



CAP. VIII.

An Act to authorise the erection of a Toll Bridge over the River Kennebecasis in King's County.

Passed 24th June 1835.

WHEREAS the erection of a Toll Bridge over the Kennebecasis River at or near Ward's Point so called, in the Parish of Norton in King's County would be of great public benefit: And Whereas Justus S. Wetmore and James Whitney have by their Petition in that behalf prayed for authority to erect such Bridge;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Justus S. Wetmore and James Whitney, and they are hereby authorised and empowered at their own costs and charges to erect and build a good and substantial Bridge over the said River Kennebecasis at the place aforesaid, and to erect and build a Toll House and Gate or Gates on or near the said Bridge: Provided always, that the said Bridge be sufficiently high and that such space be left under the same as to afford a free and navigable passage for Rafts, Boats, Logs and Timber at any season of the year.

II. And be it enacted, That the said Justus S. Wetmore and James Whitney, their heirs or assigns, shall lay out and make sufficient Roads of not less than four Rods in width to lead from either end of the said Bridge to connect the same with the Public Highways on each side of the said River, which Roads when so laid out shall be in all respects Public Highways: Provided always, that if the said Bridge and roads shall not be erected and completed for the purposes aforesaid within two years from the passing of this Act, then this Act and every thing therein contained shall be null and void.

III. And be it enacted, That the said Bridge and Toll House and all materials which shall be from time to time procured or had for erecting, building or making, maintaining and repairing the same, shall be vested in the said Justus S. Wetmore and James Whitney, their heirs and assigns for ever: Provided always, that at any time after the expiration of Thirty years from and after the passing of this Act, it shall and may be lawful for His Majesty, his Heirs and Successors to assume the possession and property of the said Bridge, Toll House and Gate or Gates, and all improvements thereon, together with all Tolls hereby granted to the said Justus S. Wetmore and James Whitney, upon payment unto the said Justus S. Wetmore and James Whitney, their heirs or assigns the full and entire value thereof at the time of such assumption; and when and so soon as the said Bridge shall be erected and built and the said Roads completed and made fit and proper for the passage of Cattle, Travellers and Carriages, and that the same shall be certified by any two Justices of the Peace in and for said County, on their personal examination of the same, it shall and may be lawful for the said Justus S. Wetmore and James Whitney, their heirs and assigns, from time to time and at all times to ask, demand, receive, recover and take Toll, and for their own proper use and behoof, for postage as in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say: For each person on foot, twopenny; for each sleigh, sled, cart or waggon drawn by one beast, one shilling and threepence, and for each additional beast, fourpence; for each horse and rider, fourpence; for each chaise, gig or sulky drawn by one horse, one shilling and threepence; and for each additional horse, fourpence; for each coach, phaeton, waggon, curriole or other vehicle drawn by two horses, one shilling and eightpence; and for each additional horse, fourpence; for droves of neat Cattle, twopenny per head; for sheep or swine, one penny half penny per head; And no additional Toll shall be charged for persons actually travelling in said vehicles, but this exemption shall not extend to persons taken in for the purpose of evading Toll, and that the said Justus S. Wetmore and James Whitney, their heirs or assigns, may commute these Tolls by agreement with any person or persons, taking therefor a specified sum for a given time.

IV. Provided always, and be it enacted, That no person, horse or carriage employed in conveying a Mail or Letters under the authority of His Majesty's Post office, nor for the horses or carriages laden or not laden and drivers attending officers and soldiers of His Majesty's Forces or of the Militia whilst upon their march or on Duty, nor the officers, soldiers, Militia or any of them while on Duty shall be chargeable with any Toll or rate whatsoever: Provided also, that it shall and may be lawful for the said Justus S. Wetmore and James Whitney, their heirs or assigns to diminish the said Tolls or any of them, and afterwards if they shall see fit to augment the same or any of them so as not to exceed in any case the rates herein before authorised to be taken: Provided also, that the said Justus S. Wetmore and James Whitney, their heirs or assigns shall affix or cause to be affixed in some conspicuous place at or near such Toll Gate or Gates a table of the Rates payable for passing over the said Bridge.

V. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said Justus S. Wetmore and James Whitney, their heirs and assigns for ever: Provided, that if His Majesty, his Heirs or Successors, shall in the manner hereinbefore mentioned after the expiration of thirty years from the passing of this Act assume the possession and property of the said Bridge, Toll House and Gates, then the said Toll shall from the time of such assumption appertain and belong to His Majesty, his Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Justus S. Wetmore and James Whitney, their heirs and assigns, for all the purposes of this Act.

VI. And be it enacted, That if any person shall forcibly pass over the said Bridge without paying the Toll or shall interrupt or disturb the said Justus S. Wetmore and James Whitney, their heirs or assigns, or any person or persons employed by them for building or repairing the said Bridge, or making or repairing the way over the same, every person so offending in each of the cases aforesaid shall for every such offence forfeit a sum not exceeding forty shillings, the same to be recovered before any one of His Majesty's Justices of the Peace in and for said County either by confession of the offender, or on the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of such offender by warrant signed by such Justice, rendering the overplus, if any, after deducting such Penalty and the costs of levying the same to the owner of such goods and chattels, which penalty when recovered to be paid into the hands of the Commissioners of roads in and for the said Parish of Norton, to be by them applied towards the repair of the Roads leading to and from such Bridge.

VII. And be it enacted, That if any person shall maliciously pull down, burn or destroy the said Bridge or any part thereof or the Toll House, Gate or Gates to be erected by virtue of this Act, every person so offending and being thereof legally convicted shall be deemed guilty of Felony.

CAP. IX.

An Act for the punishment of Persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John.

Passed 24th June 1835.

WHEREAS evil disposed persons have of late broken, taken down, destroyed or carried away, and done injury to the Lamps put up in the public streets and other parts of the City of Saint John for the purpose of lighting the said City, and also been guilty of committing divers others Trespasses injurious to the property of the Inhabitants and tending to the disturbance of the peace in the said City;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That if any person or persons shall wilfully break, take down, destroy, carry away, or in any manner deface or injure any Lamp or Lantern placed, hung up or fixed in or upon any of the streets, lanes, alleys, public squares, private or public wharves, market slips, public landings, or other place or places within the said City by the authority of the Mayor, Aldermen and Commonalty of the said City or by any individual for the purpose of lighting the said City, or shall wilfully extinguish the light or lights therein or be aiding or assisting in so doing, or shall wilfully break, deface, take down or remove any gate, window, shutter, door, porch, knocker, step, sign or other fixture whatsoever attached to any public or private building within the said City, or shall wilfully pull up, carry away, or in any manner damage or injure any crop, vegetables, plants, trees or other things, growing or being in any garden, field or enclosure within the said City, and shall be thereof convicted before the Mayor or Recorder, or any one of the Aldermen of the said City, or any one of His Majesty's Justices of the Peace for the City and County of Saint John, either by the confession of the party offending, or on the oath of one or more credible witness or witnesses, or on view of the said Mayor or Recorder, or Aldermen or Justice so convicting, every such person so offending shall for each and every offence forfeit and pay a sum not exceeding Ten Pounds of lawful money of this Province, together with costs of suit, to be levied by Warrant of Distress and sale of the goods and chattels of every such offender, one moiety of which forfeiture when recovered shall be paid to the Chamberlain of the said City for the time being, to be applied towards the expense of lighting the said City and support of the Nightly Watch in the said City, and the other moiety to be paid to the person or persons who shall prosecute for the same, and for want of goods and chattels whereon the same can be levied it shall and may be lawful to commit any such offender to the common Gaol of the said City, there to remain without bail or mainprize, and to be kept at hard labour for a term not exceeding two months, unless such forfeiture and costs shall be sooner paid.

II. And be it enacted, That in case any person shall commit any or either of the offences aforesaid in the presence of any Sheriff, Deputy Sheriff, Constable, Marshal or Watchman, that then every such Sheriff, Deputy Sheriff, Constable, Marshal or Watchman shall forthwith arrest such offender and give information thereof to the Mayor or Recorder, or some one of the Aldermen of the said City as aforesaid, in order that such offender may be convicted thereof in manner and form as hereinbefore directed.

III. And be it enacted, That this Act or any thing herein contained shall not bar or preclude any person or persons from recovering his, her or their damages against any person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this Act had not been passed.

IV. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City to erect and place, or cause to be erected and placed, posts or other fixtures on any of the streets, squares, wharves or other places within the said City, at such places as they may from time to time think proper whereon to hang or place any Lamp or Lantern for the purpose of lighting the said City, and that all such posts or fixtures of any description which shall be so erected or placed together with the Lamps or Lanterns and apparatus connected therewith, shall be deemed and taken to be the property of the said Mayor, Aldermen and Commonalty, to enable them to maintain and support any action or actions at Law or other prosecution for any injury done thereto.

V. And be it enacted, That if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not having been informed against) shall within the space of one month after the offence committed inform against any or all of the others concerned in the same offence (also not having been informed against) so as to convict him, her or them, the person so informing shall not be liable to any part of the forfeiture hereinbefore mentioned.

VI. And be it enacted, That no person to whom as prosecutor any part of the penalty on conviction is hereby directed to be paid, shall on that account be prevented in consequence thereof from giving evidence as a witness on any prosecution, but such person shall be deemed and taken to be a competent witness whose credibility shall be judged of by the Magistrate before whom such prosecution shall be had.

VII. And be it enacted, That an Act made and passed at the last Session of the Legislature, entitled *An Act further to continue An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John*, be and the same is hereby repealed.

VIII. 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, and no longer.

CAP. X.

An Act to incorporate The Saint John Mechanics' Whale Fishing Company.

Passed 24th June 1835.

WHEREAS the prosecution of the Whale Fishery from this Province would be highly advantageous and tend greatly to increase the prosperity thereof: And Whereas it has been deemed advisable to afford encouragement to enterprising individuals who are willing to engage in such Fishery by granting them an Act of Incorporation; therefore,

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Thomas Nisbet, John Haws, George Waterbury, Charles D. Everitt, John Hooper, Thomas Allan, James Wood, David Hogg, Robert Foulis, William Lawton, David M'Leelan, Thomas M'Mackin, James Pettigall, John Berryman, Robert Ray, John Hart, Jeremiah Gove, Daniel Scott, Samuel Peters, John Walker and James G. Lester, their associates, successors and assigns, shall be and are hereby erected into a Company and declared to be a Body politic and corporate by the name of The Saint John Mechanics' Whale Fishing Company, and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law or Equity, or other places whatsoever, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple, leasehold or otherwise, and also ships and vessels, goods and chattels, and all other things real, per-

sonal and mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the premises as shall or may be thought necessary or proper for the benefit or advantage of the said Company, and also that the said Company or the major part of them shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided such bye laws and ordinances be not contradictory or repugnant to the Laws or Statutes of the Province and those in force within the same.

II. And be it enacted, That the Capital Stock of the said Corporation shall consist of current money of the Province, to the amount of Fifty Thousand Pounds, which shall be divided into Five Thousand Shares of Ten Pounds each, and that twenty per cent. of the said Capital Stock shall be paid in within twelve Calendar months after the passing of this Act, at such time and place as the President and Directors of the said Company may appoint, and the residue in such parts and instalments as may be required by the said President and Directors for the service of the Company at such times and places as they may appoint, at least one month's notice being by them previously given for all the payments in two of the Newspapers published in the City of Saint John: Provided always, that no larger amount than ten per cent. of the said Capital Stock shall be called in or required to be paid at any one time subsequent to the first instalment.

III. And be it enacted, That whenever two thousand five hundred shares of the said Capital Stock shall have been subscribed a general meeting of the Members and Stockholders or the major part of them shall take place by notice in one or more newspapers published in the City of Saint John, thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary and for the purpose of choosing seven Directors, being Stockholders and Members of the Corporation under and in pursuance of the rules and regulations hereinafter made and provided, which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

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

V. And be it enacted, That the Directors of the said Corporation for the time being, shall have power from time to time to nominate and appoint a Treasurer or Treasurers, Agent or Agents, Ships Husband or Ships Husbands, Clerk or Clerks, and any such other officers and servants as to them or the major part of them shall seem necessary and proper for executing the business of the said Corporation, and the same or any of them from time to time to remove and to nominate and appoint other person or persons in his, or their room and stead, and shall make and allow them such compensation for their respective services as to them shall appear reasonable and proper, all which together with the expenses of building and fitting out ships, of paying out the rents and purchase money of such wharves, stores, warehouses, lands and tenements as may be required, and all other contingencies and expenses whatsoever shall be defrayed out of the funds of the Corporation; and further, that the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

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

VII. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than twenty five Shares of the Capital or Stock of the said Corporation and is of the full age of twenty one years.

VIII. And be it enacted, That the voting of Stockholders shall in all cases be regulated as follows: For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares, which said number of twenty votes shall be the greatest any Stockholder shall be entitled to have; and that all Stockholders may vote by proxy, such proxy being a Stockholder and producing sufficient authority in writing from his constituent.

IX. And be it enacted, that if it should so happen that the said Directors, should not be chosen on the said first Monday of September in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, upon giving fourteen days notice of the time and place of such meeting, in two of the newspapers published in the City of Saint John, which meeting shall take place in the City of Saint John, and in case any Director shall be removed by the Stockholders, for his conduct, or mal-administration, his place shall be filled up by the said Stockholders, fourteen days' notice of the time and place of meeting being first given as is hereinbefore provided, and in case of any vacancy among the said Directors by death, resignation, or absence from the Province for three months, or in case any Director shall disqualify himself by the sale, disposal, and transfer of his shares, or any of them so as to reduce his interest in the Corporation to less than twenty five shares required for the qualification of a Director; then and in either of such cases the said Directors, shall and may fill up such vacancy by choosing one of the Stockholders, and the person so chosen by the Stockholders or Directors, shall serve until another be chosen in his room.

X. And be it enacted, That so soon as the said first instalment of twenty per cent. shall have been actually paid in on account of Subscriptions to the said Stock, then the President and Directors of the said Company may commence operations under this Act and proceed with the business and affairs of the Company.

(Continued in second Page.)