



CAP. XXII.

An Act to authorise and empower the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen.

Passed 17th March 1835.

WHEREAS a certain piece of land, beach and flats, situate in the Parish of Saint Stephen in the County of Charlotte, was granted by Letters Patent under the Great Seal of this Province to the Justices of the Peace for the County of Charlotte, in trust for a public landing in and for said Parish; which said piece of land is bounded and described as follows, to wit: Beginning at a post placed in the South Western boundary line of the garden lot numbered one in Jones' Division of the Town Plat of Saint Stephen at the North Western angle of Aaron Upton's wharf, thence running by the magnetic needle north sixty five degrees west one chain (of four poles) and ninety five links along the said boundary line to the South Eastern side of the public wharf, thence along the line of the said street, south twenty five degrees west seventy two links, thence along the bank, bounded by the public wharf, to the North Western side of said street, thence south twenty five degrees west three chains and five links to the shore of the River Saint Croix at low water mark, thence along the line of the said low water mark till it meets a line running south twenty five degrees west from the place of beginning, and thence along said line north twenty five degrees east four chains and forty five links to the place of beginning: And Whereas improvements might be made upon the said public landing which would be beneficial to the said Parish;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Justices of the Peace for the County of Charlotte be and they are hereby authorised and empowered, by good and sufficient leases, to grant and to farm let such part of the said public landing as they in their discretion may think fit, for any term not exceeding twenty years.

II. And be it enacted, That the said Justices of the Peace for the County of Charlotte are hereby further authorised and empowered to erect on the said premises a public Market House, and such other buildings and fabrics as may from time to time be deemed necessary to be erected for the accommodation thereof, and also to erect thereon such wharves, stores and other fabrics as they shall from time to time deem expedient and beneficial to the said Parish of Saint Stephen; the proceeds, profits and income of every kind whatsoever, which may be derived from the said public landing, and the buildings, erections and improvements thereon shall be appropriated for the benefit of the Town or Parish of Saint Stephen.

CAP. XXIII.

An Act for erecting parts of the Towns or Parishes of Brunswick and Canning in Queen's County into a separate Town or Parish.

Passed 17th March 1835.

WHEREAS the Town or Parish of Brunswick is so extensive as to render it inconvenient and burthensome to perform the several Parochial duties required by Law; and it is expedient a separate Parish should be erected therein, and that a certain part of the Parish of Canning should form part of the Parish so to be erected;

Be it enacted by the Lieutenant Governor, Council and Assembly, That all those several parts and parcels of the Parishes of Brunswick and Canning situate, lying and being within the following meets and bounds (that is to say), Commencing at the lower or southerly boundary line of the County of Sunbury, where the prolongation of the division line between Lots numbers eight and nine on the road leading from Yeaman's mill to the Hardwood Ridge in the said Parish of Canning intersects it, and thence following the course of that line to its termination, thence south forty five degrees east until it strikes the western shore of Salmon Bay, thence easterly to Indian Point so called, thence across the north east arm of the Grand Lake to the upper line of the late Doctor William Burk's farm, thence along the said line and its prolongation south seventeen degrees forty minutes east to the upper boundary line of the Parish of Wickham, thence following the course of that line to the north eastern boundary line of the County, be and the same are hereby erected into a separate Town or Parish, to be called and known by the name of the Town or Parish of Chipman.

CAP. XXIV.

An Act in addition to and in continuation of the Act relating to the Bass Fishery in the County of Northumberland.

Passed 17th March 1835.

WHEREAS it is thought desirable to extend the provisions of an Act made and passed in the third year of the reign of His present Majesty King William the Fourth, intituled "An Act to authorise the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass Fishery in that County," to the Shad and Gaspareux Fisheries in the said County;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all the provisions of the said recited Act be and the same are hereby extended and made applicable in all respects to the Shad and Gaspareux Fisheries respectively, in all or any of the Rivers and Branches of Rivers in the said County.

II. And be it enacted, That this Act and the above recited Act to which this Act is in addition and in continuation, shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-eight.

CAP. XXV.

An Act to alter and amend an Act, intituled "An Act to repeal an Act, intituled '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," so far as the same relates to the Bay and Harbour of Restigouche in the said County of Gloucester.

Passed 17th March 1835.

WHEREAS in and by the third Section of an Act of the General Assembly of this Province made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal an Act, intituled '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 enacted, *inter alia*, that there be granted to His Majesty, His Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting Buoys and Beacons in the Bay and Harbour of Restigouche in the County of Gloucester, on every Vessel entering the said Bay and Harbour, the sum of One Penny per ton for each and every ton such Vessel may admeasure per Register, for each and every time such Vessel may arrive at the said Bay and Harbour of Restigouche: And Whereas it is expedient to alter and amend the said Section so far as the same relates to the said Bay and Harbour of Restigouche;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said in part recited Section of the said Act, so far as the same relates to the said Bay and Harbour of Restigouche, be and the same is hereby repealed.

II. And be it enacted, That there be and there is hereby granted to His Majesty, His Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting Buoys and Beacons in or adjacent to the said Bay or Harbour of Restigouche, on each Vessel entering the said Bay or Harbour the sum of One Halfpenny per ton for each and every ton such Vessel may admeasure per Register, for each and every time such Vessel may arrive at the said Bay or Harbour of Restigouche.

III. And be it enacted, That this Act shall continue and be in force so long as the said in part recited Act to which this Act is an amendment and no longer.

CAP. XXVI.

An Act to make perpetual the Acts of the General Assembly relating to the surrender of the Principal in Discharge of Bail.

Passed 17th March 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fourth year of the reign of His

late Majesty King George the Fourth, intituled "An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province;" also an Act made and passed in the ninth and tenth years of the same reign, intituled "An Act to continue and amend an Act, intituled 'An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province,'" be and the same are hereby made perpetual.

CAP. XXVII.

An Act to continue "An Act to regulate the Law with regard to the course of proceeding on Indictments and Informations in the Supreme Court."

Passed 17th March 1835.

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 Majesty King George the Fourth, intituled "An Act to regulate the Law with regard to the course of proceeding on Indictments and Informations in the Supreme Court in certain cases," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXVIII.

An Act to authorise the Grand Jurors of the several Counties within this Province to inspect the Public Accounts.

Passed 17th March 1835.

WHEREAS it is desirable that full publicity should be given to the accounts of the receipts and expenditures of public monies within the several Counties in this Province, with a view to prevent abuses therein;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That once in each year at the General Sessions of the Peace in each County at which Parish Officers are appointed, it shall be the duty of the Justices at such General Sessions to cause a full, detailed and particular account of all the receipts and expenditures of public monies within such Counties for the past year to be laid before the Grand Jury for their inspection and examination; and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet.

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

CAP. XXIX.

An Act to regulate the Fees in Actions not summary in the Inferior Courts of Common Pleas, and to restrain the removal of such Actions to the Supreme Court.

Passed 17th March 1835.

WHEREAS the Fees in Actions not summary in the Inferior Courts of Common Pleas in this Province and in the Mayor's Court of the City of Saint John, require to be defined and established by Law: And Whereas the removal of causes from the said Courts to the Supreme Court after Issue joined or Interlocutory Judgment signed, has been found productive of great inconvenience and delay to Suitors;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Fees in all Actions hereafter instituted in the respective Inferior Courts of Common Pleas in this Province, or in the Mayor's Court of the City of Saint John, not coming within the summary jurisdiction of the said Courts, shall be taxed and regulated by the following Table of Fees, so far as relates to the Judges, Clerks, Attorneys and Counsel, instead of by the Ordinance of the Governor and Council as heretofore accustomed.

TABLE OF FEES

To be allowed and taxed in Actions not summary in the Inferior Courts of Common Pleas:

FOR THE JUDGES.

On the entry of every cause not settled at the return of the Writ, Five Shillings.

On the entry of every cause for Trial, Three Shillings and Fourpence.

On every Judgment, Three Shillings and Fourpence.

Taking special Bail and entering the same in Bail Book, Three Shillings.

Every Summons granted or order made out of Court, Two Shillings and Sixpence.

Taking a deposition *de bene esse*, Five Shillings.

Justification or disallowance of Bail, Two Shillings.

Appointment of a Guardian or prochein ami, Two Shillings and Sixpence.

Taxing a Bill of Costs, Two Shillings.

Render of a Defendant in discharge of Bail (including the commitment or order for taking into custody), Two Shillings and Sixpence.

Every Affidavit for each Deponent, One Shilling.

The same fee to any person authorised to take Affidavits to be read in Court.

CLERK.

Signing and sealing every Writ or Process, (including the filing of the docket or precept therefor,) Subpoena excepted, One Shilling.

Entry of every cause, One Shilling.

Entry of every Rule, One Shilling.

Entry of appearance or filing common Bail, One Shilling.

Filing every process, pleading or other paper, and marking the same as filed, Sixpence.

Copy of every common Rule, One Shilling.

Entering Interlocutory Judgment, One Shilling.

Entering admission of Guardian or prochein ami, One Shilling.

Every Rule or Order entered in the minutes, One Shilling.

If more than one Folio, for every additional Folio, One Shilling.

Copy or transcript from the minutes or records, per Folio, One Shilling.

A Folio in all cases to include one hundred words.

Every search made in the files or minutes, One Shilling.

Signing and sealing every Subpoena and filing Precept, if any, Sixpence.

Entering a cause for trial, One Shilling.

Calling and swearing Jury, and taking and entering verdict or non-suit or entry of discharge of Jury, Two Shillings.

Swearing every Witness or Constable and reading every paper in evidence, Sixpence.

Taxing costs where a trial has been had, Two Shillings.

Taxing costs in any other case, One Shilling.

Making return to every Writ of Error, Habeas Corpus or Certiorari served on him (exclusive of copy or transcript), Two Shillings.

Every Certificate under the seal of the Court (including the seal), Two Shillings.

On all monies paid into Court to one hundred pounds, per pound, Sixpence.

All above one hundred pounds, per pound, Threepence.

When such money is paid in by a Defendant on a plea of tender or order obtained by him for paying money into Court, the pounce shall be paid to the Clerk in addition to the money paid in and may be included in the Defendant's taxable costs.

ATTORNEY.

Taking instructions to commence action, Six Shillings and Eightpence.

Copy of the Writ and notice (when requisite), One Shilling and Sixpence.

Drawing every Declaration and copy to file, not exceeding ten Folio, Five Shillings.

For every additional Folio above ten (when necessary), One Shilling.

Every copy of Declaration for adverse party or when otherwise requisite, per Folio, Sixpence.

Taking instructions to defend action or to enter special Bail, Six Shillings and Eightpence.

Special Bail piece, One Shilling and Fourpence.

Common Bail or appearance, One Shilling.

Drawing general Issue, One Shilling.

Each copy thereof, Sixpence.

Drawing every special Plea, per Folio, One Shilling.

Each copy thereof, per Folio, Sixpence.

Preparing a Writ of Inquiry of Damages, Four Shillings, (or at the rate of One Shilling per Folio.)

Making up Judgment Roll, per Folio, Ninepence.

Attending assessment of Damages before Court, Three Shillings and Fourpence.

Attending assessment of Damages before Jury of Inquiry, Six Shillings and Eightpence.

Every Subpoena, Two Shillings.

Every copy thereof or ticket, Sixpence.

Servise on every Witness, One Shilling.

Attending the examination of a Witness *de bene esse*, Six Shillings and Eightpence.

Every notice, not exceeding one Folio, One Shilling.

For every additional Folio, One Shilling.

Every necessary copy thereof, per Folio, Sixpence.

Serving every notice or other paper, One Shilling.

Every Summons or order of a Judge (including attendance), Three Shillings and Fourpence.

Attending a Judge on Summons in controverted cases, Six Shillings and Eightpence.

Every necessary attendance before a Judge or the Clerk (not otherwise provided for), One Shilling.

Preparing brief for trial or argument, Six Shillings and Eightpence.

On entry of a cause for trial, Five Shillings.

Preparing every writ of *Scire Facias*, per Folio, One Shilling.

Preparing bill of costs where a trial has been had, Three Shillings.

In any other case, One Shilling and Sixpence.

Half of the above Fees for a copy of bill of costs for client or adverse party when requisite, and no charge for a bill of costs to be allowed in any case before the entry of the cause on the return of the writ.

Preparing every affidavit or other paper not otherwise provided for, for the original per Folio, One Shilling.

Every additional copy, per Folio, Sixpence.

Every motion actually made in open Court and entered on the minutes, Three Shillings and Fourpence.

COUNSEL FEES.

Perusing and signing Demurrers, special Pleas, Replications, Rejoinders, &c. to which the signature of Counsel is necessary, Eleven Shillings and Eightpence.

This fee to be allowed only for one signature when more than one special pleading in a cause are prepared and delivered at the same time.

On every cause entered for trial and for every argument before the Court, not less than One Guinea nor more than Three Guineas, at the discretion of the presiding Judge.

No other fees than those hereinbefore provided for are to be taxed in behalf of the persons in this Table named, in actions not summary in the Inferior Court of Common Pleas.

II. And be it enacted, That from and after the passing of this Act, no action not summary brought in any of the Inferior Courts of Common Pleas in this Province or in the Mayor's Court of the City of Saint John shall, prior to final Judgment, be removed to the Supreme Court by Habeas Corpus or Certiorari after Issue joined or Interlocutory Judgment signed, any law, usage or custom to the contrary in any wise notwithstanding.

CAP. XXX.

An Act to amend the Law relating to the public Grammar School in the City of Saint John.

Passed 17th March 1835.

WHEREAS the days for holding the public examinations of the public Grammar School in the City of Saint John, specified in the sixth Section of an Act made and passed in the forty-fifth year of the reign of King George the Third, intituled "An Act for encouraging and extending Literature in this Province," are found inconvenient;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said sixth Section of the said Act be and the same is hereby repealed.

II. And be it further enacted, That the President and Directors of the said public Grammar School in the City of Saint John shall hold public visitations and examinations of the said School twice in every year, on such days as the President and Directors may prescribe and appoint by any bye law or regulation for that purpose to be made.

CAP. XXXI.

An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its Branches.

Passed 17th March 1835.

WHEREAS delays injurious to the interest of individuals and to the trade of the County of Charlotte in general, have been occasioned for want of the necessary supplies and prompt attendance required on the part of persons engaged in driving Timber and Saw Logs down the River Magaguadavic and its Branches: And Whereas it is necessary to prevent such delays, and also to apportion the heavy expenses annually incurred in the driving of Timber and Logs on the said River and its Branches, as fairly as may be, among the several owners thereof;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the driving of Timber and Saw Logs down the River Magaguadavic and its Branches shall and may be regulated and conducted in manner following (that is to say): the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace or at any Special Session to be for that purpose holden, shall have power to appoint five suitable persons to be Commissioners for regulating and conducting the driving of Timber and Saw Logs on the said River and its Branches; which said Commissioners being duly sworn to the faithful execution of their duty shall call a public meeting of the owners of Timber and Saw Logs, first giving sufficient notice of the time and place of such meeting in some public newspaper published in said County and also by advertisement at the upper and lower Falls of said River; such meeting to be holden in all of the month of March in each and every year during the continuance of this Act; at which meeting the owners of the said Timber and Logs, or their agents, shall render to the said Commissioners an account of

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