

upon issue, and the assessors to whom the same may be directed shall conform thereto in making their assessment.

III. 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 one.

CAP. XXIII.

An Act in addition to the laws now in force for the protection of the fisheries in the Counties of Northumberland, Kent and Gloucester.

Passed 1st March 1837.

WHEREAS the erection of brush and wooden weirs or traps in the place of nets in the River Miramichi and its branches, and in the other Navigable Rivers on the Gulf of Saint Lawrence, has a tendency very seriously to injure the fisheries in the Counties of Northumberland, Kent, and Gloucester;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall after the passing of this Act, under any pretence whatsoever, erect, build, make or set up, or make use of in the said River Miramichi and its branches or in any of the navigable Rivers on the Gulf of Saint Lawrence, within the limits of any of the said Counties, any brush or wooden wear or weirs, trap or traps for the purposes of taking Gaspareaux, Salmon, Shad, Bass, or other fish, under a penalty of not less than five pounds nor more than thirty pounds, for each and every breach of this law, to be recovered at the suit of the party prosecuting for the same with costs of suit, before any two of His Majesty's Justices of the Peace of the County in which the offence shall be committed, on the oath of one or more credible witness or witnesses and to be levied by warrant of distress and sale of the offender or offenders' goods and chattels, rendering to him or them the overplus (if any) after deducting the costs and charges of prosecution and of the levying and sale of the said goods, and if no goods and chattels can be found whereon to levy the same, then the offender to be committed by the warrant of such Justices to the common gaol of the County in which the offence shall be committed there to remain for any time not exceeding thirty days, unless the amount of the penalty and costs awarded by such Justices shall be sooner paid, and such Penalty when recovered, shall be paid, one half into the hands of the overseers of the poor of the Parish where the offence shall be committed and the other half to the person or persons who shall prosecute for the same.

II. And be it enacted, That in all cases where any fish wear or weirs trap or traps shall be erected in any of the Rivers or the branches thereof within the limits of any of the said Counties, contrary to the provisions of this Act, it shall be the duty of the overseers of the fisheries of the Parish in which such wear or weirs, trap or traps, shall be so erected, and all other person or persons are hereby fully authorized and empowered immediately or at any time thereafter to pull down remove and destroy such wear or weirs, trap or traps.

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

CAP. XXIV.

An Act to alter the additional Terms of the Inferior Court of Common Pleas for the County of Kent.

Passed 1st March 1837.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the additional terms of the Inferior Court of Common Pleas for the County of Kent shall in future be held on the last Tuesdays in April and September instead of the first Tuesdays in April and September in each year.

II. And be it enacted, That no Process shall abate, or other business of what nature or kind soever shall abate or be discontinued by reason of the alteration of the said Terms, but shall and may be proceeded upon, heard and determined at the times herein appointed in the same manner as they might have proceeded upon had no alteration been made.

CAP. XXV.

An Act for erecting a part of the Parishes of Saint Mary's and Douglas in the County of York, into a separate and distinct Town or Parish.

Passed 1st March 1837.

WHEREAS the division line between the Parish of Saint Mary's and the Parish of Douglas in the County of York passes through the flourishing settlement of Stanley, in the tract of land granted to the New Brunswick and Nova Scotia Land Company, and thereby occasions difficulties in the regulation of roads in the vicinity thereof, and whereas the increased Population of the said Settlement renders it desirable that it should be erected into a separate Parish, including a part of both the said Parishes of Saint Mary's and Douglas;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the said Parishes of Saint Mary's and Douglas, comprised within the bounds hereinafter described to wit; commencing on the River Keswick where the Northwestern boundary line of the Parish of Saint Mary's intersects that River, thence along the said north Western boundary line, and its prolongation, easterly, till it strikes the Taxes River, thence following the various courses of the said River down stream to the upper or westerly boundary line of a tract of land granted to the Honorable Thomas Baillie, thence along the western and southern Boundary lines of the said grant, till it strikes the western boundary line of the grant to James Clarke on the said River, thence along said line and its prolongation to the Portage road, thence along the said road westerly to the grant to Isabella Hailes, thence following the various boundaries of the same and of the lots surveyed for military settlers on the west side of the Portage road, and along the road to the upper or north easterly line of the Grant to Dougald Campbell and others, thence along the various boundaries of the same, and of the Grant to Daniel Lyman and others to the south branch of the Clearistic stream, thence following the various courses of the said south branch up stream to the Cardigan road, thence in a direct line such a course as will strike the River Keswick at the point where it is intersected by the north west boundary line of the Parish of Douglas, and thence following the courses of the said River Keswick up stream to the place of beginning, be and the same is hereby erected into a separate and distinct Town or Parish known and distinguished by the name of the Town or Parish of Stanley.

II. And be it enacted, That the Justices of the Peace for the said County shall and may have power to appoint annually from time to time officers for the said Town or Parish of Stanley in the same manner as for other Towns or Parishes within the said County, and also that the said Justices may at a special session to be for that purpose holden have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalties for neglect or refusal to accept or perform the duties of their respective offices as any other Town or Parish officers within the said County.

III. And be it enacted, That the provisions of an Act made and passed in the third year of the reign of His late Majesty King George the Fourth intitled "An Act to provide for the erection of an Alms House, and Work House, within the County of York and for making rules and regulations for the management of the same," shall extend to the said Parish of Stanley in as full and ample a manner to all intents and purposes, as if the said Parish of Stanley had been particularly named in the said recited Act.

IV. And be it enacted, That this Act shall in no wise prevent or interfere with the recovery of any Parish or County assessment which may have heretofore been made or ordered by the Court of general sessions of the Peace for the said County.

CAP. XXVI.

An Act to amend an Act to authorize certain persons to build a bridge across the Kennebecasis River in the Parishes of Hampton and Kingston in King's County.

Passed 1st March 1837.

WHEREAS by the first section of an Act made and passed in the sixth year of the Reign of His present Majesty King William the Fourth, intitled "An Act to authorize certain persons to build a bridge across the Kennebecasis River in the Parishes of Hampton and Kingston in King's County," it is enacted that the said bridge shall be built upon the lands of Lyman C. L. Perkins, in Kingston, and Thomas Secord, in the Parish of Hampton; and whereas a more eligible site for the said bridge is to be found on the lands of David Meritt in the Parish of Kingston and of the said David Meritt in the Parish of Hampton;

Be it therefore enacted, by the Lieutenant Governor, Legislative Council and Assembly, That it shall be lawful for the persons named in the said Act to build and erect the said bridge from the north side of the said River on lands of David Meritt, and crossing the said River to land of the said

David Meritt in the Parish of Hampton, at the place where the piers of the said bridge are already erected, any thing in the said Act to the contrary notwithstanding.

CAP. XXVII.

An Act to authorise the Justices of the Peace for the County of Carleton to assess the said County for the erection of a lock up House at Tobique in the said County.

Passed 1st March 1837.

WHEREAS by reason of the great extent of the County of Carleton, the removal to the County gaol of persons committed for breaches of the peace and other offences, is oftentimes very expensive, and inconvenient; for remedy whereof,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace of the said County, or the major part of them, at any general sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock up house near the mouth of the Tobique in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect, and the said Justices or the major part of them at their general sessions as aforesaid are hereby authorized and empowered to make a rate and assessment on the said County, for a sum not exceeding one hundred pounds for defraying the expense of the erection and finishing of the said lock up house, and to make such rules and regulations for said lock up house as to them may seem meet.

II. And be it enacted, That it shall and may be lawful for the High Sheriff of the said County, or for any other officer having legal custody of any person or persons who shall or may be arrested in the upper parts of the said County, in all cases in which the said Sheriff or other officers could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said lock up house, until the said person or persons can be removed to the said County gaol; provided always, nevertheless, that no person under civil arrest shall be detained in the said lock up house for any space of time exceeding ninety six hours.

III. And be it further enacted, That the said sum not exceeding one hundred pounds so to be assessed, shall be assessed, collected and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates.

CAP. XXVIII.

An Act to authorise the Justices of the Peace for the County of York to levy an assessment for the building a new gaol in the said County.

Passed 1st March 1837.

WHEREAS the gaol of the County of York is too small and otherwise inconvenient for purposes required,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of York or the major part of them at any general sessions of the Peace, be and they are hereby authorized and empowered by themselves or by any Committee of management to be by them appointed for that purpose, to contract and agree with able and sufficient workmen for erecting, building and furnishing a new gaol in the said County, and to agree for such sums of money as to them may seem meet in order to carry this object into effect; and the said Justices or the major part of them at their general sessions as aforesaid are hereby authorized and empowered to make a rate and assessment upon the inhabitants and others of the said County for a sum not exceeding two thousand pounds, for defraying the expense of such building and erection.

II. And be it enacted, That the said sum of two thousand pounds so to be assessed shall be assessed, collected and paid agreeably to any Act or Acts in force for the assessing, collecting and levying of County rates, either in the whole or in such parts and portions as to the said Justices shall seem meet.

CAP. XXIX.

An Act to enable the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John to sell certain land in the said City.

Passed 1st March 1837.

WHEREAS the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John, are now possessed of a certain lot of land situate and being in the said City, and bounded and described as follows, that is to say, the eastern or rear part of that certain lot, piece and parcel of land known and distinguished, on the map or plan of that part of the said City lying on the eastern side of the harbour thereof, by the number one hundred and twenty one, bounded on the north by lands belonging to and in the occupation of John Robertson, Esquire, on the east by lands belonging to and in the occupation of Isaac Lawton Bedell, Esquire, on the south by lands belonging to the estate of the late William Donald, Esquire, and on the west by the front part of the same lot number one hundred and twenty one, together also with a right of way from the said rear part of the same lot to German Street; and whereas it is deemed advisable that the interests of the said Rector, Church Wardens and Vestry of and in the same lot of land should be sold and disposed of, and the proceeds arising from such sale applied either towards the payment of the debt due by them or else in the purchase of other lands;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Rector, Church Wardens and Vestry of Trinity Church be and they are hereby authorized and empowered to make sale and dispose of the said lot of land and premises with the appurtenances, to the highest bidder at public Auction, thirty days notice of the time and place of such sale being first given in one or more of the newspapers published in the City of Saint John; and thereupon to make and execute a good, legal and sufficient conveyance of the same in fee, any former law to the contrary notwithstanding: Provided always, that no sale and disposition of the said premises shall be made without the consent and approbation of the Bishop of the Diocese being thereto first had and obtained; which consent and approbation shall be manifested by the Archdeacon or ecclesiastical commissary of this Province, becoming a party to the deed of conveyance of the same premises made under this Act, and by and with the direction of such Bishop signing and sealing the same.

II. And be it further enacted, That the money arising from the sale and disposal of the said premises shall be paid and applied by the said Rector, Church Wardens and Vestry either towards the payment of the debts due by them or else in the purchase of other lands.

CAP. XXX.

An Act to enable the Governor and Trustees of the Madras School to sell certain land in Fredericton.

Passed 1st March 1837.

WHEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of a certain lot of land situate in the Town of Fredericton, in the County of York, fronting on King street in the said town, heretofore conveyed to them in two separate parcels by Joseph Gaynor, on which said lot a school house has been erected and now stands; and whereas the said school house is found to be inadequate and inconvenient for the purposes of the Madras schools in the said Parish; and in order to raise money either for enlarging the said school house or for erecting a new building or buildings for the purposes of the said schools as may be found expedient, it is desirable that the said Governor and Trustees should be empowered to sell and dispose of a part of the said lot;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Governor and Trustees of the Madras school in New Brunswick be and they are hereby authorized and empowered to sell and dispose at public auction, thirty days previous notice of such auction, stating the time and place thereof, being first given in the Royal Gazette, of such part or parts of the said lot as they shall deem expedient, including the said school house, if they shall judge it advisable, for such price and prices as they may be able to get therefor; and any conveyance of any part of the said lot made under the seal of the corporation, in pursuance of any such sale shall be good and valid, any law or usage to the contrary notwithstanding: Provided always, that the said Governor and Trustees shall retain a part or parts of the said lot sufficient for the adequate and convenient accommodation of the Madras schools in the said Parish of Fredericton.

II. And be it enacted, That the monies arising from any such sale shall be applied and disposed of by the said Governor and Trustees either for the purpose of enlarging the present school house or else for the purpose of erecting one or more buildings on the part of the said lot which they shall retain as the said Governor and Trustees shall in their discretion deem most for the advantage of the said institution.

CAP. XXXI.

An Act to extend the Gaol Limits in the County of Carleton.

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of Carleton at any General Sessions of the Peace or Special Sessions for that purpose to be holden, further to extend the limits for the Gaol of said County, southerly along from said Gaol down the main highway so far as to comprehend and include the Episcopal Church with the Methodist and Roman Catholic Chapels, which are near the Maduxnikick Creek: Provided always, that nothing herein contained shall be construed to authorize the Justices aforesaid to include any of the dwelling house situate on the said highway within the limits thus to be extended.

CAP. XXXII.

An Act relating to Bank Notes.

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no action shall be brought or maintained upon any Bank Bill or Bank Note already issued or which shall hereafter be issued by any bank incorporated by Act of Assembly or otherwise within the Province, before such bill or note shall have been presented at the Banking House or place of business, of such incorporated company within banking or business hours, and default in payment shall thereupon take place.

CAP. XXXIII.

An Act to amend an Act intitled "An Act relating to insolvent and confined Debtors."

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for either the Mayor or Recorder of the City and Saint John, to carry into execution in the City and County of Saint John, the several provisions of an Act made and passed in the sixth year of his present Majesty's reign, intitled "An Act relating to insolvent confined debtors," as fully and completely as any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace, being of the quorum, for the City and County of Saint John, might or could do by virtue of the said recited Act.

II. And be it enacted, That this Act shall be in force during the continuance of the Act to which this is an amendment and no longer.

CAP. XXXIV.

An Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulph of Saint Lawrence.

Passed 1st March 1837.

WHEREAS His most gracious Majesty was lately pleased to signify to His faithful commons of New Brunswick, his disposition to render less dangerous the navigation of the Gulph of Saint Lawrence, by erecting Light Houses upon the Islands of Saint Paul and Scattarie off the coast of Cape Berton, provided the Colonies whose trade would be thereby benefited should engage to provide for their future maintenance: And whereas Commissioners were thereupon in pursuance of the recommendations of His Majesty's Ministers, appointed by the several Provinces of Lower Canada, New Brunswick, Nova Scotia and Prince Edward's Island, which said Commissioners have made a final award as to the site, structure and apportionment of the annual expense of maintaining the Light Houses and humane institutions herein-after mentioned, and have thereby awarded and determined that the superintendence of building Light Houses, on the Islands of Saint Paul and Scattarie shall be vested in the Board of Commissioners appointed by the Government of Nova Scotia; that two good and sufficient Light Houses with bells and guns shall be erected on Saint Paul's Island at the extreme of points so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence; that the Light House on the Island of Scattarie shall be erected on the east point of the said Island which is about thirty feet above the level of the sea; that the Light House on Saint Paul's Island should be of suitable elevation and constructed on such principles and with such further additions and appendages as may render them useful and conspicuous in a foggy atmosphere, with keepers' houses, stores or warehouses with frost proof cellars to preserve provisions for the relief of shipwrecked persons, detached from the Light Houses; that the establishment on the Island of Scattarie should consist of one Light House with revolving lights to distinguish it from others on the coast, with a keeper's house, warehouse and cellars similar to those recommended for Saint Paul's, subject however to any improved mode of constructing such lights as the Board of Commissioners may think fit to adopt; that the whole duty of fixing upon the materials to be employed and the plans to be adopted for the lights, should be left to the discretion of such persons as may be charged with the superintendence of their erection; that the establishment at Saint Paul's will require one superintendent and six other persons under his direction with boats and a continued supply of provisions, clothing, bedding, fuel, &c. for the use and assistance of shipwrecked persons, and that the establishment at Scattarie should consist of one superintendent and three other persons with a boat and a continued supply of provisions, clothing, bedding, fuel, &c. for the use of shipwrecked persons; and that all the lights should be kept burning throughout the year; and as to the maintenance of the said lights and humane establishments the said Commissioners did award and determine that New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, two hundred and fifty pounds Halifax currency, on the first day of July in each and every year after the said light houses and humane Establishments shall be in operation and as long as they continue to be so in conformity with the provisions of the said award; that Lower Canada shall annually pay five hundred pounds, Prince Edward's Island thirty pounds, and Nova Scotia itself two hundred and fifty pounds, making the whole annual amount one thousand and thirty pounds, and that with the amount so contributed the Government of Nova Scotia shall support, uphold and maintain the said Light Houses and humane Establishments, it being well understood that in case the said amount should prove insufficient in any one year the deficiency ought to be provided by the respective Legislatures of Lower Canada, Nova Scotia and Prince Edward Island, in such manner as shall appear to them most eligible and in the same ratio as settled in the said award, but as to New Brunswick the sum of two hundred and fifty pounds aforesaid shall be a settled and permanent contribution, the overplus (if any) going to Nova Scotia and the proportionate deficiency being borne altogether by the said last mentioned Province; provided however that should His Majesty's Government contribute at a future period to the support of the said establishments by an annual grant, a rateable deduction shall be made from the amount of each Provincial contributions; and it was also by the said award expressed that if the said Light Houses and establishments are destroyed by fire, tempest or other causes, the expense of rebuilding the same shall not devolve upon Nova Scotia, and also that the Board of Commissioners of Nova Scotia shall render accounts in each and every year to the House of Assembly of Nova Scotia, duplicates of which shall be transmitted annually to the Legislatures of Lower Canada, New Brunswick and Prince Edward Island respectively; for the purpose therefore of carrying into effect the said recited award and providing the annual proportion of the expenses thereby charged upon the Province of New Brunswick,

(To be Continued in next Gazette.)