

[Continued from last Page.]

We command you that you attach E. F. so that you may have his body before us at Fredericton on [a return day in the ensuing term] to answer to us for a certain trespass and contempt in not paying to C. D. the sum of [] for costs awarded to the said C. D. by [] Esquire, [Chief Justice or one of the Justices of our Supreme Court as the case may be,] in a certain matter of review lately pending before the said [Chief Justice or Justice,] pursuant to the Acts of Assembly in such case made and provided, and have then there this writ. Witness &c.

[To be tested in the name of the Chief Justice on the day whether in term or vacation on which the writ or order for such writ may bear date.] By order of the Chief Justice [or Justice] as the case may be.]

In case the Sheriff be a party the writ to be directed to the Coroner as in other cases.

CAP. XII.

An Act in addition to the Acts regulating the sale of Real Estate seized and taken in execution.

Passed 9th March 1838.

WHEREAS the time and place of sale of Real Estate seized in execution by the Sheriff of any County, are required to be advertised at least six months before such sale can be duly made: And whereas it may sometimes happen that the Sheriff by whom a seizure of Real Estate may have been made may go out of or be removed from office or die before the completion of the sale thereof, and doubts have arisen whether such sale can be completed and a proper conveyance executed by the person succeeding to the said office:

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever hereafter it shall happen that the Sheriff who may have seized and taken any Real Estate in execution shall go out of or be removed from his office, or shall die before the completion of such execution by the sale of the said Real Estate, that then and in such case the person succeeding to the said office shall proceed to make the sale and conveyance of such Real Estate in the same manner as if he had seized and advertised the same without any new writ to him directed for that purpose, and that the notices of the time and place of such sale duly made by his predecessor in office shall be as good and effectual as if no change in the office had taken place.

II. And be it further enacted, That the Sheriff's poundage payable on any sale of Real Estate made in conformity to this Act shall be equally divided between the Sheriff by whom the sale and execution shall have been completed and the Sheriff who may have made the seizure, his Executors or Administrators, and the other execution fees shall be paid to the officer by whom the duty on which the same are respectively chargeable may have been performed.

CAP. XIII.

An Act for the further amendment of the Law.

Passed 9th March 1838.

WHEREAS it is expedient to amend the provisions of the tenth section of an Act passed in the fifth year of the reign of King William the Fourth, intitled "An Act to provide for the more convenient administration of Justice in the Supreme Court," in the following manner: Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case in which a reference to arbitration shall be made at Nisi Prius, and it shall be ordered that the award of the arbitrators shall be returned on the postea as the verdict of a Jury and the award shall be filed with the officer who returns the postea after the last day of the sitting of the Court, such officer shall set down in the margin thereof the day on which such award shall be so filed with him, instead of the last day of the sitting of the Court, and no rule for judgment on the postea shall be entered until the expiration of twenty days after the day so set down, and any judgment of the said Court in any such case in which justice may appear so to require, may either upon summons or not, according to the circumstances of the case, order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding term.

II. And be it enacted, That the time for any defendant in any summary action in the Supreme Court putting in bail or entering his or her appearance and filing the General Issue shall be and is hereby enlarged to the period of thirty days after the day on which the writ is returnable.

III. And be it enacted, That it shall and may be lawful for the defendant in all personal actions pending or to be brought in the Supreme Court of this Province, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the Plaintiff's daughter or servant,) by leave of the said Court or of a Judge of such Court, to pay into the said Court a sum of money by way of compensation or amends in such manner and under such regulations as to the payment of costs, and the form of pleading, as the said Court or any three of the Judges thereof shall, by any rules or orders by them to be from time to time made, order and direct.

IV. And be it enacted, That in any Act of the General Assembly of this Province which may be passed at the present or at any future Session, the word "Person" shall extend to a body politic or corporate, as well as to an individual; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as to a male: Provided always that those words and expressions occurring in this clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

CAP. XIV.

An Act to alter the times of holding the Circuit Courts in the County of Gloucester and Queen's County.

Passed 9th March 1838.

WHEREAS the times for commencing and holding the Circuit Courts in the County of Gloucester and Queen's County respectively, prescribed in an Act passed in the eighth year of the reign of His late Majesty King William the Fourth, intitled "An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts," have been found inconvenient:

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act the time for commencing and holding the Circuit Court in the County of Gloucester shall be the Wednesday before the first Tuesday in September in each and every year, instead of the first Tuesday in September as in the said recited Act is prescribed.

II. And be it enacted, That after the present year one thousand eight hundred and thirty eight the time for commencing and holding the Circuit Court in Queen's County shall be the first Tuesday in March in each and every year, instead of the second Tuesday in March, as in the said recited Act is prescribed.

CAP. XV.

An Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads.

Passed 9th March 1838.

WHEREAS by an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intitled "An Act for the better regulating of the office of Sheriff in this Province," it is provided that annual appointments to that office shall be made on the first Tuesday in April in each year: And whereas the time for such appointments is found to be inconvenient: Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Sheriffs of the several counties in this Province (except the Sheriff for the city and county of Saint John) shall after the present year one thousand eight hundred and thirty eight, be appointed on the first Tuesday in March in each and every year instead of the first Tuesday in April next ensuing.

II. And whereas by an Act made and passed in the seventh year of the reign of His late Majesty King William the Fourth, intitled "An Act relating to the great roads of communication through this Province," it is provided that the appointment of Supervisors shall be made in the first week in April in each and every year: And whereas the time for making such appointments is found to be inconvenient: Be it enacted, That the respective Supervisors of Great Roads shall after the present year one thousand eight hundred and thirty eight be appointed on the first Tuesday in March in each and every year instead of the first week in April in each year.

CAP. XVI.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to establish a House of Correction for the said City and County, and to extend the Provisions of two Acts of Assembly to the same.

Passed 9th March 1838.

WHEREAS it is deemed advisable that the House of Correction for the City and County of Saint John, should be separate and distinct from the Common Gaol in and for the said City and County;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace in and for the City and County of Saint John, and they are hereby authorized and empowered, at any General Sessions or at any special Sessions to be for that purpose convened, to establish a House of Correction for the said City and County, separate and distinct from the Common Gaol there, and to contract and agree for the erection and completion thereof, and to locate the same either within the said City, or in either of the Parishes in the said County of Saint John, adjoining to the said City, and the said Justices are also hereby empowered by the style and name of the Justices of the Peace for the City and County of Saint John, to purchase take and hold any land for the site and purposes of such House of Correction.

II. And be it further enacted, That the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intitled "An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a building in the said City for a Common Gaol and House of Correction, and to raise a sum of money for erecting and completing the same," and also of an Act made and passed in the seventh year of the reign of His late Majesty, intitled "An Act in amendment of an Act intitled 'An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a Building in the said City for a Common Gaol and House of Correction, and to raise a sum of money for erecting and completing the same,'" be and the same are hereby extended to the erection and completion of the said House of Correction, except only so far as the same may be repugnant to this Act.

III. And be it further enacted, That the several sums of money already granted to the said Justices in aid, towards the erection of the said Gaol and House of Correction may be applied and appropriated towards the erection and completion of the said House of Correction.

CAP. XVII.

An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Passed 9th March 1838.

WHEREAS the mode pursued in the County of York of providing for the support of the Poor has been found by experience to be less expensive than the general system pursued throughout the Province, and to be productive of industrious, sober and moral habits among that class of people:

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the City and County of Saint John, in their General Sessions, be and they are hereby authorized and empowered to purchase a tract of land and agree for the erecting and finishing of a proper building for an Alms House and Work House thereon, in the vicinity of the City of Saint John, and to fix upon a certain sum of money for defraying the expense thereof, which sum of money shall be raised by an assessment upon the inhabitants of the City of Saint John, and the Parishes of Portland, Saint Martin and Lancaster in the said county, in the manner prescribed by the Law now in force for assessing, collecting and levying county rates, or by any other law passed or to be passed for that purpose: Provided that such assessment shall not exceed the sum of three thousand pounds.

II. And be it enacted, That it shall and may be lawful for the said Lieutenant Governor or Commander in Chief of this Province, by warrant under his hand and seal, to be issued with the advice of Her Majesty's Executive Council, from time to time to appoint so many fit persons not exceeding seven or less than five, of whom two shall be Justices of the Peace for the said City and County, as he shall think fit, to be Commissioners for superintending and managing the said building so to be erected for the purposes aforesaid and the said land so to be purchased; and that it shall and may be lawful for the said Commissioners from time to time to provide such materials and things as they shall judge necessary for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be capable to work, and the said Commissioners or any two or more of them shall have power and authority at their discretion to compel such idle or poor people, begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek and receive alms of the said City and of any of the said Parishes herebefore mentioned within the said county, or who may stand in need of relief from the said City or of any of the said Parishes, to dwell, inhabit, and to work in the said Alms House and Work House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children, apprentices, as are by the laws of this Province given to the overseers of the Poor in the several Towns and Parishes.

III. And be it enacted, That the said Commissioners to be appointed as aforesaid, shall have power to make such rules, orders and regulations for the good government and management of the said Alms House and Work House as they shall find necessary, (such rules and regulations to be approved of by the Justices in their General Sessions,) and to inflict such correction and punishment, by solitary confinement or otherwise from time to time as to them shall seem reasonable, on any person or persons within the said Alms House and Work House who shall be so set to work and shall not conform to such rules, orders and regulations to be made as aforesaid, or shall misbehave in the same.

IV. And be it enacted, That the said Commissioners shall, at the first General Sessions of the Peace to be holden for the said City and County of Saint John annually, lay before the Justices in their said Sessions an account to be audited by the said Justices of the expenses incurred by them for the support and maintenance of the Poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needed for the maintenance and employment of the Poor of the said House for the current year, in which estimate shall be stated the proportion that each City, Town or Parish within the said County ought to pay, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such Poor; which sum or sums of money after being audited and allowed by the said Justices shall be assessed, levied and raised in such manner and form as by the laws of this Province is or shall be appointed and directed, and when raised and received shall be paid to the said Commissioners for the uses aforesaid and no other.

V. And be it enacted, That the profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

VI. And be it enacted, That when the said Alms House and Work House shall be in a fit state to receive the Poor who shall then be in the Alms House in the City of Saint John and all the inmates of the said Alms House, except the sick and diseased, shall be removed to the said Alms House and Work House so to be erected, the said Alms House in the said City shall be used as for a Public Infirmary under the care, management and direction of the said Commissioners, for the reception of such of the Poor persons of the said City and Parishes as may be sick or diseased, and from time to time may become so; and the said Commissioners shall also have power to make such rules, orders and regulations for the good government and management of the said Public Infirmary as they shall think necessary, (such rules, orders and regulations to be approved of by the said Justices in their General Sessions,) and to compel the due and proper observance thereof; and the support, maintenance and expenses of the said sick and diseased poor persons shall be accounted for, audited and estimated in the same manner and at the same time, as in the case of the inmates of the Alms House and Work House so to be erected as aforesaid, and levied, collected, raised and paid as hereinbefore directed for the said Alms House and Work House.

CAP. XVIII.

An Act more effectually to prevent the abuse of Banking Privileges.

Passed 9th March 1838.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall not be lawful for any Bank now incorporated, or which may hereafter be incorporated or put in circulation any Bill, Note, Check, Draft or other evidence of debt, of a less amount or denomination than five shillings.

II. And be it enacted, That it shall not be lawful for any Bank, or Branch Bank, now or hereafter to be established in this Province to make, issue, re-issue, or put in circulation any Bill, Note, Check, Draft, or other evidence of debt, of a less amount or denomination than one pound, or of any fractional part of a pound, or pounds, except of the amount or denomination of five, ten, or fifteen shillings respectively: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any Bank, or issue, re-issue, or put in circulation any Bill, Note, Check, Draft, or other evidence of debt, of a less amount or denomination than is limited or specified in their respective Charters or Acts of Incorporation.

III. And be it enacted, That if any banking corporation in this Province, shall violate any of the provisions of this Act, it shall be liable to a penalty of twenty five pounds, to be recovered by action of debt, in any Court of competent jurisdiction, in the name of any person who may first sue for the same, one half to his own use, and the other half to the use of the Province; and

if any other person or corporation shall receive any Bill, Note, Check, Draft, or other evidence of debt hereinafter prohibited to be made, issued or put in circulation, he or they shall forfeit and pay a sum equal to the amount of the nominal value of every Bill, Note, Check, Draft, or other evidence of Debt, so received for every such offence, to be recovered by an action of debt in any Court of competent jurisdiction, to the use of any person who may first sue for the same.

CAP. XIX.

An Act to provide for the erection of fences with gates across the Highways on Deer Island in the Parish of West Isles, in the County of Charlotte.

Passed 9th March 1838.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any proprietor or occupant of any lands in which a public Road passes, shall think it necessary or expedient that a fence or fences extending to the water where the said Road may require fencing, (if the same may be at or near the Sea shore,) it may and shall be lawful for such proprietor or occupant to prefer a petition to the Court of General Sessions of the Peace for the said County of Charlotte, stating particularly the object and grounds of such application, and praying permission to erect such fence or fences, upon the presenting whereof, the Justices of the Peace in the said General Sessions are authorized and required forthwith, by order thereon indorsed, to direct the Commissioners of Highways in the said Parish to examine and report upon such petition to the said Justices, and if it shall appear to the said Justices of the Peace in General Sessions, from the report so made by the Commissioners of Highways aforesaid, or the major part of them, that it is necessary or expedient that the fence or fences proposed for should be erected, they are hereby required to make an order for the erection of such fence or fences, with a sufficient swinging gate, or gates in the same place where such fence or fences cross the Road, and to make such further order respecting the same as to them shall seem meet, and that it shall be lawful for the persons so petitioning, at his, her or their own expense, to erect such fences with such swinging gate or gates, agreeably to the directions of such Court.

II. And be it enacted, That if any person or persons shall break or throw down, or in any way destroy, any fence or fences so to be erected, or any part thereof, or shall block up or fasten or stake open or destroy any gate or gates which may be erected by virtue of this Act, such offender or offenders shall upon conviction thereof, before any one of Her Majesty's Justices of the Peace of the said County, upon the oath of any one or more credible witness or witnesses, forfeit and pay the sum of forty shillings for each and every offence; to be levied with costs, by warrant of distress and sale of the offender's goods, under the hand and seal of such Justices, directed to either of the Constables of the Parish, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the Common Gaol of the said County, there to remain for the space of eight days, unless the said sum with costs be sooner paid, which forfeiture, when recovered, shall be paid into the hands of the overseers of the Poor of the said Parish of West Isles, and such offender or offenders shall be further liable to all damages sustained thereby, to be recovered with costs of action or actions, at the suit of the party injured.

III. And be it enacted, That whenever it shall appear to the said Justices in their said General Sessions, by the report of the said Commissioners of Highways, or the major part of them, that the reason for erecting such fence or fences as aforesaid has ceased to exist, it shall and may be lawful for the said Justices, in their said General Sessions, to order such fence or fences to be removed, and the proprietor or proprietors of such fence or fences, shall not after such order have any benefit or advantage from this Act, and the continuance of such fence or fences shall thereafter be considered, and adjudged a nuisance on the Highways.

IV. And be it enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and forty two, and no longer.

CAP. XX.

An Act relating to the Grammar Schools of King's and Queen's Counties.

Passed 9th March 1838.

WHEREAS by the eleventh section of an Act, intitled "An Act for the endowment of King's College, at Fredericton, in the Province of New Brunswick, and also to make new provisions for the support of Grammar Schools throughout the Province;" it is enacted that the said trustees and directors shall hold public visitations and examinations of the said Schools twice in each and every year, that is to say, on the first Monday in May and the first Monday in November: And whereas the days so appointed are found inconvenient for holding the said public visitations and examinations of King's and Queen's Counties; for remedy whereof,

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the said eleventh section of the said above mentioned Act, shall not be considered as of any force or effect, so far as the same relates to the Grammar Schools of King's and Queen's Counties.

II. And be it enacted, That from and after the passing of this Act, that the trustees and directors of the Grammar Schools of King's and Queen's Counties shall hold public visitations and examinations of the said Grammar Schools of the said Counties twice in each and every year, that is to say, on such day as they the said trustees and directors may appoint, within one week previous to the midsummer vacation, and on such day as they the said trustees and directors may appoint within one week previous to the Christmas vacation. Provided always, that the said trustees and directors shall give due notice of such days, so appointed by them as days for the visitation and examination of such Grammar Schools at least once in each and every year, such notice to be published previous to the first day of May in each and every year in some Newspaper published in King's or Queen's County, or in failure of any Newspaper being published therein, then in some Newspaper published in the City of Saint John.

CAP. XXI.

An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton.

Passed 9th March 1838.

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 York at any General Sessions of the Peace or Special Sessions, for that purpose holden, to extend the Limits of the Gaol of the said County so as to include all the lands comprised within the Town Plat of Fredericton, that is to say, which lie to the northward of the rear line of the said Town Plat, as laid out and described in the original grant thereof, and between such rear line and the river Saint John to the line of low water mark, including any wharf or wharves already erected or hereafter to be erected extending into the said river, also all the land which lies to the northward of the prolongation of the said rear line of the said Town Plat south forty three degrees east, until it strikes the river Saint John aforesaid.

CAP. XXII.

An Act to authorize the Treasurer of the Province to pay off the Loan from the New Brunswick Fire Insurance Company.

Passed 9th March 1838.

WHEREAS it is deemed necessary to pay off the debt due by the Province to the New Brunswick Fire Insurance Company;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Treasurer of the Province is hereby authorized and required, on the thirtieth day of June next to pay over to the President, Directors and Company of the New Brunswick Fire Insurance Company, the full sum of Ten thousand pounds currency, being the amount borrowed from the said Company under the authority of an Act made and passed in the seventh year of the reign of His late Majesty, intitled "An Act to enable the Province Treasurer to borrow the sum of ten thousand pounds for the Public Service of the Province."

II. And be it enacted, That no further sum shall be borrowed by the Treasurer of the Province, under and by virtue of the said hereinbefore in part recited Act.

TO BE SOLD

On TUESDAY the 22d day of May next, at the hour of eleven o'clock in the forenoon, on the premises:—

THE remainder of the real Estate of the late VALENTINE H. PETERS, Esquire, situate in Gagetown, in Queen's County: The same consists of the valuable and beautiful situated homestead, several lots of land contiguous thereto, and about 36 acres of interval land on Grimross Neck, fronting on the River Saint John, the property will be sold without reserve, and is well worthy the attention of persons who may be desirous to purchase. CHARLES I. PETERS, Executor and WILLIAM TYNG PETERS, Trustees. Gagetown, 30th March, 1838.

GARDEN SEEDS.

An Assortment of FRESH GARDEN SEEDS, growth of 1837, just received and for Sale low for Cash. N. W. SMITH, APOTHECARY & DRUGGIST, Queen Street Fredericton. April 3, 1838.