be given out of the Province Treasury shall not in any one year exceed the sum of one hundred pounds.

V. And be it enacted, That it shall henceforth be the duty of all keepers of His Majesty's Gaols, in the County or Counties between the place or places where such deserter or deserters may be apprehended and the place of his or their final destination, to receive such deserter or deserters into their custody, without any fee or reward whether such deserter or deserters be conveyed by virtue of a Warrant from any Justice of the Peace or under military escort by an order of the Commandant of any Garrison within this Province.

VI. And be it enacted, That the rewards so to be paid under and by virtue of this Act, shall be by Warrant under the hand and seal of

the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, directed to the Province Treasurer, provided the same do not exceed the sum of one hundred pounds.

VII. And be enacted, That no proceedings shall be had under this Act for any of the offences aforesaid, which may have been prosecuted to conviction under and by virtue of the Mutiny Act, or any other Act of the Imperial Parliament, or of the Assembly.

VIII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty four.

#### CAP. XIX.

An Act to authorize the Justices of the Peace in the several Counties in this Province, to make assessments for the payment of County Officers, and also to authorize the Justices of the Peace for the County of Northumberland to make further provision for the payment of the Treasurer of that County.

Passed 22d March 1834.

WHEREAS by the Laws now in force, the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively for their Services per annum any sum exceeding fifteen pounds, which in the County of Northumberland has been found a very inadequate compensation for the services and responsibility of that Officer, especially for the last six years;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said County, or the Major part of them at any General Sessions to be holden in and for the said County, are hereby fully authorized and empowered to make such additional compensation to the said Treasurer of that County for his past services, since the year one thousand eight hundred and twenty seven, as they in their discretion may deem right and proper, not exceeding the sum of eight pounds per annum, to be paid out of the Contingent Fund of the said County.

II. And be it enacted, That the said Justices of the said County, at any General Session or the Major part of them then and their assembled, are hereby fully authorized and empowered from and after the passing of this Act to make such additional annual allowance to the said County Treasurer, over and above the said fifteen pounds per annum for his future services as they in their discretion may think right and proper, so always as the whole annual allowance of the Treasurer of the said County shall not exceed the sum of twenty five pounds, anything in any other Law or usage to the contrary notwithstanding.

III. And be it enacted, That the Justices of the Peace for the several Counties in this Province, or the Major part of them at their respective General Sessions, are hereby authorized and empowered when necessary from any deficiency in the Contingent Funds of the said Counties respectively, to order and direct an assessment upon the Inhabitants and others of the said Counties respectively, of a sufficient sum to defray the annual allowance to their respective County Treasurers, and the legal charges and demands of the other Officers of the said County, so always as such annual assessments respectively shall not exceed the sum of fifty pounds in any one year, which said sums respectively shall be assessed, levied and collected in like manner as other County rates.

IV. And be it enacted, That this Act shall continue and remain in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

#### CAP. XX.

An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled seamen not being paupers belonging to this Province, so far as the same relate to the County of Gloucester.

Passed 22d March 1834.

WHEREAS in and by the second Section of an Act made and passed in the sixtieth year of the reign of King George the Third, intituled, "An Act to provide for sick and disabled seamen, not being paupers belonging to the Province," it is provided that the duty imposed by the said Act, shall be paid to the Overseers of the Poor for the place where the same is collected; And whereas it is expedient to make further and more effectual regulations for providing for such seamen in the ports or harbours of Bathurst and Dalhousie in the County of Gloucester;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said second Section of the said Act, so far as the same relates or may be construed to relate to the said Ports or Harbours of Bathurst and Dalhousie, be and the same is hereby repealed.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint three or more persons to be Commissioners, and to displace, reappoint or supply the place or places of all or any of the said Commissioners as from time to time may be necessary or expedient; and that the duty imposed by the above mentioned Act, and collected at the said Ports or Harbours of Bathurst and Dalhousie respectively, or so much thereof as shall be necessary, shall be paid over by the Treasurer or Deputy Treasurer of the said Ports respectively to such Commissioners so to be appointed respectively, by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to be by them applied for the necessary care, cure, support and maintenance, of sick and disabled seamen at their respective ports in such manner as they may deem advisable; and that such Commissioners, shall have the same rights, power and authority at the said respective ports of Bathurst and Dalhousie, and subject to such rules and regulations as are in and by any of the Acts now in force for relief of sick and disabled seamen, granted to or imposed on the Overseers of the Poor, as hereby expressly altered.

III. And be it enacted, That the Waters, Creeks and places lying between Miguasha Point and Belledune River, shall be taken and considered as constituting the Port of Dalhousie; and that the Waters, Creeks and places lying between Belledune River and the line dividing the Counties of Gloucester and Northumberland countwise, shall be taken and considered as constituting the port of Bathurst, so far as regards the purposes of this Act and no further.

#### CAP. XXI.

An Act to amend an Act, intituled "An Act to repeal certain Acts relating to Commissioners of Sewers," and to make more effectual provisions in lieu thereof.

Passed 22d March 1834.

WHEREAS it is deemed expedient that no Commissioner of Sewers, shall be appointed or act as Clerk to the Board of Commissioners of Sewers of which he is a Member;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Commissioner of Sewers shall or may be appointed Clerk or act as such to the Board of Commissioners of Sewers of which he is a Member.

II. And be it enacted, That such part and so much of the second Section of the hereinbefore recited Act, relating to the pay of the Commissioners of Sewers, be and the same is hereby repealed and that in lieu thereof, there be allowed to each and every Commissioner superintending the dyking or draining of any Marsh, low lands or Meadows, at and after the rate of ten shillings for each and every day's actual attendance, and where otherwise employed as a Commissioner of Sewers at and after the rate of five shillings per day and no more, to be paid and received in the same manner as is provided for in and by the said recited Section.

III. And be it enacted, That in all cases when Land shall be reclaimed and inclosed by Dykes or Aboidaux, erected without other Dykes or Aboidaux, that no proprietor of any such reclaimed and inclosed Land shall be taxed or assessed under the provisions of the ninth Section of the hereinbefore recited Act, over and above the real value of such reclaimed or inclosed Land.

#### CAP. XXII.

An Act in further amendment of an Act, intituled "An Act subjecting Real Estates in the Province of New Brunswick to the payment of Debts and directing the Sheriff in his proceedings thereon."

Passed 22d March 1834.

WHEREAS the proof required by Law to make a good title under and by virtue of a sale of Lands and Sheriff's Deeds thereon, has been found productive of great inconvenience, and in many cases of serious injury to the party or parties claiming title thereon; for remedy whereof;

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the Deed of the Sheriff or other Officer authorized to execute the same, duly executed, acknowledged and recorded as the Law directs, and the exemplification of the Judgment and Execution upon which the same is founded, shall in all cases be prima facie evidence of all the matters and things therein set forth, so far as the obtaining the judgment, issuing execution, levying upon the property sold for the want of goods and chattels of the Defendant from whom the property is taken, the advertising the same by the Sheriff as by Law required, and the sale thereof under the execution recited in the said Deed and exemplified as aforesaid; and that the onus proving any defect in the advertising and sale of the property conveyed, neglect or mal-practice on the part of the Sheriff or any of his Officers, shall henceforth lie on the party or parties disputing the same, anything in any Law or usage to the contrary in anywise notwithstanding; Provided always, that the Sheriff or other Officer by whom the Deed was executed, under and by virtue of which the party or parties in any action or actions, claim title, or some one of the Under Sheriffs or Deputies of such Sheriff, regularly appointed, shall at the time of the execution of the said Deed, make Affidavit before the Justice or other Officer authorized by Law to take acknowledgments and proof of the execution of Deeds and other Instruments, who shall and is hereby required to take the same Affidavit, and indorse the same thereon, that the said property by such Deed conveyed, was regularly seized, advertised and sold in every respect as by Law directed.

#### CAP. XXIII.

An Act more effectually to punish the crime of Forgery.

Passed 22d March 1834.

Be it enacted by the Lieutenant Governor, Council and Assembly, That every person who shall commit the crime of Forgery shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the manner prescribed for felony in an Act made and passed in the first year of the reign of his present Majesty, intituled "An Act for improving the administration of Justice in Criminal Cases."

#### CAP. XXIV.

An Act to continue "An Act to provide for the erection of Fences with gates across highways leading through Intervale lands in Queen's County, and the County of Sunbury where the same may be found necessary, and to extend the provisions of the same to King's County."

Passed 22d March 1834.

Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifth year of the reign of His late Majesty King George the Third, intituled "An Act to provide for the erection of Fences with gates across highways, leading through intervale lands in Queen's County and the County of Sunbury, where the same may be found necessary," and also an Act passed in the third year of the reign of His late Majesty King George the Fourth, to extend the provisions of the same to King's County, be and the same are hereby further continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty nine.

#### CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an Assessment towards paying off the County debt, and for other purposes therein mentioned.

Passed 22d March 1834.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorized and empowered to make such rate and assessment, of any sum not exceeding one thousand pounds, as they in their discretion may think necessary, for the purpose of paying off a part of the balance due for the building the Gaol of the said County, and also to pay a part of the contingent expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any acts now or hereafter in force for the assessing, collecting and levying of County rates.

#### CAP. XXVI.

An Act to provide for the safe keeping of County Records.

Passed 22d March 1834.

WHEREAS the safe keeping of the Registry of Deeds and Wills, and the Records of the Inferior Court of Common Pleas, and General Sessions of the Peace, in the several Counties in this Province, is an object of great public importance;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace in the several Counties of this Province, at any General Session of the Peace hereafter to be holden in their respective Counties, whenever they in their discretion may consider it expedient, are hereby authorized and empowered to make a rate and assessment of any sum, not exceeding the sum of three hundred pounds, as they may think necessary for the erecting suitable buildings, with safes, of stone or brick, near the Court Houses of their respective Counties for the use and safe keeping of the Records of Deeds and Wills, and also of the Inferior Court of Common Pleas and General Sessions of the Peace in said Counties; such sum to be assessed, levied, collected and paid in such proportion and in the same manner as any other County rates can or may be assessed, levied, collected and paid by virtue of any Act now or hereafter in force for assessing, collecting and levying County rates.

II. And be it enacted, That the said Justices at any General Session of the Peace hereafter to be holden, or at any Special Session for that purpose convened and holden, be and they hereby are authorized and empowered to contract and agree with any person or persons for the erection of such buildings as and for the purposes aforesaid, or to appoint Contractors for that purpose, and to apply the proceeds of such assessment in furtherance and performance of such agreement or contract on their part.

III. And be it enacted, That as soon as the said buildings are erected and completed the several Offices of Register of Wills and Deeds, and Clerk of the Inferior Court of Common Pleas and General Sessions of the Peace, shall be kept therein.

#### CAP. XXVII.

An Act for granting Patents for useful inventions.

Passed 22d March 1834.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, whenever any person or persons who shall then be an Inhabitant or Inhabitants of this Province, or who shall have resided therein for one year previous thereto, shall apply to the Lieutenant Governor or Commander in Chief for the time being, and shall allege that he, she or they have invented or discovered any new or useful art, machine, manufacture, or composition of matter, or any new or useful improvement on any art, machine, manufacture, or composition of matter, not before known and used, and shall, by petition to the Lieutenant Governor or Commander in Chief for the time being, signify his, her or their desire to obtain an exclusive property in such new invention and discovery, and shall pray that a Patent may be granted for the same, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to cause and direct Letters Patent, under the Great Seal of this Province, to be issued; which said Letters Patent shall recite the allegations and suggestions of the said petition so to be preferred as aforesaid, and shall therein give a short description of the said invention and discovery, and thereupon shall grant to the said person or persons so applying for the same, his, her or their Executors, Administrators and Assigns, for a term not exceeding ten years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said new invention or discovery; which Letters Patent shall be good and available to the Grantee or Grantees therein named,

Continued in second page.