



CAP. XXIII.

An Act for erecting parts of the Towns or Parishes of Hopewell and Salisbury, in the County of Westmorland, into a separate Town or Parish.

Passed 9th March 1838.

WHEREAS the Parish of Hopewell is so extensive as to render the performance of the duties of the Parish officers therein inconvenient and troublesome, and it is expedient a separate Parish should be erected therein, and that a certain part of the Parish of Salisbury should form part of the Parish so to be erected;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the fifteenth day of November next, all such parts and parcels of the present Parishes of Hopewell and Salisbury, in the County of Westmorland as are situate to the south and west of a line commencing at the mouth of Shepody River, and thence running up the centre of said River to the mouth of Crooked Creek, thence up the centre of said Creek to the Bridge over the same on the main Road, and thence north twenty degrees west by the magnet, to the northerly boundary line of the present Parish of Hopewell, thence westwardly along the prolongation thereof to the western boundary line of the said County of Westmorland, be and the same are hereby erected into a separate Town or Parish to be called the Parish of "Harvey."

II. And be it enacted, That the Justices of the Peace for the said County, at the General Sessions in November in each and every year, shall in like manner as for other Towns and Parishes in the said County, appoint Parish Officers for the said Town or Parish of Harvey, who shall be subject to the same Laws and Regulations, and liable to the same penalties in all respects as Parish Officers in other Parishes are or may be subject or liable to.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the recovery of any Parish or other dues, assessments, taxes, penalties, fines, or monies whatsoever, which may be due, incurred, forfeited or unpaid, when this Act shall go into operation, but the same shall and may be paid and recovered in like manner as if this Act had not been made.

CAP. XXIV.

An Act to continue certain Acts relating to the Fisheries in the County of Northumberland, that are near expiring.

Passed 9th March 1838.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirty ninth year of the reign of His Majesty King George the Third, intituled "An Act for regulating the Fisheries in the County of Northumberland;" also an Act made and passed in the fifty sixth year of the same reign, intituled "An Act in amendment of 'An Act, intituled 'An Act for regulating the Fisheries in the County of Northumberland,'" also an Act made and passed in the fourth year of the reign of His Majesty King George the Fourth, intituled "An Act in further amendment of the Laws for regulating the Fisheries in the County of Northumberland;" also an Act made and passed in the third year of the reign of His late Majesty King William the Fourth, intituled "An Act to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass Fishery in that County;" and also an Act made and passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act in addition to and in continuation of the Act relating to the Bass Fishery in the County of Northumberland," so far as the said several Acts are now in force, be and the same are hereby continued and declared to be in force until the tenth day of May, which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXV.

An Act to authorize the Magistrates of the County of Charlotte to levy an assessment to pay off the County debt.

Passed 9th March 1838.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding one thousand pounds, as they in their discretion may think necessary for the purpose of paying the County debt, and contingent expenses of the County, the same to be assessed, levied, collected and paid, agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying of the County Rates.

CAP. XXVI.

An Act to continue the Act relative to the Streets and Squares in the City of Saint John.

Passed 9th March 1838.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the reign of His Majesty King George the Fourth, intituled "An Act relative to the Streets and Squares in the City of Saint John," be and the same is hereby continued and declared to be in full force until the first day of April, which will be in the year of our Lord one thousand eight hundred and fifty eight.

CAP. XXVII.

An Act for the better and more effectual securing the navigation of the New Castle River in Queen's County.

Passed 9th March 1838.

WHEREAS on the New Castle Stream in the Parish of Canning, in Queen's County, there are Mills for the manufacturing of lumber, by which means the channel is becoming filled up and greatly obstructed;

II. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and every person or persons, who may be the owner or owners, or engaged in the manufacture of lumber of any description in any Mill or Mills situate upon the said stream who shall throw or cause to be thrown, out of their or any of their Mills, or out of the Mill or Mills in which such person or persons shall be so employed as aforesaid, any slab or other rubbish, or any person or persons who shall fall, roll, or throw, or caused to be felled, rolled, or thrown, any trees, logs, bushes or other rubbish into, across or upon the said stream, which shall be the means of obstructing the same, or that may tend to fill up the channel of the said River, shall forfeit and be made liable to pay a fine not exceeding five pounds, and not less than one pound, for each and every such offence, to be recovered at the suit of any person or persons, who may prosecute for the same with costs of suit upon complaint and prosecution made before any one of Her Majesty's Justices of the Peace for the said County, upon the oath of one or more credible witness or witnesses, which fine when recovered shall be paid one half to the informer or person prosecuting to conviction, and the other half to the overseers of the Poor of the Parish where the offence may be committed for the use of the Poor of the said Parish.

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 one.

CAP. XXVIII.

An Act to amend the Law relating to the inspection of public Accounts by Grand Juries, so far as relates to the County of Charlotte.

Passed 9th March 1838.

WHEREAS the time prescribed for the Grand Jury inspecting the public accounts by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act, intituled 'An Act to authorize the Grand Jurors in the several Counties within this Province to inspect the public Accounts,'" is found inconvenient in the County of Charlotte;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in the said County of Charlotte, it shall be the duty of the Justices of the Peace to cause the Accounts of the receipts and expenditure of the public monies to be laid before the Grand Jury for their inspection and examination, according to the provisions of the said recited Act, once in each year, at the General Sessions of the Peace at which Parish officers are appointed instead of the next succeeding sessions as prescribed in the same Act.

II. And be it enacted, That this Act shall continue and be in force during the continuance of the said recited Act.

CAP. XXIX.

An Act in addition to an Act intituled "An Act to make more effectual regulations, relating to Pilots within this Province," so far as regards the County of Charlotte.

Passed 9th March 1838.

WHEREAS Branch Pilots are now by law not entitled to any pilotage from any ship or vessel outward bound, from any port or place within the Inner Bay of Passamaquoddy, refusing to receive the same; And whereas it is right that such Pilots should receive half Pilotage from such ships or vessels, so refusing to receive them; for remedy whereof;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any Branch Pilot for the County of Charlotte, shall in any case make it appear that he has discharged his duty, by offering his service to pilot any ship or vessel that shall depart outward bound, from any port or place within the County of Charlotte, in proper time and place, agreeably to the regulations which may be made by virtue of the above recited Act, made and passed, in the second year of the reign of His late Majesty King George the Fourth, intituled "An Act to make more effectual regulations relating to Pilots within this Province," and the master of such ship or vessel not having any other Pilot on board, authorized to act as such under and by virtue of the said recited Act, shall not employ such Pilot so offering his service as aforesaid, then and in such case such Pilot upon due proof, by the oath of one or more credible witness or witnesses, that he did so offer his service, shall be entitled to demand, sue for and recover from the Master of such ship or vessel, one moiety of such rates and fees as shall be so established as aforesaid, for the Pilotage of such ship or vessel, in the same manner and in all respects, subject to the same provisions, as Pilots are by the provisions of the hereinbefore in part recited Act, who attend upon inward bound vessels.

CAP. XXX.

An Act to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly.

Passed 9th March 1838.

WHEREAS it is expedient to provide for the services of the Speaker of the House of Assembly, and to defray the expenses of the Members when attending the General Assembly;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province to the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for each and every Session of the General Assembly.

II. And be it further enacted, That there be allowed and paid out of the said Treasury to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly, for each and every day's attendance in General Assembly the sum of twenty shillings for the attendance of each Member of the House of Assembly, to be certified by the Speaker: Provided always, That no greater sum shall be allowed to any Member for any one Session than fifty pounds.

III. And be it further enacted, That for defraying the travelling charges of the Members of the House of Assembly, there be allowed and paid out of the said Treasury the sum of twenty shillings per day to each and every Member, allowing twenty miles for each day's travel; the same to be certified as directed in and by the second section of this Act.

IV. And be it further enacted, That the several and respective sums of money hereinbefore mentioned, shall be paid by the Treasurer by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, out of the monies now in the Treasury, or as payments may be made at the same.

V. And be it further enacted, That this Act shall continue and be in force for and during the continuance of the present House of Assembly and no longer.

CAP. XXXI.

An Act to enlarge and define the Boundaries of the Parish of Woodstock.

Passed 9th March 1838.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all the lands not now included in the present Parish of Woodstock, which lie between the said Parish and a line commencing on the westwardly bank or shore of the River Saint John, at the north east angle of lot number forty six granted to Benjamin P. Griffith and others, and thence running along the northerly boundary line of the said lot and its prolongation westwardly to the south west bank or shore of the Maduxnik stream, and thence along the said bank or shore and the southwardly bank or shore of the south branch of the said Maduxnik stream until it intersects the western boundary line of the Province, thence along said Boundary line due south until it strikes the monument, shall be annexed to and form a part of the said Parish of Woodstock, any law to the contrary notwithstanding.

CAP. XXXII.

An Act to authorize the Justices of the Peace in the County of Carleton, to levy an assessment to pay off the County debt.

Passed 9th March 1838.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Justices of the Peace for the said County of Carleton, at any General Sessions of the Peace to be hereafter holden, or they are hereby authorized and empowered to make such rate and assessment, of any sum not exceeding two hundred pounds, as they in their discretion may think necessary for the paying off the debts due from the said County, the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts which are now or hereafter may be in force in this Province, for assessing, levying and collecting of Rates for Public charges.

CAP. XXXIII.

An Act in addition to and in amendment of an Act, intituled "An Act to regulate Tavern Keepers and Retailers."

Passed 9th March 1838.

WHEREAS in and by the third section of an Act made and passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act to regulate Tavern Keepers, and Retailers," it is among other things enacted, "that every person on taking out a licence under the authority of the said Act, shall enter into recognizance to His Majesty with two good and sufficient sureties in the sum of forty pounds conditioned to obey such rules and regulations, as the Court of General Sessions respectively shall from time to time make and ordain to be observed: And whereas it is expedient that Her Majesty's Justices of the Peace in the several Counties in this Province respectively, should have power and authority to enforce such rules and regulations as they may from time to time make and ordain, by a more simple and less expensive process, when minded so to do;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall and may be lawful for Her Majesty's Justices of the Peace of this Province in their respective General Sessions, to enforce the observance of such rules and regulations as they have already made or shall hereafter make, in and for their respective Counties, under such penalty or penalties as to them in their respective General Sessions may seem meet, such penalty to be in no case less than ten shillings nor more than five pounds for each and every breach of such rules and regulations, which penalty or penalties shall be recovered before the Justices of the Peace in General Sessions, or any two of Her Majesty's Justices of the Peace of the County in which the offence shall be committed, and levied and applied in the same manner as Act of which this Act is an amendment.

II. And be it further enacted, That this Act shall be publicly read by the Clerk, at the opening of every Court of General Sessions of the Peace in the several Counties in this Province.

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

CAP. XXXIV.

An Act to repeal an Act, intituled "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 9th March 1838.

WHEREAS an Act made and passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "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," has

been found not to answer the good purpose intended thereby, and it is deemed expedient to repeal the same;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed: Provided always that nothing herein contained shall in any wise prevent or interfere with the recovery of any Parish or County assessment, which may have been made or ordered by the Court of General Sessions of the Peace of the said County of York under the said recited Act.

II. And be it further enacted, That all Town and Parish officers which may have been appointed under and by virtue of the said Act shall continue in office, with full power as such until others shall be respectively appointed by the General Sessions of the Peace for the said County at the usual period provided by law for the appointment of such Town and Parish officers.

CAP. XXXV.

An Act to erect a part of the Parishes of Gagetown and Hampstead, in Queen's County, into a separate and distinct Town or Parish.

Passed 9th March 1838.

WHEREAS great inconvenience is found to exist in consequence of the extended bounds and increased population of the Parishes of Gagetown and Hampstead, to perform the several Parochial duties in the manner required by law, it is therefore expedient that the same be divided into three Towns or Parishes.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, that the rear or south westerly part of the Parishes of Gagetown and Hampstead, (to commence at the King's County line, where the road leading from Jones Mill crosses said line, following the said road until it intersects the north west boundary line of lot number one, granted to John Short, and following the said north west line of lot number one until it strikes the north easterly line of lot number five granted to Sylvanus Haviland, and thence following the north easterly line of said lot and its prolongation to the south easterly boundary line of land granted to James Corbett, thence along the said line north easterly to the divisional line between the said grant and land granted to Henry Appleby, thence along the said divisional line and its prolongation to the road leading from Gagetown to the Nerepis, thence along the said road north easterly to the north easterly boundary line of lot number twenty five granted to Thomas T. Hewlett, and thence along the said line and its prolongation north westerly to the Sunbury County line,) be and the same is hereby erected into a separate Town or Parish to be called and known by the name of "Petersville."

II. And be it further enacted, That the Justices of the Peace for the said County are hereby authorized and empowered to appoint, annually, from time to time, officers for the said Town or Parish of Petersville 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 for that purpose to be 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 further enacted, That this Act shall in no way prevent or interfere with the recovery of any Parish or County Assessment which may have heretofore been made or ordained by the Court of General Sessions of the Peace for the said County.

CAP. XXXVI.

An Act for the settlement of the Estate of the late Receiver General of this Province.

Passed 9th March 1838.

WHEREAS the sum of seven thousand two hundred and forty four pounds ten shillings and seven pence halfpenny, of lawful money of New Brunswick, is alleged to be now due to Her Majesty for the Revenues of this Province, from the Estate of the late George Pidgeon Bliss, late Receiver General of this Province, for monies received by him in his official capacity, during his life time: And whereas George J. Diblee, Henry G. Clopper and James Taylor, Esquires, Administrators on said Estate, dispute that sum to be due, and contend that the correct and true amount due by the said Receiver General at the time of his death, was one thousand six hundred and twelve pounds five shillings and three pence, of like lawful money: And whereas to remove all difficulties upon the subject, as well to relieve the Crown officers from the necessity of further harassing the Representatives of said Estate, upon the subject, as to relieve the said Administrators and heirs of the late Receiver General, from all further liability and trouble in the matter, it is thought better to accept of the said sum of one thousand six hundred and twelve pounds five shillings and three pence, being the balance so acknowledged to be due by the said Administrators of said Estate as aforesaid, in full discharge of the said alleged claim of seven thousand two hundred and forty four pounds ten shillings and seven pence half penny;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Attorney General for the time being is hereby fully authorized, empowered and required, to discontinue all further proceedings against said Administrators on the Estate of the late George Pidgeon Bliss, late Receiver General in this Province, non receiving from the said Administrators the said sum of one thousand six hundred and twelve pounds, five shillings and three pence, the balance which the said Administrators so acknowledged to be due as aforesaid; Provided the same be paid over by the said Administrators to the said Attorney General, to be by him paid over to present Receiver General of the Province, within twenty days after the passing of this Act.

II. And be it enacted, That the said Attorney General is hereby fully authorized, empowered and required to receive from the said Administrators on said Estate, the said sum of one thousand six hundred and twelve pounds five shillings and three pence, in full discharge and satisfaction of all monies due from the said George P. Bliss, at the time of his death, as such Receiver General as aforesaid.

III. And be it enacted, That the receipt or discharge of the said Attorney General, for the said sum of one thousand six hundred and twelve pounds five shillings and three pence, to the said Administrators, shall be evidence that such sum has been paid, and be sufficient proof in all Courts of law or equity in this Province, that the same has been paid by the said Administrators, for the purposes aforesaid.

CAP. XXXVII.

An Act to amend an Act, intituled "An Act establishing the rates to be taken for Wharves and Cranaage of Ships and other Vessels within the limits of this Province."

Passed 9th March 1838.

WHEREAS by the fifth section of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled "An Act establishing the rates to be taken for Wharves and Cranaage of Ships and other Vessels within the limits of this Province," the owner or owners of wharves by themselves or their agents, are empowered to remove any lumber, millstones, or other goods, which may encumber their wharves or incommode or obstruct the passing or repassing of any carts or carriages employed for the purpose of loading or unloading any ship or other vessel, and to keep the same in custody, but no power is given by the said Act to charge such goods with the expenses of yarding or housing, or to sell the same in the event of their not being claimed;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, when any wharf shall be encumbered by merchandise of any description, or rubbish or ballast, so as to obstruct the free passage of carts and other carriages, the owner or owners, of such wharf, or his or their agent shall give notice to the owner, owners or consignee of such merchandise, or to the person who may have deposited rubbish or ballast thereon, which notice may be given personally or in writing and left at the residence or office of such owner, consignee or person as aforesaid, to remove the same; and if after such notice, then it shall and may be lawful to and for the said owner or owner of such wharf or his or their agent to remove the same, and to keep such merchandise in custody until the whole costs of removing and merchandize is unknown, or not to be found, the owner or agent as aforesaid some person appears to claim the same, and pay the costs of removing and moved shall be of a perishable nature, the same may within twenty four hours after such removal or as soon after as possible, be sold at Public Auction by a licenced auctioneer, and if such merchandize is not of a perishable nature, the same may be sold in thirty days after such removal, and the pro-

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