

or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender; and for want of sufficient goods and chattels the said Justice is hereby required to commit such offender to the common gaol of the County wherein such offence shall be committed, there to remain for a term not exceeding eight days; which penalty when recovered shall be paid to the Supervisor for the use of the great road within the district.

XV. And be it enacted, That if any person or persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of five pounds, to be recovered before any Justice of the Peace for the County where such offence may be committed, upon conviction upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods and chattels, to be paid to the Supervisor of the district where such offence shall be committed for the use of the public roads within such district.

XVI. And be it enacted, That in case any action of trespass, or upon the case, shall be brought against any or either of the said Supervisors by occasion of any thing done by him or them in the executive of his or their duty, under and by virtue of this Act, such Supervisor or Supervisors may plead the General Issue, and give the special matter in evidence at the trial in like manner as if such special matter had been fully and specially pleaded.

XVII. And be it enacted, That no action shall be brought or commence against any Supervisor for any act, matter or thing whatsoever, by any such Supervisor done, performed or committed in or about the execution of his duty, until after one month's notice of such action to be brought shall have been given of such Supervisor, and every action against any Supervisor shall be confined to the subject matter stated in such notice; and it shall and may be lawful for any such Supervisor to whom notice of action shall so be given, at any time before action brought, to make and tender amends to the party aggrieved, and if such amends shall not be accepted then such Supervisor may pay such money into Court, and if the plaintiff shall not recover greater damages than the amount so tendered and paid in, the said defendant shall recover his costs of suit.

XVIII. And be it enacted, That the several and respective Supervisors, shall be appointed for and during the space of one year, from the date of such appointment respectively, and such appointments shall be made during the first week in April in each and every year, and in case of death or removal from the Province or refusal of any such Supervisor to act, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate and appoint for the remainder of the year some other fit person to be Supervisor in the room of such person so deceased, or removed from the Province, or who shall refuse to act.

XIX. And be it enacted, That the Supervisors of the respective districts for which they may be appointed, shall enter in writing the said great roads of communication, and the alterations that may from time to time be made therein, and make a return thereof into the office of the Secretary of the Province, and also a duplicate into the office of the Clerk of the Peace for the County in which such public road lies, to be by such Clerk entered in a book kept by him for that purpose; and whatsoever the said Supervisors shall respectively do, according to the power to them given by this Act, shall be valid and good.

XX. And be it enacted, That each of the said Supervisors, shall be allowed to retain for his services, at and after the rate of ten per cent. out of the monies granted for the use of the roads.

XXI. Provided always and be it enacted, That all Acts and proceedings which may have been done and had, under and by virtue of any of the said Acts hereinbefore repealed, shall be and remain valid and effectual, notwithstanding such repeal.

#### CAP. VII.

An Act to provide for the collection of County and Parish Rates.

Passed 1st March 1837.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever the Justices of the Peace for the several Counties in this Province shall, under and by virtue of any Act or Acts of the General Assembly for that purpose made or to be made, order any sum or sums of money to be raised, levied and assessed for the purpose of defraying any County, Town or Parish charge or expense, it shall be the duty of the Clerks of the Peace for the respective Counties, to make out the warrants, under the hands of such Clerks respectively and the seal of the said Court, for assessing such sum or sums of money so ordered to be raised as aforesaid, and within fourteen days from the date of the order for the assessment, to transmit such warrants to the assessors of rates for the several Towns or Parishes in the said Counties respectively, under the penalty of ten pounds for each and every neglect.

II. And be it enacted, That it shall be the duty of the said assessors, without delay after receiving the said warrants of assessment, to make a rate and assessment on their respective Towns or Parishes, in such manner as shall be authorized by the Laws then in force, and within forty five days to deliver to the several collectors of rates within the respective Towns or Parishes, a list containing the christian and surname of all persons rated within the several districts to which the said collectors may have been appointed, with the several amounts to be collected from every such person, such lists being signed by the said respective assessors, and having endorsed thereon a precept under their hands in the form following, that is to say:

To A. B. one of the collectors of rates in the Town or Parish of

You are hereby required forthwith to collect from the several persons named in the annexed assessment, the sums set against their names respectively, under the last column thereof, intitled *Total Assessment*, amounting in the whole to the sum of \_\_\_\_\_, and to pay the same when collected into the hands of the County Treasurer, [or overseer of the poor or otherwise as the case may be]. Given under our hands the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

And further it shall be the duty of the said assessors to make out a duplicate of all and every of their respective assessments, and to transmit the same together with the warrant of assessment, within ten days, to the Clerks of the Peace of their respective Counties, to be filed of record; and if any assessor shall neglect or omit to perform the duty herein required of him, he shall be liable to the penalty of ten pounds.

III. And be it enacted, That it shall be the duty of the several collectors of rates in the several Towns and Parishes, without delay after the receipt of such assessment and precept as aforesaid, to demand the several sums contained in the said list, of the several persons therein named, and shall if required give a written statement shewing the several amounts assessed on such person; and such collectors shall, on the first Monday in every month, pay over to the person or persons authorized by law to receive the same, the several sums of money which may have been received by such collectors during the preceding month, with a list of the persons from whom the same may have been received, and upon neglect or refusal of any person or persons to pay the amount demanded of him or them, the said collectors shall within ten days after such demand proceed against such person or persons so neglecting or refusing according to the powers hereinafter given to the said collectors; and also within four months after the receipt of the precept for collecting the said assessment, render to the Clerk of the Peace under oath, a full and true account of all and every sum or sums of money, which may have been received by them on account of the said assessments, with proper vouchers for all sums paid by them, and also a correct list of all defaulters in paying their said assessment; and if any collector shall neglect or refuse or omit to pay over the several sums so collected as aforesaid, on or before the days appointed therefor, or to proceed against all or any of the defaulters as aforesaid, or to render such account or list as aforesaid, it shall and may be lawful for the Justices of the Peace in the respective Counties, at any General Sessions or at any special sessions, or the major part of them then and there assembled, to order such collector to be brought before them, and the constable or other officer who may serve such order is hereby empowered to arrest his body and bring him forthwith before the said Justices, and thereupon if they see fit to commit such collector to the common gaol of the County, there to be and remain, without bail or mainprize, until he shall have made full payment and satisfaction for all and every such sum or sums of money as may have been received by him, and shall have rendered a full and correct account of the collections made by him, with the list of defaulters as aforesaid, and whether proceeded against or not, unless the said Justices, for some sufficient cause shewn by such collector, may deem it proper sooner to discharge him.

IV. And be it enacted, That if any person assessed within any Town or Parish shall refuse or neglect to pay the amount of his or her assess-

ment, by the space of ten days next after such demand as aforesaid, then and in such case it shall be the duty of the collector of taxes for the district where such demand was made to make application to any Justice, which Justice is hereby required, upon complaint made to him under oath by such collector, that the amount assessed upon any person has not been paid as aforesaid, and that demand had been made as required by the third section of this Act, to issue warrant of distress and execution against the party complained of in the form following:

County ss. To any constable of the Parish of \_\_\_\_\_ You are hereby required to levy of the goods and chattels of A. B. within your Parish, \_\_\_\_\_ which sum has been assessed upon \_\_\_\_\_, and also costs, amounting in the whole to \_\_\_\_\_, besides costs of levying this execution, and have the money before me at my dwelling house on the \_\_\_\_\_ day of \_\_\_\_\_, to be rendered to C. D. collector of taxes for the district of \_\_\_\_\_; for want of goods and chattels whereon to levy you will take the body of the said A. B. and deliver \_\_\_\_\_ to the keeper of the gaol of the said County, and the said keeper will take the said A. B. and him safely keep for \_\_\_\_\_ days, unless the said \_\_\_\_\_ and costs be sooner paid, and how you shall have executed this precept, make return to me at the day and place aforesaid. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

E. F. Justice of the Peace for the County of \_\_\_\_\_ And the constable to whom any execution as aforesaid shall be delivered, shall forthwith proceed to levy the same, in the same manner as is provided for the levying executions, in an Act made and passed in the fourth year of His present Majesty's reign, intitled "An Act to regulate proceedings before Justices of the Peace in civil suits." Provided always, that no person so committed to gaol shall be liable to be detained more than one day for every two shillings of the amount assessed and cost required by such execution to be levied, or more than fifty days in the whole if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time; and provided further, that notwithstanding the discharge of the defendant as aforesaid, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

V. And be it enacted, That there shall be allowed to the assessors and collectors respectively in the several Towns and Parishes, such compensation or fees for their services as the Justices of the Peace for the several Counties shall, at their General Sessions at which each respective assessment is ordered deem reasonable, and then and there order and establish: Provided always, that no assessors shall in the whole be allowed at a greater rate than five per cent. and no collector at a greater rate than ten per cent on the amount ordered to be assessed; provided also, that no assessors shall be allowed a per centage unless the provisions of the second section of this Act shall have been fully complied with, and no collector shall be allowed a per centage on any greater sum than he may actually collect and pay over, nor be entitled to receive such per centage until he shall have collected the whole amount mentioned in the precept to him directed, or assigned sufficient reason satisfactory to the Sessions for not collecting the same, nor until such collector shall have rendered a full account, shewing the amounts received and paid by him, and a correct list of all the defaulters in his district as is provided in and by the third section of this Act.

VI. And be it enacted, That a sum equal to the per centage on the several amounts ordered to be assessed as aforesaid, shall be included in every assessor's warrant, for defraying the expenses of assessing and collecting, and when collected shall be paid into the hands of the respective County Treasurers for the purpose of paying the assessors and collectors, as the Justices may by their order in Sessions from time to time direct.

VII. And whereas it is difficult in most cases for the assessors to apportion the rate or assessment to be made by them so that the total amount thereof shall correspond with the exact sum ordered to be assessed; Be it enacted, That in all assessments for Town or Parish rates, now made or hereafter to be made, such assessment shall be deemed and taken to be legal, although the aggregate amount thereof shall exceed the sum ordered to be assessed; provided the difference shall not be more than ten per cent. on the sum so ordered.

VIII. And be it enacted, That the Justices of the Peace in the several Counties in this Province, shall at their General Sessions in each year at which Town or Parish officers are appointed have power and authority, and they are hereby required to nominate and appoint three or more fit persons to be assessors, and one or more fit person or persons to be collectors of the several rates or assessments which may be ordered to be made on the several Towns or Parishes in each respective County, which person shall be styled assessors or collectors of taxes (as the case may be), for the Towns or Parish for which they may have been appointed as aforesaid; and every such assessor or collector shall, within ten days after receiving notice of such his appointment, notify the Town Clerk of his acceptance of the office, and be sworn to the faithful discharge of his duty before some Justice of the Peace, who shall forthwith transmit to the Clerk of the Peace of the County, a memorandum that such oath hath been administered; and if any person so appointed shall refuse to accept of the office or neglect to be sworn as aforesaid, within the time specified for that purpose, he shall be liable to the penalty of two pounds, except in the City of Saint John and Parish of Portland which shall be ten pounds for any such neglect or refusal, and upon such refusal or neglect as aforesaid, or upon any vacancy occasioned by the death or removal from the Parish of any assessor or collector appointed as aforesaid, it shall and may be lawful for any two Justices of the Peace for the County, when such vacancy may occur, forthwith to appoint another fit person to fill the office of the person so refusing, dying or removing as aforesaid; and the person so appointed shall be notified by the Town Clerk of such appointment, and shall be liable to the like penalties for refusing or neglecting to accept of the office, and to be sworn in within ten days after such notification, as if he had been appointed by the sessions as aforesaid, and in case of such refusal or neglect, it shall and may be lawful for the said two Justices or any other two to appoint another fit person or persons to fill the vacancy thus occasioned until some person may be found who will accept of the office; and it shall be the duty of the Town Clerk of any Town or Parish, to give notice to the nearest Justice of the Peace of the neglect or refusal of any assessor or collector to accept of the office, under the penalty of two pounds: Provided always, that the appointment of assessors and collectors of taxes in the City of Saint John shall be and remain with the Mayor, Aldermen and Commonalty of the City of Saint John as heretofore accustomed.

X. And be it enacted, That the several and respective penalties imposed by this Act shall and may be recovered upon complaint made to any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied as is provided in and by an Act made and passed in the fourth year of His present Majesty's reign, intitled "An Act to facilitate summary proceedings before Justices of the Peace, and the execution of warrants by constables;" and paid into the hands of the County Treasurer for the use of the County.

XI. And be it enacted, That the fees to be taken by Justices of the Peace shall be as follows:

For every affidavit of collector, including the oath, one shilling.

For every warrant of distress, &c. ninepence.

And the fees to constables for serving each and every warrant of distress and sale, the same as are now allowed to constables, under the Act to regulate proceedings before Justices in civil suits.

XII. And be it enacted, That the operation of the third section of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the third, intitled "An Act for assessing, collecting and levying County rates," except so much as relates to the appointment and duties of County Treasurers, and also the operation of the fifth and sixth sections of the said recited Act be and the same is hereby suspended while this Act shall continue and be in force.

XIII. And be it enacted, That the receipts of the respective County Treasurers, or other persons authorized to receive the monies collected shall be sufficient discharges to all collectors, and the discharges of the Justices of the Peace or the greater part of them by their orders made at their respective General Sessions to such Treasurer, shall be deemed and allowed as good and sufficient releases and discharges in law or equity.

XIV. Provided always and be it enacted, That when any Clerk of the Peace, assessors or collector may have neglected to perform any of their said duties within the time prescribed by this Act, it shall nevertheless be lawful for such clerk, assessors or collector to perform such duty after the time so prescribed, and all such subsequent proceedings shall be held and deemed good and valid to all intents and purposes as if done within the said prescribed period.

XV. And be it enacted, That all assessments now made, or which

shall be made before the passing of this Act shall continue and be in force in the same manner as if this Act had not been made.

XV. 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. VIII.

An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same.

Passed 1st March 1837.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intitled "An Act relating to Parish Schools," and also an Act made and passed in the sixth year of the same reign, intitled "An Act to continue an Act relating to Parish schools," be and the same are hereby repealed.

II. And be it further enacted, That His Majesty's Justices of the Peace of the several Counties in this Province, at their respective Courts of General Sessions of the Peace, shall and may at the time of making the annual appointments of Town and Parish officers, nominate and appoint three fit and proper persons to be Trustees of schools for the several Towns and Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and to be in all respects subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish officers are subject to by virtue of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intitled "An Act for the appointment of Town or Parish officers in the several Counties of this Province," and of another Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intitled "An Act in addition to an Act, intitled 'An Act for the appointment of Town or Parish officers in the several Counties in this Province.'"

III. And be it further enacted, That it shall be the duty of the said Trustees to divide their respective Parishes into as many school districts as may from time to time be found convenient or necessary, and when the inhabitants of any such district shall provide or erect a good and sufficient school house for the use and purpose of a school, and agree with a schoolmaster or schoolmistress, duly licenced as by His Majesty's Royal Instructions is directed, to teach therein for the space of six months or one year, such Trustees are hereby required to visit and inspect such school at least once in every three months during the said period, and to inquire into the order and morals, and direct the discipline and regulation of such school, and in case the teacher so agreed with or employed as aforesaid shall refuse or neglect to comply with such rules and regulations, or shall or may be guilty of any misconduct, intemperance or immorality, the said Trustees may in their discretion, discharge and displace such teacher: Provided always, that whenever such Trustees shall so displace any such teacher they shall make a report thereof in writing with the cause of such proceeding to the Board of Education of the County or District, whose appointment is hereinafter authorized and provided for.

IV. And be it further enacted, That the said Trustees may and they are hereby authorized to admit into any school to be established in their respective Parishes by virtue of this Act, such number of free scholars, being the children of indigent persons, as they in their discretion shall think fit: Provided always, that the number of such free scholars shall not exceed five in any one school.

V. And be it further enacted, That when any school shall have been kept pursuant to agreement as aforesaid, by a person duly licenced and employed as aforesaid for the space of six months or one year to the satisfaction of such Trustees, in a school house provided or erected for that purpose, and that the inhabitants of the district in which the same is situated have subscribed and paid towards the support of the said school ten pounds for each and every half year during which the same has been kept, or shall have furnished the said teacher with boarding, washing and lodging during the period for which he or she shall have been so employed, then and in such case it shall and may be lawful for such Trustees to make a certificate in the form following, that is to say:

We, the Trustees of schools in and for the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ do certify to the Court of General Sessions of the Peace in and for the said County, that in the Parish of \_\_\_\_\_ the following schools have been established and kept, that is to say:

In district number \_\_\_\_\_ a school house has been erected or provided for the use and purpose of a school, that A. B. a teacher, being of moral and sober habits, duly licenced as by His Majesty's Royal Instructions is directed has been employed in the same, and has actually taught therein for the period of \_\_\_\_\_ months, that is, from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ to our satisfaction, and that the inhabitants of the said district have subscribed and paid the sum of \_\_\_\_\_ pounds [or have furnished the said teacher during the said period with board, washing and lodging.] towards the support of the said school.

C. D. } Trustees.  
E. F. }

VI. And be it further enacted, That the said Justices at their General Sessions respectively, shall and they are hereby required twice in each and every year to certify in one general schedule all such certificates of the Trustees of schools as shall or may be laid before them at their General Sessions, under and according to the provisions of this Act, and shall transmit the same to the Secretary of the Province, upon which schedule there shall be allowed and paid toward the support of each school a sum of money at and after the rate of twenty pounds per year for each school taught by the schoolmaster or schoolmistress named in such schedule, that is to say, for a school kept six months pursuant to agreement as aforesaid, ten pounds, and for a school kept one year, twenty pounds, the same to be drawn from the Treasury of the Province by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favour of the Trustees of schools of the respective Parishes mentioned in such schedule, to be applied towards the support of the said schools according to the true intent and meaning of this Act: Provided nevertheless, that no larger sum than one hundred and eighty pounds shall be paid out of the Treasury of this Province for schools kept in Parish in any one year, and provided that no County in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and sixty pounds for each and every Parish in such County; provided that no more than three female schools shall be included in any such certificate or schedule for any one Parish;