



**NEW BRUNSWICK.**

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**[ACTS OF THE GENERAL ASSEMBLY**

**PASSED IN**

**JULY 1856, AND MARCH AND JULY 1857.**

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**ACTS**  
OF  
**THE GENERAL ASSEMBLY**  
OF  
**HER MAJESTY'S PROVINCE**  
OF  
**NEW BRUNSWICK,**  
PASSED  
IN JULY 1856, AND MARCH AND JULY 1857.

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**FREDERICTON :**  
J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1857.



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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the seventeenth day of July, *Anno Domini* One thousand eight hundred and fifty six, in the Twentieth Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, being the First Session of the Seventeenth General Assembly convened in the said Province.



ACTS  
OF  
THE GENERAL ASSEMBLY.

20° VICTORIÆ, A. D. 1856.

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CAP. I.

An Act to repeal the Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors, and to regulate the sale thereof.

Section.

1. Act 18 V. cap. 36, repealed.
2. Discontinuance of prosecutions for penalties.
3. Restoration of seized Liquors not destroyed.
4. Duties under 18 V. c. 2, to be levied.
5. Discharge of Agents appointed under 18 V. c. 36.

Section.

6. Acts 17 V. c. 15, and 18 V. c. 23, declared in force.
7. Special Sessions may grant *ad interim* licences under 17 V. c. 15.
8. By whom licences are to be granted, &c. in Fredericton and incorporated Towns.
8. Trial of violations of 17 V. c. 15, in Police Districts in St. John and Portland.

*Passed 26th July 1856.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors*, be and the same is hereby repealed.

2. In all prosecutions for penalties under the said Act pending, whether on appeal or otherwise, at the time of the passing of this Act, it shall be lawful for the defendant in any such prosecution, if he shall think proper, to require all proceedings therein to be discontinued on paying or tendering the amount of taxable costs under the said Act to the person entitled to receive the same, and on such payment or tender, such prosecution shall be immediately discontinued.

3. Wherever liquors or packages have been seized under the said Act hereby repealed, and have not been destroyed, the Governor in Council may order such liquors and packages

to be restored to the owner thereof, on payment of the taxable costs of such seizure.

4. All duties imposed by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, on any article the importation of which was prohibited by the Act hereby repealed, shall be hereafter levied and collected as if the said Act so repealed had never been passed.

5. Any general or special Sessions or other Bodies empowered by the said Act hereby repealed to appoint Agents for the sale of liquors, may make such arrangements for the disposal of any liquors in charge of the Agents appointed by them respectively, and for the compensation of such Agents, as they may deem proper, and thereupon the Bonds given by such Agents shall be discharged.

6. An Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to regulate the sale of Spirituous Liquors*, and an Act made and passed in the eighteenth year of the same Reign, intituled *An Act to explain an Act intituled "An Act to regulate the sale of Spirituous Liquors,"* are hereby declared to be in full force.

7. The Justices at any Special Sessions shall grant wholesale and Tavern Licences under the said Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors*, on such terms and conditions and upon payment of such sums as they shall deem just and proper, not exceeding the sums mentioned in the said Act; the Licences so granted to continue in force only until the first General Sessions thereafter.

8. All Licences to be granted and regulations to be made in the City of Fredericton, under the said Act hereby declared to be in force, shall be granted and made by the City Council of the said City; and in all incorporated Towns, the Licences to be granted and the regulations to be made as aforesaid, shall be granted and made by the Town Councils of such Towns corporate; and the duties required by the said Act to be done by the Clerks of the Peace in the several Counties, shall in such Towns corporate be done by the Clerks thereof.

9. All complaints for violation of the said Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act*

*to regulate the sale of Spirituous Liquors*, within the Police District of the City of Saint John, or within the Police District of the Parish of Portland in the County of Saint John, and all proceedings for penalties under the said Act in those Districts, shall be severally made, heard, tried, and determined before the Police Magistrate of the said City, or the sitting Magistrate at the Police Office there, or the Police Magistrate of the said Parish of Portland, or the sitting Magistrate at the Police Office there, in whichever of the said Districts the offence may have been committed, and not elsewhere.

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## CAP. II.

### An Act to encourage the destruction of Bears in this Province.

#### Section.

1. Bounty granted for killing Bears.
2. Funds to be lodged with Clerks of Peace for payment of bounty.
3. Proceedings before a Justice to obtain the bounty.
4. Clerks of the Peace to pay on presentation of necessary documents.

#### Section.

5. Accounts to be rendered by the Clerks of the Peace.
6. Clerks to be public debtors for amount of warrants.
7. Limitation of Act.

*Passed 26th July 1856.*

**BE** it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. From and after the passing of this Act, a reward of fifteen shillings shall be paid to any inhabitant or inhabitants of this Province for each and every Bear such inhabitant or inhabitants shall kill or destroy within the limits of the same.

2. It shall and may be lawful for His Excellency the Lieutenant Governor in Council, on application by any of the several Clerks of the Peace of the respective Counties in this Province, to issue his Warrant on the Treasurer of the Province, directing him, or any of his Deputies, to pay over to such Clerk of the Peace, out of any moneys in the hands of the said Treasurer or Deputy Treasurer, such sum of money not exceeding ten pounds at any one time, as to His Excellency in Council may seem meet, to be applied by such Clerk of the Peace and accounted for by him in manner hereinafter provided.

3. To entitle any person or persons to the reward of fifteen shillings for killing a Bear as mentioned in the first Section of



this Act, he or they shall bring the nose or noses of the Bear or Bears, for the killing of which the Bounty is claimed, to any one of Her Majesty's Justices of the Peace residing in the vicinity or nearest to the place where the said Bear or Bears has or have been killed, and shall take and subscribe the following oath, that is to say:—

‘ I (or we) do swear that I (or we) did on the        day of  
 ‘ kill (or assist to kill) a Bear (or Bears) at [*describe the place*  
 ‘ *as near as may be,*] in the Province of New Brunswick, and  
 ‘ that the nose (or noses) now produced by me (or us) is (or are)  
 ‘ the nose (or noses) of the Bear (or Bears) so killed, for which  
 ‘ the Bounty granted by Law is claimed, and that no other  
 ‘ person has received the Bounty for the same.’

Which oath such Justice is authorized and required to administer without fee, and to burn or cause to be burnt or destroyed the nose or noses so produced before him, and shall also certify under his hand in the jurat of such affidavit that he believes the statement therein made to be true; and that he has destroyed the said nose or noses so produced, and shall deliver the said affidavit and certificate to the deponent or deponents.

4. It shall and may be lawful for the several Clerks of the Peace in their respective Counties, and they are hereby required on presentation of any such affidavit or affidavits, with certificate or certificates as aforesaid, to any of them respectively, forthwith and without any fee, reward, deduction, or abatement whatsoever, to pay over to the deponent or deponents, or his or their order, out of the moneys in the hands of the said Clerks of the Peace, by virtue of the Warrant in the second Section of this Act mentioned, the sum of fifteen shillings for each and every Bear so proved to have been killed as aforesaid; for which the said deponent or deponents, or person receiving the same, shall thereupon give the Clerk of the Peace paying the same a receipt or acquittance.

5. It shall and may be lawful for the several and respective Clerks of the Peace who may make application for and receive a Warrant or Warrants on the Treasury under the provisions of this Act, and they are hereby required on or before the first day of November in each and every year, to make up and transmit to the Office of the Secretary of the Province a state-

ment in writing, signed by such Clerk of the Peace, and sworn to before any Justice of the Peace of this Province, who is hereby authorized to administer such oath, crediting the Province with the amount of moneys by him received by virtue of any such Warrant, and specifying by name the several parties to whom he may have paid Bounties during the preceding year, and the amount paid to each, accompanied with the vouchers and receipts for the same ; which schedule, vouchers, and receipts shall be laid before the House of Assembly at its then next sitting.

6. That immediately on the receipt of the moneys in the Warrant or Warrants in their favour respectively specified, the said Clerks of the Peace shall be and be deemed and taken to be debtors to the Province in the amount of the same respectively, subject nevertheless to the provisions of this Act.

7. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty two.

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### CAP. III.

#### An Act to amend the Act to incorporate the Moncton Rural Cemetery Company.

Act 19 V. c. 67, s. 6, amended ; general meeting to be held on 1st Monday in September.

*Passed 26th July 1856.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much of the sixth Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Moncton Rural Cemetery Company*, as requires a general meeting of the stockholders and proprietors of the said Corporation to be held on the second Monday in May in each and every year, be repealed ; and in lieu thereof, that the said general meeting of the said stockholders and proprietors shall be held in the Parish of Moncton, on the first Monday in September in each and every year, for the purpose referred to in the said sixth Section.

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## CAP. IV.

An Act to revive and continue an Act intituled *An Act to provide for the expenses of the Legislature.*

Act 18 V. c. 4, first Session, revived and continued,

*Passed 26th July 1856.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the expenses of the Legislature*, be and the same is hereby revived and continued in force during the continuance of the present General Assembly, and no longer; provided always, and be it enacted, that nothing herein contained shall extend or be construed to extend to authorize payment to the President of the Legislative Council, or to the Speaker of the House of Assembly, of any sum of money for official services as such President or Speaker, beyond the sum of fifty pounds for the present Session of the General Assembly.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the seventeenth day of July, *Anno Domini* One thousand eight hundred and fifty six, in the Twentieth Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the twelfth day of February, One thousand eight hundred and fifty seven; being the Second Session of the Seventeenth General Assembly convened in the said Province.



**ACTS**  
OF  
**THE GENERAL ASSEMBLY.**

20° VICTORIÆ, A. D. 1857.

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**CAP. I.**

**An Act to alter and amend Chapter 22, Title III, of the Revised Statutes, "Of Sick and Disabled Seamen."**

Section.

1. Rev. Stat. cap. 22, sec. 3, repealed.
2. Duty payable by Vessels inwards.

Section.

3. Commissioners, where to reside.
4. Balances, payment of by Dep. Treasurers.

*Passed 26th March 1857.*

**BE** it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That Section 3 of Chapter 22, Title III, of the Revised Statutes, "Of Sick and Disabled Seamen," be and the same is hereby repealed.

2. The master, owner or consignee of any Vessel that shall arrive at any Port in this Province, being of the burthen of sixty tons or upwards, shall pay to the Treasurer or Deputy Treasurer at the Port of arrival, the sum of one penny per ton for every ton at which such Vessel shall be rated in the Register thereof; which duty shall be paid at the time of entry, at the Office of the Treasurer or Deputy Treasurer, before breaking bulk or discharging any ballast; but Coasters shall pay such duty only once in each year, on their first entry into any Port, and other Vessels shall pay the duty six times only in each year.

3. That of the Commissioners appointed under the sixth Section of the said Act, one shall reside at Saint Andrews, one at Saint Stephen, and at Saint George, one.

4. That all balances in the hands of the several Deputy Treasurers arising out of this fund on the first day of February in any year be paid to the Provincial Treasurer, and stand to the credit of the general fund.

## CAP. II.

An Act for the election of Members to serve in the  
General Assembly.

## Section.

1. Act 18 V. c. 37, in part repealed.
2. Acts 11 V. c. 65; 16 V. c. 35; and  
17 V. c. 14, revived.

## Section.

3. This Act not to affect certain Counties.
4. Limitation.

*Passed 26th March 1857.*

WHEREAS it is necessary to make immediate provision for Election of Members to serve in the General Assembly in case of vacancy by death or otherwise, and to suspend for a limited period so much of the Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, as relates to the holding of Elections thereunder;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. So much of the said recited Act as provides that all Elections of Members to serve in the General Assembly shall, after the first day of January one thousand eight hundred and fifty seven, be held under that Act, is hereby suspended during the continuance of this Act, except as hereinafter mentioned.

2. An Act made and passed in the eleventh year of Her Majesty's Reign, intituled *An Act relating to the Election of Representatives to serve in the General Assembly*; also an Act made and passed in the sixteenth year of the same Reign, intituled *An Act to establish places for Polling in the Parishes of Glenelg and Hardwicke, in the County of Northumberland*; and an Act made and passed in the seventeenth year of the same Reign, intituled *An Act relating to the establishing of Polling places in the Counties of Charlotte, Gloucester, York, Queen's, Saint John, Victoria, Northumberland, and Sunbury*, excepting so far as the last named Act relates to the County of York, be and the same are hereby revived and declared to be in force; and all Elections for Members to serve in the General Assembly shall be held under and according to the said Acts so revived.

3. This Act shall not apply to or affect the Counties of York, Carleton, Sunbury, Albert, and Restigouche; and the List of Electors made up by the Secretary-Treasurers of the Counties of York and Carleton, and signed by the Wardens of the said

Counties, shall be the Register of Electors for the said Counties of York and Carleton, and the same shall be as valid in every respect as if the same had been made up and signed by the Sheriffs of the said Counties respectively.

4. This Act and the Acts so revived shall continue and be in force until the first day of January which will be in the year of our Lord one thousand eight hundred and fifty eight, and no longer.

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### CAP. III.

#### An Act relating to Railways in this Province.

Section.

1. Number of Commissioners under 19 V. c. 15, reduced.
2. Authority of the several Commissioners.
3. Security by the Chairman.

Section.

4. Conveyances and Contracts to be taken in the name of the Queen.
5. Name of Railway between Shediac and Saint John.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the number of Commissioners to be appointed under an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to authorize the construction of Railways in this Province*, shall be three instead of five as provided in and by the fourth Section of the said Act, who shall have all the powers and authority given to Commissioners by the said Act; two of which Commissioners, the Chairman being one, shall be a quorum.

2. Any thing authorized or directed to be done by the Board of Commissioners in the construction of works under the said Act, may be done by either of the Commissioners as well as by the Chairman, but all moneys required in the construction of said works shall be drawn by the Chairman only, unless otherwise ordered by the Governor in Council.

3. The said Chairman, before entering on the duties of his office, shall enter into a Bond to Her Majesty, with two sufficient sureties, in such form and sum not exceeding five thousand pounds, as the Governor in Council may prescribe and approve.

4. All conveyances of lands for Railway purposes, and all Contracts relating to the construction and management of the said Railways, shall be held, taken and made in the name of



Her Majesty the Queen, to and for the use and purposes of the said Railways.

5. That portion of the Railways between Shediac and the City of Saint John, shall be called and known by the name of *The European and North American Railway*.

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#### CAP. IV.

An Act to alter and amend an Act intituled *An Act to authorize the construction of Railways in this Province*.

No Commissioner under 19 V. c. 15, to be a Member of the Legislature.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much of the fourth Section of an Act intituled *An Act to authorize the construction of Railways in this Province*, as authorizes the Commissioners to hold a Seat in either Branch of the Legislature, be and the same is hereby repealed; and no Commissioner appointed under the said Section of the said recited Act shall hold a Seat in either Branch of the Legislature.

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#### CAP. V.

An Act to alter the time of holding the Circuit Court in the County of Charlotte.

Circuit in Charlotte to be on first Tuesday in August.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act there shall be only one Circuit Court held in each year in the County of Charlotte, and that the time for holding the said Court shall be the first Tuesday in August in each year.

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#### CAP. VI.

An Act for the payment of Costs in proceedings instituted on behalf of the Crown in matters relating to the Revenue, and for the amendment of the Practice in the Court of Exchequer.

Section.

1. Costs to be recoverable on judgments for the Crown.
2. Costs to be payable on judgments against the Crown.

Section.

3. Act 18 V. c. 24, s. 11, extended to inquests of office for the Crown.
4. Amendment of forms of proceedings in Court of Exchequer.

*Passed 26th March 1857.*

WHEREAS in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects in matters relating to the Revenue, no Costs are recovered by the Crown except in certain cases, and no Costs are paid by the Crown to the subject : And whereas it is expedient to assimilate the Law as to the recovery of Costs in such proceedings by or on behalf of the Crown to that in force as to proceedings between subject and subject ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. In all informations, actions, suits, and other legal proceedings to be hereafter instituted before any Court or Tribunal whatever in this Province, by or on behalf of the Crown, against any corporation or person in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, or in respect of any sum of money due and owing to Her Majesty, the proceeds whereof, or the rents or profits of which said lands, tenements, and hereditaments, shall belong to or form part of the Public Revenue of this Province, the Attorney General shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown, in the same manner and under the same rules, regulations and provisions as are or may be in force relative to the payment or receipt of costs in proceedings between subject and subject ; and such costs shall be paid to the Receiver General, and shall become part of the Public Revenue.

2. If in any such information, action, suit, or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs in like manner and subject to the same rules and provisions as though such proceedings had been between subject and subject ; and such costs, when taxed by the proper officer, shall be paid by a Warrant on the Treasury.

3. The provisions of the eleventh Section of an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act relating to Jurors*, shall extend and apply to all inquisitions or inquests of office concerning the right of the Crown to the possession of any lands or tenements, goods or chattels, or concerning any debt due to the Crown.

4. And whereas the proceedings and practice in informations, suits, and other proceedings instituted by or on behalf of the Crown in the Court of Exchequer, requires amendment, and it is desirable that the same should be assimilated as near as may be to the practice and proceedings in suits between subject and subject ;—Be it therefore enacted, that it shall be lawful for the Judges of the Supreme Court from time to time to make such General Rules and Orders for regulating the Pleading and Practice in such informations, suits, and other proceedings, and to frame such Writs and Forms of proceedings as they shall think proper for the purposes aforesaid; and all such Rules, Orders, or Regulations, shall be published in the Royal Gazette, and shall, after such publication, be of the like force and effect as if the provisions contained therein had been expressly enacted.

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### CAP. VII.

An Act to repeal the existing Laws relating to the granting of Mill Reserves in this Province.

Section.

1. Rev. Stat. cap. 10, and Act 18 V. c. 34, repealed.

Section.

2. Reservations.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That Chapter 10, Title III, of the Revised Statutes, “ Of the granting of Mill Reserves in certain cases ;” and an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend Chapter 10 of the Revised Statutes, “ Of the granting of Mill Reserves in certain cases,”* be and the same are hereby repealed.

2. That nothing in this Act shall affect the rights of parties under Mill Reserves already legally granted.

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### CAP. VIII.

An Act to repeal an Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan, so far as it relates to the Parish of Grand Manan.

Act 12 V. c. 27, repealed as to Grand Manan.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan*, so far as the same applies to the Parish of Grand Manan, be and the same is hereby repealed.

### CAP. IX.

An Act to erect the eastern part of the Parish of Pennfield, in the County of Charlotte, into a separate Town or Parish.

Section.

1. Parish of LePreau erected.
2. New Parish to be subject as other Parishes.

Section.

3. Commencement of Act.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. All that part of the Parish of Pennfield, in the County of Charlotte, bounded by a line commencing at the western bank or shore of the River Popologan where it falls into the Bay of Fundy; thence running due north to the rear line of the said Parish; thence easterly along the said line to the County line dividing Saint John and Charlotte; thence due south along the said line to Point LePreau; thence along the shore of the Bay of Fundy to the place of commencement at the western bank of the River Popologan, including Popologan, New River, and Salkil Islands in front, shall be and the same is hereby erected into a separate Town or Parish, to be known by the name of *The Town or Parish of LePreau*.

2. The said Town or Parish shall have the same privileges, and be subject to the same laws and regulations, as extend to or govern the other Parishes in the County.

3. This Act shall not come into operation or be in force until the first day of September next, and it shall not interfere with or prevent the recovery of any assessment which may have been previously made or ordered, or with any fines, penalties or moneys which may have accrued to or become due, or with the discharge of the duties of any officer who may have

been appointed for the year then running, but every such officer shall discharge his duty until the end of the year, in the same manner as if the Parish of Pennfield had not been divided.

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### CAP. X.

An Act to amend an Act to divide the Parish of Carleton, in the County of Kent, into two Parishes.

Line between Parishes of Palmerston and Carleton altered.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in lieu of the line established as the boundary between the Parish of Carleton and the Parish of Palmerston by an Act passed in the eighteenth year of Her Majesty's Reign, intituled *An Act to divide the Parish of Carleton, in the County of Kent, into two Parishes*, the following shall constitute the division line between the said Parishes:—Commencing at the southeast boundary of the Grant to George Kollock, and running thence along the southern side line of the said Grant and the prolongation of the same west to the Post Road; thence along the Post Road northerly to the northeast boundary of a Grant to Basil White; thence along the northerly line of Basil White's lot west to the old Post Road; thence along the old Post Road southerly to the northeast boundary of the Grant to Peter Votour; thence along the northerly side line of Peter Votour's lot to the northwest boundary thereof; and thence south seventy five degrees and thirty minutes west, till it meets the rear line of the said Parishes of Carleton and Palmerston.

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### CAP. XI.

An Act to authorize the division of the Parish of Sheffield into two Parishes.

Section.

1. Parish of Northfield erected.
2. New Parish to be subject as other Parishes.

Section.

3. Commencement of Act.

*Passed 26th March 1857.*

WHEREAS the Parish of Sheffield, in the County of Sunbury, is so extensive as to render the performance of the several

Parochial duties required by Law troublesome and inconvenient, consequently it is necessary to divide the same into two Parishes;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. All that part of the Parish of Sheffield which lies northerly of the line now established as the line between the two Polling districts of the said Parish, shall be formed into a separate Parish, to be called *The Parish of Northfield*; and all the remaining part of the said Parish of Sheffield shall be and continue to remain the Parish of Sheffield.

2. The said Town or Parish of Northfield shall have the same privileges, and be subject to the same laws and regulations, as extend to or govern the other Parishes in the County.

3. This Act shall not come into operation or be in force until the first day of November next, and it shall not interfere with or prevent the recovery of any assessment which may have been previously made or ordered, or with any fines, penalties or moneys which may have accrued to or become due, or with the discharge of the duties of any officer who may have been appointed for the year then running, but every such officer shall discharge his duty until the end of the year, in the same manner as if the Parish of Sheffield had not been divided.

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## CAP. XII.

### An Act to regulate the Road Tax of Non-Residents on Property situate on Islands in the River Saint John.

Section.

Section.

1. Expenditure of Road Tax for Island property in the River Saint John.

2. How and by whom such money to be assessed.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

1. That from and after the passing of this Act, all moneys collected under and by virtue of the eighteenth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, from divided or undivided Estates of females, minors, and non-residents on Real Estate situate on Islands in the River Saint

John, shall be expended on the Highways in the Parish and District wherein the owner resides; provided always, that the owner of such real estate so taxed reside in the County in which the property is situate, if not, then and in such case the same to be expended on the Highways in the Parish to which such Island may be attached.

2. The duty of assessing, levying and collecting the moneys so to be expended in the Parish where the owner resides, shall be performed by the Commissioners of Highways and Collectors of Rates in such Parish, instead of in the Parish where the Islands are situate, and in the same manner as all other assessments and collections for Highways are made, and shall, when collected, be paid to the said Commissioners of Highways of the Parish where the owner resides, to be by them expended as herein before mentioned.

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### CAP. XIII.

An Act further to amend the Law relating to Buoys and Beacons in the respective Ports in the County of Gloucester.

Buoy and Beacon dues increased in Gloucester.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the master, owner, or consignee of every Vessel that may arrive at the Ports of Bathurst, Carraquet, and Shippegan, shall pay to the respective Deputy Treasurers at said Ports, the sum of one penny half-penny per ton at which such Vessel may be rated in the Register thereof, in lieu of one penny as provided to be paid at the said Ports by the first Section of Chapter 19, Title III, of the Revised Statutes, “Of Buoys and Beacons.”

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### CAP. XIV.

An Act to continue an Act intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.*

Act 13 V. c. 18, continued.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the

thirteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty two.

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CAP. XV.

An Act to make certain Streets in the Parish of Portland,  
in the County of Saint John, Public Highways.

Sheriff, Chapel, and Bridge Streets, declared Public Highways.

*Passed 26th March 1857.*

WHEREAS it is deemed expedient as well for the convenience of the inhabitants of the Parish of Portland, as for the proper drainage and other sanitary purposes essential to the health and comfort of a thickly settled part of the said Parish, that "Sheriff Street," running from Indian Town to Short Ferry Road, together with "Chapel Street," and "Bridge Street," be laid out and declared Public Highways;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, "Sheriff Street," "Chapel Street," and "Bridge Street," as at present used and laid out, be and are hereby declared to be Public Highways of the Parish of Portland.

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CAP. XVI.

An Act to continue and amend an Act intituled *An Act to establish a Board of Health in the City and County of Saint John.*

Section.

1. Act 18 V. c. 40, in part repealed.
2. Constitution and duties of the Board and Secretary.

Section.

3. Compensation of Chairman and Secretary.
4. Board may be enlarged.
5. Limitation of Act.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

The second, third and fourth Sections of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled



*An Act to establish a Board of Health in the City and County of Saint John, are hereby repealed.*

2. Such Board of Health shall consist of a Chairman and Secretary; which Board shall have and execute all the powers and provisions of the said Act—which Secretary shall perform all the duties imposed and required of the Clerk under the said recited Act.

3. There shall be paid to the Chairman such compensation as the Governor in Council shall appoint, not exceeding the sum of one hundred and fifty pounds per annum; and such Secretary a sum not exceeding one hundred pounds per annum; the same to be paid by Warrant on the Provincial Treasury.

4. The Governor and Council shall have power, when they consider it necessary, to increase the Board to five persons.

5. The said recited Act, except as hereby altered, shall continue in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty eight.

## CAP. XVII.

### An Act relating to the Lower Flat of the County Court House in the County of York.

Section.

1. Part of new County Court House to be a free Market.
2. Rules for the Market, by whom to be made.

Section.

3. Described piece of land to be used for specified public uses.
4. Act not to affect public rights.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The lower flat of the new brick building erected in the City of Fredericton and County of York for a County Court House and Market House, or such part thereof as shall be used for a Market, shall hereafter be and be deemed a free Market, and no toll, rate or impost for any meat, fowls, fish, vegetables, fruit, hay, straw, grain, or other country produce of any kind therein sold, or exhibited, or left for sale, shall be at any time hereafter charged or levied.

2. The County Council of the County of York, and the City Council of the City of Fredericton, shall make such rules and regulations for the government of the said Market as they may deem advisable.

3. The piece or parcel of land described as follows—bounded southwesterly by Queen Street, northwesterly by Market Street (so called) and by land granted to the Honorable John S. Saunders, southeasterly by land granted to the Honorable John Saunders, and northeasterly by low water mark on the River Saint John,—shall for ever hereafter be under the sole control of the County Council of the said County of York, and their successors, and shall be used as a Public Landing, Street and Square for the said Court and Market House, and for no other purpose whatever.

4. Provided always, that nothing in this Act contained shall in any way affect public rights.

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### CAP. XVIII.

An Act to authorize the Rector, Church Wardens and Vestry of All Saints Church, in the Parish of Saint Andrews, in the County of Charlotte, to sell and convey the Glebe and Church Lands in the said Parish, and reinvest the proceeds in other lands or securities.

Section.

1. Authority to sell and convey certain lands.

Section.

2. Proceeds of sales to be reinvested.

*Passed 26th March 1857.*

WHEREAS there are several Blocks and Lots of Land in and near the Town of Saint Andrews, in the County of Charlotte, held by the Church Corporation of the said Parish in part as Glebe for the use, benefit and behoof of the Rector, and in part for the use of the Church: And whereas it is believed that a much larger income would be annually derived both from the Glebe and Church Lands, by selling the same in Building Lots;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Rector, Church Wardens and Vestry of All Saints Church, in the Parish of Saint Andrews, be and they are hereby authorized and empowered to sell from time to time all or any of such Glebe or Church Lands, in fee simple, and make good and sufficient deeds of conveyance of the same, with the concurrence of the Lord Bishop of the Diocese, who shall be a party to every such deed of conveyance and sign and seal the same.

2. The amounts arising from such sales of Glebe and Church Lands respectively, shall be reinvested by the said Rector, Church Wardens and Vestry either in landed or other good and sufficient securities, to be held, so far as the amount arising from the sales of Glebe lands, for the use, benefit and behoof of the Rector for the time being of the said Parish, and as to the amount arising from the sales of Church lands, for the use, benefit and behoof of the Church in the said Parish.

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### CAP. XIX.

An Act to authorize the Rector, Church Wardens and Vestry of Saint Thomas' Church, in the Parish of Queensbury, in the County of York, to sell and convey a certain Tract of Glebe Land situate in the said Parish, and to invest the proceeds in other Lands.

Section.

1. Authority to sell and convey certain lands.

Section.

2. Proceeds of sales to be reinvested.  
3. Reservations.

*Passed 26th March 1857.*

WHEREAS a certain Tract of Land situate in the Parish of Queensbury, in the County of York, known as Lot number one hundred and thirty six, containing five hundred acres, more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens and Vestry of the Parish of Queensbury, and their successors in office, for a Glebe, yields no income to the Rector of the said Parish: And whereas an offer has been made to the Rector, Church Wardens and Vestry aforesaid, to purchase the said Glebe Lot at a fair price, and it is believed that the moneys arising from such sale might be invested in other Lands more conveniently situated, and more beneficial and productive;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Rector, Church Wardens and Vestry of Saint Thomas' Church, in the Parish of Queensbury, are hereby authorized and empowered to sell, dispose of, and convey the said Lot or Tract of Glebe Land, and make, seal, and deliver good and sufficient deeds of conveyance of the same in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical

Commissary of the Province, signified by either of them assenting thereto.

2. The amount arising from such sale of Glebe Land shall be invested by the said Rector, Church Wardens and Vestry in the purchase of other freehold property more conveniently situated, for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens and Vestry, and their successors, for ever, for a Glebe for the use and behoof of the Rector of the said Church for the time being.

3. Nothing in this Act contained shall be construed to affect the right of the aforesaid Corporation or the occupants of the said Land, but only to authorize the sale thereof.

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## CAP. XX.

An Act to empower the Rector, Church Wardens and Vestry of Saint Paul's Church, in the Parish of Hampton, in King's County, to sell and convey certain Lands in the Parishes of Hampton and Upham, and invest the proceeds in securities for the benefit of the Clergy and Parish.

Section.

Section.

1. Authority to sell and convey certain lands.

2. Proceeds of sales to be reinvested.

*Passed 26th March 1857.*

WHEREAS certain Lands situate in the Parishes of Hampton and Upham, heretofore granted and conveyed to the Rector, Church Wardens and Vestry of Saint Paul's Church, in the Parish of Hampton, now yield very little income either for the Rector or the Church: And whereas it is believed that the Lands could be sold at fair prices and the money arising from such sales might be invested in securities, or in the purchase of other lands, for the use and benefit of the said Rector and of the said Church, which would be more productive;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Rector, Church Wardens and Vestry of Saint Paul's Church, in the Parish of Hampton, be and they are hereby authorized and empowered to sell all or any of such Glebe or Church Lands, and make good and sufficient deeds

of conveyance of the same, with the concurrence of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon.

2. The amount arising from such sale or sales shall be invested by the said Rector, Church Wardens and Vestry in the purchase of other lands, or in such securities as may be approved of, for the benefit of the Rector and Corporation for the time being.

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### CAP. XXI.

#### An Act relating to the Public Burial Grounds in the Parish of Saint Stephen.

Section.

1. When and where burials to be unlawful.  
2 Penalty, and recovery thereof.

Section.

3. No Burial Ground to be within one mile of River Saint Croix.

*Passed 26th March 1857.*

WHEREAS the Public Burial Grounds in connexion with the respective Denominations in Saint Stephen and Milltown, in the Parish of Saint Stephen, are much filled up with the interment of the dead, and it is apprehended that further interments may be detrimental to the health of the inhabitants of said places: And whereas a fit and commodious Public Cemetery has been provided, which Cemetery is incorporated by Act of General Assembly, intituled *An Act to incorporate the Saint Stephen Rural Cemetery*, made and passed in the nineteenth year of the Reign of Her present Majesty, and is at present under proper regulations, for the accommodation of the several Denominations whose Burial Grounds will be by this Act interfered with;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That upon and after the first day of May in the year of our Lord one thousand eight hundred and fifty eight, it shall not be lawful to inter, bury or place the corpse of any deceased person within the Burial Grounds before named, in connexion with the several Denominations aforesaid, in Saint Stephen and Milltown, in the Parish of Saint Stephen.

2. That if any person or persons shall after the first day of May aforesaid, inter, bury or place any corpse within the said Burial Grounds, or shall aid or assist in interring, burying or placing any corpse within the said Burial Grounds, they shall

forfeit and pay the sum of fifty pounds, to be recovered by an action of debt in any of Her Majesty's Courts of Record in this Province, by and in the name of the Overseers of the Poor for the time being, in the Parish of Saint Stephen, to be paid to and applied by the Overseers of the Poor of said Parish, for the use of the Poor thereof; and it shall and may be lawful for any of the Justices of the Peace for the County of Charlotte, and they are hereby required to order and direct the disinterment and removal of any corpse interred, buried or placed in the said Burial Grounds, contrary to the provisions of this Act, and to cause the same to be decently interred in the Saint Stephen Rural Cemetery, in accordance with the regulations of the Corporation.

3. That no ground around the Villages of Saint Stephen and Milltown, in the Parish of Saint Stephen, shall be used or applied for the purpose of public burial or interment of the dead by any Denomination or body of Christians or others, that is not situate at least a distance of one mile from the River Saint Croix, under the penalty above named in Section second, and subject to the same provisions and requirements as in the said Section are set forth.

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## CAP. XXII.

An Act to authorize the Directors of the Saint John Seamen's Friend Society to wind up and close the affairs of the said Society.

### Section.

1. Authority to dispose of the Society property.
2. Authority to get in outstanding effects.
3. Meetings for adjustment of claims.
4. Proceedings thereat.
5. How reduced or rejected claims to be tried.

### Section.

6. Payment of debts, and appropriation of surplus.
7. Meeting of stockholders to be held within six months.
8. Committee, appointment of, to report upon the Society affairs.
9. When Society to be deemed dissolved.

*Passed 26th March 1857.*

WHEREAS the Saint John Seamen's Friend Society, in addition to the Provincial grant of fifteen hundred pounds, have a paid up capital of four thousand pounds, a large portion of which is invested in real estate situated in the City and County of Saint John: And whereas the stockholders have already sustained a serious loss from the operations of the said Society, and it is found that the purposes for which the

said Society was incorporated cannot be accomplished without entailing a heavy annual loss upon the stockholders thereof: And whereas at a meeting of the said stockholders, holden at the City of Saint John on Tuesday the sixth day of January in the year of our Lord one thousand eight hundred and fifty seven, the draft of a Petition to the Legislature, praying that an Act be passed to enable the Society to wind up its affairs and dissolve the Corporation, as also the draft of a Bill to effect this object, having been read, it was unanimously approved of, and it was resolved, that the President and Directors be a Committee to get said Petition and Bill engrossed and laid before the Legislature at the next approaching Session: And whereas, in pursuance of such Resolution, application has been made on behalf of the said Society to enable the Directors thereof for the time being to sell and dispose of the real and personal estate and effects thereof, and after payment of all just debts and liabilities of the said Society, to distribute the residue of the proceeds as hereinafter mentioned;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That it shall and may be lawful for the Directors of the Saint John Seamen's Friend Society for the time being, and they are hereby required to sell and dispose of all and singular the real and personal property, goods, chattels, estate and effects of the said Society, either at public auction or by private sale, in one lot or in separate parcels, for cash or upon credit, and on such terms of payment as to them may seem advisable, and for the best price or prices that can reasonably be obtained therefor.

2. That the said Directors shall and may, with all convenient dispatch, collect, get in, and receive all the outstanding debts and effects of the said Society.

3. That it shall and may be lawful for the said Directors, and they are hereby required to appoint such meeting or meetings of the stockholders and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President, by advertisement thereof in any one or more of the public Newspapers published in the City of Saint John, at least eight days before the time appointed for such meeting, for the purpose of ascertaining,

proving and adjusting all such legal and equitable claims and demands of every nature and kind as shall be outstanding against the said Society.

4. That the President, or in case of his absence one of the Directors, shall preside at such meeting, and that all such legal and equitable claims and demands shall respectively be reduced into writing, and submitted to the stockholders of the said Society present at such meeting, or at any further meeting to be called as aforesaid, and shall be allowed, reduced or rejected according to the decision of the stockholders then present.

5. That in case any such claim shall be reduced or rejected, it shall and may be lawful for the claimant, within one month after such meeting, to make application to a Judge of the Supreme Court, by affidavit setting forth the nature and full particulars of such claim; and such Judge is hereby authorized and empowered to make an order calling upon the said Saint John Seamen's Friend Society to appear by their Attorney, at such time and place as the said order shall appoint, and to answer such claim; and the said Judge is hereby authorized and empowered to require either party to produce further affidavits, and to hear and determine the said claim upon affidavits, as fully and effectually to all intents and purposes, as any Court of law or equity might hear and determine the same if properly brought before such Court, and to make such order thereupon, and as to the costs of such application, as may be deemed reasonable and equitable.

6. That when and so soon as the amount of outstanding claims and demands against the said Society shall have been ascertained and adjusted, it shall and may be lawful for the Directors of the said Society for the time being, and they are hereby required, out of the assets of the said Society, to pay and satisfy such claims and demands, and after the payment of such debts, claims and demands so ascertained and adjusted, and the necessary costs, charges and expenses which shall be incurred by the Directors of the said Society in carrying out the provisions of this Act, then and in such case a further meeting of the stockholders of the said Society shall be held, such meeting to be called in manner aforesaid; at which meeting a full and detailed statement shall be submitted by the Directors of the assets of the said Society, and of the manner



in which the same shall have been expended, as well in the payment and liquidation of such debts, claims, and demands, as in the ordinary expenses of the said Society, and in the costs, charges, and expenses necessarily incurred in carrying out the provisions of this Act, and of the surplus remaining in hand, and such account shall be finally settled and adjusted by a majority of the said stockholders then present, and such overplus shall be distributed among the stockholders of the said Society in proportion to the amount of stock respectively held by them, the Province, for the purposes of such distribution, to be considered as a stockholder to the amount of one thousand five hundred pounds, and the amount payable to the Province in respect thereof to be forthwith paid into the hands of the Provincial Treasurer at the City of Saint John, who is hereby authorized and required to receive the same.

7. That a meeting of the stockholders of the said Society shall be called within six calendar months after the passing of this Act for the purpose of this Act.

8. That it shall be lawful for the stockholders of the said Society, or a majority thereof, at any meeting of the said Society called for the purposes of this Act, or for any other purpose, to appoint a Committee of the said stockholders, consisting of such and so many stockholders of the said Society as they may select therefor, to examine into and report upon the accounts and affairs of the said Society, to whose enquiries the Directors and all other officers of the said Society are required to give the fullest satisfaction and information; and the said Committee shall present and make their report of the state of the accounts and affairs of the said Society, at some further meeting thereof to be for that purpose holden; and that it shall be lawful for the stockholders, or a majority thereof, to take such action and make such order therein as they may deem most advisable and promotive of the interests of the said Company, preparatory to or connected with the winding up and closing the whole affairs and business of the said Society.

9. That upon payment and satisfaction of all such claims, debts, and demands against the said Society, and the distribution of such proceeds and surplus as aforesaid, the said Society shall be deemed and taken to be dissolved; provided always,

that nothing herein contained shall extend to prevent the Directors of the said Society from proceeding in the name and on the behalf of the said Society, to collect and get in any further assets or outstanding debts and demands of the said Society, and to distribute the proceeds thereof as aforesaid; but that for all such purposes the said Society shall be deemed and taken to be still in existence.

### CAP. XXIII.

#### An Act to incorporate the Saint John Harmonic Society.

##### Section.

1. Society incorporated.
2. What shall be its Constitution and Rules.
3. Interest in the property to cease with membership.

##### Section.

4. Extant property and debts of Corporation.
5. Management of concerns by Committee.
6. Authority to receive and hold property.
7. Liability for corporate debts.
8. Present officers to continue for a time.

*Passed 26th March 1857.*

WHEREAS the persons hereinafter named have associated themselves together as a Society for the cultivation of Musical science and skill and the general promotion of Musical taste; which Society is supported by the pecuniary contributions of its members and other resources: And whereas the said Society is possessed of a considerable amount of personal property, and may hereafter require to purchase land, and to erect thereon buildings suitable for the purposes of the said Society, and it is therefore desirable, in order that the said Society may be enabled to hold real estate and other property, to make legal contracts and engagements, and the better to manage and control its affairs in general, that the Members thereof should be incorporated;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That George H. Lawrence, George Hutchinson, Junior, George Blatch, John Magee, Isaac H. Anderson, John W. Beard, Francis Clear, John Barry, Francis Smith, James E. Barnes, John Bowman, James L. Woodworth, Horace Y. Ames, Elisha Broad, John C. Edwards, John M. Robinson, Thomas A. Rankine, Herman Bartsch, Edward Manning, William R. McKenzie, Hewlett Broad, Charles A. Ewing, David Simpson, Henry Buxton, Thomas Buxton, James Manchester, John Sinclair, and Matthew Lindsay, and all such

other male persons as are now or may hereafter be admitted members of the said Society according to the constitution, bye laws, rules and regulations thereof, their associates and successors, shall be and they are hereby erected into a body politic and corporate, in name and in deed, by the name and style of *The Saint John Harmonic Society*, and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of Assembly in this Province.

2. The constitution, bye laws, rules and regulations heretofore and now in force, assented to and acted upon by the said Society, shall be the constitution, bye laws, rules and regulations of the said Corporation, and shall and may from time to time, as occasion may require, be rescinded, abrogated, repealed, altered, extended or amended in the manner therein and thereby directed, provided the same be not repugnant to the Laws and Statutes of the Province.

3. Every person voluntarily withdrawing from membership in the said Society or Corporation, or who shall be expelled therefrom, or in any way cease to be a member thereof, according to the constitution, bye laws, rules and regulations of the said Corporation, shall, *ipso facto*, cease to have or be entitled to any share, interest, or claim whatsoever in, upon, or to the property and effects of the said Corporation, or any part thereof; and no such individual share or interest shall in any manner whatsoever be assignable or transferable by any member of the said Corporation.

4. All the property, rights and effects of every description whatsoever of the said Society, shall from and after the passing of this Act be and the same are hereby declared to be absolutely vested in the said Corporation by the name aforesaid, for the like objects and purposes, and no other, for which the same were held by the said Society; and all the liabilities of the said Society shall in like manner devolve upon the said Corporation by the name aforesaid, to the same extent as the said Society would have been held liable for had this Act not been passed.

5. The Committee of management for the time being of the said Corporation shall manage the whole concerns of the said Corporation, agreeably to this Act of Incorporation and

such other bye laws, rules and regulations as the members thereof may from time to time duly establish.

6. The said Corporation may receive, take and hold real and personal estate by purchase, gift, grant, devise or bequest, to any amount not exceeding five thousand pounds, and hold the same in trust for the objects and benefit of the said Corporation.

7. The property and effects of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation; and the share or interest of any individual member of the said Corporation of or in the property and effects of the said Corporation, shall not be liable to be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever.

8. The Officers and Committee of management chosen at a general meeting of the members of the Society hereby incorporated, held at the City of Saint John on the first Wednesday in November last, are hereby declared to be the Officers and Committee of management of the said Corporation until the first Wednesday in November next, or until others are chosen in their stead.

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## CAP. XXIV.

### An Act to incorporate the Hillsborough Mill and Manufacturing Company.

#### Section.

1. Company incorporated.
2. First meeting, when and by whom to be called.
3. Capital, amount and payment of; votes.
4. Liability for corporate debts.

#### Section.

5. Management of the affairs; qualification of Directors.
6. Act, under what circumstances to be void.
7. Erections in or over Weldon Creek authorized.
8. Private property rights reserved.

*Passed 26th March 1857.*

WHEREAS the erection of Mills and Machinery for the manufacture of Lumber and Flour, and for Carding and Fulling, and other purposes, on the Weldon Creek, so called, in the Parish of Hillsborough, in the County of Albert, would greatly promote the interests of that section of this Province, it is deemed expedient to incorporate a Company for that object;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Peter Duffy, Joel Steves, Ephraim Steves, John Dryden, John Duffy, and their associates, successors, and assigns, shall be and they are hereby erected into a Company for the purpose declared in the Preamble to this Act, and declared to be a body politic and corporate by the name of *The Hillsborough Mill and Manufacturing Company*, and by that name shall have all the general powers, authority, and privileges made incident to a Corporation by Act of Assembly of this Province.

2. The first meeting of the said Corporation shall be held at Hillsborough aforesaid, and shall be called by Peter Duffy, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the Newspapers printed in the City of Saint John, at least twenty days previous to such meeting, which shall be holden at the time and place specified in such notice.

3. The capital stock of said Corporation shall consist of the sum of six thousand pounds current money of the Province of New Brunswick, with liberty to increase the same to the sum of fifteen thousand pounds, to be divided into shares of twelve pounds ten shillings each, to be paid in in such instalments and at such times as the business of the said Corporation may require; and every person who shall be the owner or holder of one or more shares shall be entitled to vote in person or by proxy, having one vote for each share as aforesaid; and it shall be lawful for said Corporation to grant certificates of full stock, in whole or part payment, for the consideration of lands, easements, right of way, buildings, wharves, machinery, or privileges, in the place of money subscription to said stock, at such valuation as a majority of all the votes of said Corporation shall fix and agree upon.

4. The joint stock and property of the said Corporation shall alone be responsible for the debts and liabilities of the said Company.

5. The Directors and officers of the said Company, or a majority of them, shall have full power and authority to manage the concerns of the said Corporation, subject to the regulations and bye laws of the said Corporation; that no person shall be eligible as a Director unless such person be a stockholder and of the full age of twenty one years, nor shall any

purchase or sale of real estate be made by them except by consent of two thirds of the stockholders voting as provided in Section three of this Act.

6. Unless ten per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the Directors of the said Corporation, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said two years.

7. And whereas the said Weldon Creek (so called) is a tidal Creek, and it is necessary for the said Corporation to have power and authority to put, place and erect therein, at the most eligible place on said Creek, on the east side of, and within twenty rods from the Great Road, a dam, wharves, buildings, or such other things as may be requisite and necessary for the proper and efficient carrying on and managing the business of the said Company;—Be it therefore enacted, that the said Corporation be and the same is hereby authorized and empowered to put, place and erect in and across said Creek, at the place above mentioned, any dam, building, machinery, and wharves, and any other thing necessary for the purpose of the proper and efficient carrying on the business of the said Company, for the purposes aforesaid; provided that any dam to be erected in and across said Creek shall not exceed sixteen feet in height from the bottom of said Creek at the place of the same being erected.

8. Nothing in this Act shall interfere in any way with rights of private property.

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## CAP. XXV.

### An Act to incorporate the Chatham Gas Light Company.

#### Section.

1. Company incorporated.
2. Capital, its amount, payment, and extension.
3. First Directors; power to manage affairs.
4. Annual general meeting; objects; quorum of Directors.

#### Section.

5. Qualification of Directors.
6. Votes, number of, regulated; proxies.
7. Shares to be assignable.
8. Supply of directorships vacant by death.
9. Liability of stockholders as to capital.
10. Liability for corporate debts.

## Section.

11. First company stockholders, who?
12. Assessment of shares, power and mode of perfecting.
13. Meetings, general and special.
14. Authority to lay down pipes, &c.
15. Remedy for defective repair of streets.

## Section.

16. Draining of coal tar and other noxious substances into the River.
17. Nullity of Act on failure to pay up capital.
18. Control of Company's doings affecting general health or comfort.

*Passed 26th March 1857.*

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the Town of Chatham, in order to furnish the means of lighting the said Town in a superior manner, would be an object of public utility ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That William J. Fraser, George H. Russell, Hugh Bain, George Kerr, John M. Johnson, James C. E. Carmichael, William M. S. Evans, John Macdougall, and Alexander Loudoun, their associates, successors, and assigns, shall be and they are hereby erected into a body politic and corporate by the name of *The Chatham Gas Light Company*, and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the Town of Chatham with Gas, and for all necessary works therewith connected.

2. The capital stock of the said Corporation shall be three thousand pounds current money of New Brunswick, and shall be divided into six hundred shares of five pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that twenty five per centum of the said capital stock, amounting to seven hundred and fifty pounds, shall be actually paid in and invested in the business of the said Corporation in two years from the passing of this Act ; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of six thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares ; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts, until ten per centum on two thousand seven hundred pounds of the capital stock as aforesaid shall be paid in.

3. That William J. Fraser, George H. Russell, John M. Johnson, Junior, Hugh Bain, and John Bryson, having been

chosen Directors of the Company, shall be Directors of the Corporation until the next annual meeting, or until others are chosen in their stead, and shall have full power to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided, in the same manner and as fully as if they were chosen by the Corporation after the passing of this Act, and their acts and doings on behalf of the Company before the passing of this Act and subsequent hereto, shall be binding on the Corporation; and the said Directors shall also have full power and authority to appoint all such officers under them as shall be necessary to manage and carry on the affairs and business of the Company.

4. A general meeting of the stockholders of the said Corporation shall be held in Chatham on the first Wednesday in January in each and every year, for the purpose of choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Corporation, which Directors, so chosen, shall remain in office one year or until others are chosen in their stead, and shall at the first meeting after their election choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President the Directors shall have power to appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless such person is a stockholder and holds not less than four shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

6. The number of votes to which each stockholder shall be entitled on any occasion when, according to the provisions of this Act, the votes of the stockholders are to be given, shall be for one share and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares; which said number of twenty votes shall be the



greatest any stockholder shall be entitled to have; and all stockholders may vote by proxy, such proxy being a stockholder and producing sufficient authority in writing from his constituent.

7. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a book to be kept for that purpose; in no case shall any fractional part of a share, or other than a complete share or shares be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member of the said Corporation.

8. In case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another is chosen in his room.

9. Each and every stockholder in the said Company shall be held liable to the said Company for the payment of each and every call or assessment made, (not however to exceed in amount the stock so subscribed for,) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Company, and recovered in any Court of Record within the Province.

10. The joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation; and no creditor or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due, or demand against the same, then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be

levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more ; and such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against said Corporation.

11. The stock subscription list already subscribed, and such other names and shares as may be added thereto, to the extent of the stock, shall compose the company stockholders, and the subscribers shall be in the same position as if they had subscribed after the passing of this Act, as well for the payment of such stock as otherwise.

12. The said Company shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company ; and whenever any assessment may be made by the said Company, it shall be the duty of the Treasurer to give notice thereof in one or more of the Newspapers published in Chatham, requiring payment of the same within thirty days, and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale ; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser ; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

13. All meetings of the said Company shall be called by public notice thereof in one or more Newspapers published as aforesaid, ten days at least before the time of such meeting ; and all special meetings may be called by the Secretary, under

the authority of the Directors, or by shareholders representing not less than one hundred shares of stock, upon giving the like notice.

14. It shall and may be lawful for the said Company, at a proper and convenient depth under each and every of the streets and roads leading into and through the said town and its vicinity, to lay down, set and place such and so many pipes, leaders and other apparatus for the said Gas, as they shall find to be necessary for conveying the same to any or every building or lamp post in the said Town or its vicinity, and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders and other apparatus, or if occasion require, to alter, amend or repair the same; it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement, or sidewalks thereof, and the same to keep open and uncovered during the time necessary for such purposes: provided always, that the said Company shall and do, at their own proper costs and charges, and to the satisfaction of the Commissioners of Streets and Highways for the Town and Parish of Chatham for the time being, and without unnecessary delay, repair and amend the said roads, streets, coverings, pavements, or sidewalks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

15. If the said Company shall not repair the said streets, roads, covering, pavements, or sidewalks, or any of them so broken up, to the satisfaction of the said Commissioners of Highways for the time being, or a majority of them, it shall be lawful for the said Commissioners to cause the same to be repaired, and to sue for and recover the expense incurred therein, from the said Company, in the Supreme Court of this Province.

16. From and after the passing of this Act, the said Company, or any person or persons who may in any way be employed by them, shall not throw, drain, or cause, suffer or permit any person or persons to throw or drain into any part of the River Miramichi, any refuse of coal tar or other noxious substance that may arise from the said Gas Works, under the penalty of five pounds for each and every offence.

17. Provided always, that unless seven hundred and fifty pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said two years.

18. The Justices of the Peace for the County of Northumberland at any General or Special Session, or the constituted authorities for the time being, whether Town or County Corporation, Board of Health, in case such constituted authorities should exist, shall have power to regulate, restrict, and control the acts and doings of the said Company which may in any manner affect the health, safety or comfort of the inhabitants of the said Town, and to make such regulations relative thereto, from time to time, as the circumstances of the case may require, and to enjoin obedience to the same by such penalties as they may deem necessary, not exceeding the sum of five pounds for any one offence.

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## CAP. XXVI.

### An Act to incorporate the Saint Andrews Rural Cemetery Company.

**Section.**

1. Company incorporated.
2. Capital, amount of.
3. First meeting of Corporation, call of.
4. Cemetery exempted from taxes.

**Section.**

5. Penalties for injuries, sporting and disturbances; recovery and application.
6. Cemetery lots exempt from execution.
7. Setting apart of portions of Cemetery for exclusive uses.

*Passed 26th March 1857.*

**WHEREAS** a suitable place for the burial of the dead is much required in the Parish of Saint Andrews ;—

**Be it therefore enacted** by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That G. F. Campbell, D. W. Jack, James Boyd, Thomas Jones, Thomas T. Odell, John Zachary, Robert Stephens, George F. Stickney, Hugh Morrison, Charles Bradley, and Samuel T. Gove, their associates, successors, and assigns, be

and they are hereby declared to be a body politic and corporate by the name of *The Saint Andrews Rural Cemetery Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in the Province, for the purpose of procuring and maintaining a Cemetery or Burial Ground in the Parish of Saint Andrews, in the County of Charlotte.

2. The capital stock of the said Corporation shall consist of the sum of two thousand five hundred pounds, and shall be divided into one thousand shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.

3. The first meeting of the said Corporation shall be called by the Town Clerk of the Parish of Saint Andrews, or in case of his death, neglect or refusal, by any two of the said Company, by giving ten days notice of the time and place of such meeting.

4. The land purchased and held by the said Corporation for the purposes herein expressed, is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully destroy, remove, cut, break or injure any tree, shrub or plant within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire arm, save at a military funeral within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than one pound or more than five pounds, or be committed to the common gaol for the space of not more than thirty days, according to the nature and aggravation of the offence; and such offender shall be liable to an action of

trespass, to be brought against him in any Court of competent jurisdiction in the name of the Corporation, to pay all such damages as shall be occasioned by his or their unlawful act or acts; which money, when recovered, shall be applied by the Corporation to the reparation of the property destroyed or injured as above; and members of the Corporation shall be competent witnesses in such suits.

6. The lots in the said Cemetery, and the land enclosed but not laid out in lots, shall not be levied upon or taken in execution, but shall be altogether free from seizure; and the property in the same, or any part thereof, shall not prevent any confined debtor from receiving support under the Law for the relief and support of confined debtors.

7. The Corporation may set apart for the special and exclusive use of any denomination of Christians a portion of the ground within the said Cemetery, on such terms and conditions, and subject to such regulations, as may be mutually agreed on.

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## CAP. XXVII.

### An Act to incorporate the Saint Stephens Academy.

Academy incorporated with general corporate powers.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That William Todd, Stephen H. Hitchings, Henry F. Eaton, John M'Adam, William E. M'Allister, George M. Porter, Samuel Darling, George A. Boardman, and their associates and successors, be and they are hereby created and declared to be a body politic and corporate in deed and name, and shall have succession for ever, by the name of *The Trustees of the Saint Stephens Academy, at Milltown, in Saint Stephen*, and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or any other place whatsoever, and shall have full power and capacity to purchase, convey, receive, take, hold, and enjoy for the use and benefit of the said Academy, as well goods and chattels as lands, tenements, and hereditaments, and improve and use the same for the

benefit of the said Academy, and have all the other general powers and privileges made incident to Corporations by Act of Assembly of this Province.

### CAP. XXVIII.

An Act to incorporate sundry persons by the name of the President, Directors and Company of the Miramichi Bank, in the County of Northumberland.

#### Section.

1. Company incorporated with general corporate powers.
2. Capital, its amount, periods of payment, and division into shares.
3. Real Estate, tenure of.
4. First general meeting, when and how to be convened, and object.
5. Annual Meeting; election of Directors and President.
6. Officers, appointment and remuneration of; other duties.
7. Board of Directors for business.
8. Compensation of President.
9. Qualification of Directors.
10. Security by Cashiers and Clerks.
11. Votes of stockholders regulated.
12. Votes by proxy.
13. Subscriptions to stock regulated.
14. Supply of vacant directorships.
15. Commencement of business.
16. Verification of payment of capital.
17. Shares to be assignable.
18. Dealings of Company restricted.
19. Liability of stockholders.
20. Form of Bonds, Bank Bills, &c.
21. Amount of debts limited; liability for excess.
22. Half-yearly dividends to be made.

#### Section.

23. Inspection of books, papers, &c.
24. Bills or Notes, printing, signing and payment of.
25. Altered Notes, payment of.
26. Where Bank to be kept.
27. Statement of affairs for general meeting; duplicate for Legislature.
28. No loan on pledge of stock.
29. Inspection by Joint Committee of the Legislature.
30. Meetings, general and special, calling of.
31. Dissolution of Corporation, how effected.
32. Aggregate of debts by Directors limited.
33. Semi-annual statement of affairs, and form.
34. Delinquent sheet for each discount day.
35. Disqualification of Directors by continued delinquency.
36. Presentation of bills before action brought.
37. Shares to be personal estate, and transmissible as such.
38. Shares, liability of, to seizure.
39. Capital stock, mode of increasing.
40. Additional shares to be sold at auction.
41. Notice of sale of increased stock.
42. Division of advance on shares sold.
43. Additional stock to be liable as the original.
44. Limitation.

*Passed 26th March 1857.*

WHEREAS it is thought that the establishment of a Bank at Chatham, in the County of Northumberland, would promote the interests of the Province by increasing the means of circulation;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That William J. Fraser, William Muirhead, Alexander Loudoun, John Harley, John Noonan, Lestock P. W. DesBrisay, William A. Black, the Honorable John Montgomery, the Honorable William H. Steeves, John M. Johnson, Thomas Vondy, Samuel Leonard Tilley, John M. Johnson, Junior, Peter Mitchell, Robinson Crocker, Alexander M'Laggan, John Bagnell, George E. Letson, their associates, successors or assigns, be and they are hereby declared to be a body corpo-

rate by the name of *The President, Directors and Company of the Miramichi Bank*; and they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also they shall have one common seal, to serve for the ensealing all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of Attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they the said President, Directors and Company, or the major part of them, shall from time to time, and at all times, have full power and authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the Laws or Statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the Laws or Statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of twenty thousand pounds; the sum of ten thousand pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of ten thousand pounds within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of twenty five pounds each, making in the whole eight hundred shares.



3. The said Corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple, any lands, tenements, real estate and rents, to any amount not exceeding four thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever, by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever four hundred shares of said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place, by notice in one or more of the public Newspapers published in this Province, thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing five Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation shall be binding on the said stockholders, their successors and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the

first Monday in April in each and every year, at Chatham, in the County of Northumberland, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, five Directors, each of whom shall be resident in the said County, and continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen, shall at their first meeting after their election, choose out of their number a President.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper, all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

7. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote; provided always, that no Note or Bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation; provided always,

that stockholders so otherwise qualified be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation before he enters upon the duties of his office shall give bonds, with two or more sureties to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk with the like conditions, and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

11. The number of votes which each stockholder shall be entitled to on every occasion when, in conformity to the provisions of this Act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say: For one share and not more than four shares, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest number that any stockholder shall be entitled to have.

12. All stockholders resident within this Province or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing, from his constituent or constituents, so to act; provided that no stockholder be entitled to more than three proxies.

13. No member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock, and if the whole of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors are and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its members; but in the case of the removal of a Director by the stockholders for misconduct or maladministration, his place shall be filled up by the said stockholders, and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the Directors in two of the Newspapers published in this Province, of the time and place of payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no Bank bill or Bank note shall be issued or put in circulation, nor any bill or note be discounted at the said Bank, until the said sum of ten thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of ten thousand pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorized, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors, that half the amount of its capital hath been paid in by the stockholders toward payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer

shall be valid or effectual unless such assignment or transfer shall be entered and registered in a Book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation ; in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable, and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed ; which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption ; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold ; provided always, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him ; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, Bank bill, or Bank note, or other instrument by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation ; provided nevertheless, that nothing herein con-

tained shall be construed to alter, change, or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth Section of this Act.

21. The total amount of the debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half-yearly dividends of all profits, rents, premiums, and interests of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days notice in two Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation shall at all times be subject to the inspection of the Directors, but no stockholder not a Director shall inspect the account of any individual with the Corporation.

24. All bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills and notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at the said Bank; provided no note shall be issued by the said Corporation for a less sum than five shillings.

25. The said Corporation shall be liable to pay to any *bona fide* holder the original amount of any note of the said Bank which shall have been counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established in the Parish of Chatham, and County of Northumberland, or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

27. The Directors shall at the general meeting to be held

on the first Monday in April in every year, lay before the stockholders for their information an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of Bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are in their opinion bad or doubtful, also the surplus or profit, if any, remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors and attested by the Cashier, and a duplicate statement so signed and attested shall be transmitted to the Secretary of the Province for the information of the Governor and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders, not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two Newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any three of them, shall have the like power at any time upon observing the like formalities, to call a general meeting as aforesaid.

31. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; and in case any bills issued by the said Corporation shall re-

main unpaid, the holders of stock in the said Corporation, as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall take place by a publication of their intention so to do in the Royal Gazette, twelve months previous to the said Corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from and after the notice of such dissolution.

32. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed twenty per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in December and the first Monday in June in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

#### FORM OF RETURN.

*State of the Miramichi Bank on the      day of      18      ,*  
*3 o'clock, P. M.*

#### DUE FROM BANK.

Bills in circulation,  
 Net profits on hand,  
 Balance due to other Banks,  
 Cash deposited, including all sums whatever due from the  
     Bank not bearing interest, its bills in circulation, profits,  
     and balances due to other Banks excepted,  
 Cash deposited bearing interest,  
**Total amount due from the Bank,**



## RESOURCES OF BANK.

- Gold, silver, and other coined metals in its banking house,  
 Real estate,  
 Bills of other Banks incorporated in this Province,  
 Balances due from other Banks,  
 Amount of all debts due, including notes, bills of exchange,  
 and all stock and funded debts of every description,  
 except the balances due from other Banks,  
 Total amount of the resources of the Bank,  
 Date and amount of the last dividend, and when declared,  
 Amount of reserved profits at the time of declaring the last  
 dividend,  
 Amount of debts due and not paid, and considered doubtful,

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of the said return according to the best of his knowledge and belief; and the Cashier of said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisors, endorsers and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a Delinquent Sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors, and in case the name of any Director shall appear in such delinquent sheet, either as promisor, endorser, or surety, it is hereby declared illegal for such Director

to sit at the Board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat, and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act, as in the case of death or absence from the Province.

36. No action shall be brought or maintained upon any Bank bill or Bank note which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution, and sold in like manner with other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his Deputy, with the Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution shall be deemed to be seized in execution when such copy is so left; and the sale shall be made within thirty days after such seizure, and on production of a Bill of Sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual, notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of

such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

39. And in case it should hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors, or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the shareholders present in person or by proxy, at a general meeting convened after special notice of the same and its intended object, such additional capital stock may be raised by the issue of additional shares severally of the value before mentioned ; provided that the whole of such additional stock shall not exceed thirty thousand pounds, thereby making the utmost amount of capital stock of the said Bank fifty thousand pounds, and in the whole two thousand shares.

40. Such additional shares shall be sold at public auction in separate lots of four shares each, as follows, that is to say, five thousand pounds, making two hundred shares, at such time as the Directors shall appoint ; and the residue of such increased additional capital at such times as the Directors may from time to time determine, but not less than five thousand pounds to be sold at any one time.

41. The said Directors shall give at least forty days notice of the time of sale of any such increased stock in some Newspaper published in this Province, in which notice shall be specified the time when such additional stock, with the advance or premium thereon, will be required to be paid into the said Bank.

42. The whole of such advance or premium, (if any) first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock, and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares ; and Banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together

with the Cashier of the said Bank, shall have signed and verified by oath and filed in the Office of the Secretary of the Province a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

43. The said additional shares shall be subject to all the rules, regulations, and provisions to which the original stock is subject, or may hereafter be subject by any law of this Province.

44. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and eighty.

### CAP. XXIX.

#### An Act to incorporate the New Brunswick Steam Navigation Company.

##### Section.

1. Company incorporated.
2. Capital, its amount, division into shares ; increase.
3. First meeting, call of.
4. Company, members and their votes.
5. Liability of shareholders as to capital.
6. Authority to assess shares, and method of enforcement.

##### Section.

7. Suits to recover assessments, declaration in and proof.
8. Meetings, and number, duties, &c. of officers and other objects to be regulated by the bye laws.
9. Liability for corporate debts.
10. Act to be void if certificate of a certain payment be not filed.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That William Henry Scovil, John Glazier, Frederick W. Hatheway, Otis Small, James R. Tupper, Spafford J. Barker, John Tapley, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of *The New Brunswick Steam Navigation Company*, with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of providing, owning, and running one or more Steam Boats, Screw Propellers, or other Vessels, upon the waters of the Province of New Brunswick ; also between the Port of Saint John and Port or Ports in Nova Scotia, and to and from such other places in the Bay of Fundy, the Gulf of Saint Lawrence, or elsewhere, as the said Company may deem expedient.

2. The capital stock of said Corporation shall be forty thousand pounds of current money of New Brunswick, and shall

be divided into one thousand six hundred shares of twenty five pounds each ; and the said Company shall have power to increase its capital stock, from time to time, in such sums as they may deem expedient, to a sum not exceeding seventy five thousand pounds, and they shall have power from time to time to increase the number of shares accordingly.

3. The first meeting of the Corporation for the organization thereof, may be called by William Henry Scovil, or in case of his death, or neglect, or refusal, by any one of the parties above named, at such time and place as he may appoint, by publishing notice of the same in two of the Newspapers published in the City of Saint John, at least one calendar month before such meeting is held.

4. Every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

5. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or for the purposes of or to carry on the operations for which the said Company is incorporated ; which call or assessment may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

6. The Company, or the Directors if empowered by the bye laws of the Corporation, shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business, or for the purposes or operations of the said Company ; and whenever any assessment shall be made as aforesaid, it shall be the duty of the Treasurer to give notice thereof in a Newspaper printed and published in the City of Saint John, requiring payment of the same within thirty days ; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares, or any part of such amount, at the time prescribed, it shall be the duty of the Trea-

surer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment or any part thereof is not paid, with lawful interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount due on such assessment, and interest due thereon, and the expense of advertising and selling, the residue, (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser.

7. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call or assessment, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares,) and is indebted to the said Company in the said sum of money to which the calls in arrear shall amount in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act; and on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more, as the case may be, of the capital stock of the said Company, and that such call was in fact made and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call or any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call or assessment, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given.

8. The time and place of holding annual and special meetings of the Corporation, as also the number, eligibility, duties, and powers of Directors, officers, and servants, their continuance in office, removal, or disqualification, and the manner of election or appointment, and any other matter connected with the objects and purposes for which the said Company is incorporated, may be established or regulated by bye laws of

the Company made at any meeting of the Company, or adjournment thereof.

9. The joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

10. Unless fifteen per cent. of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

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### CAP. XXX.

## An Act to incorporate the First Universalist Society at Milltown in the Parish of Saint Stephen.

Section.

1. First Universalist Society in Milltown incorporated.

Section.

2. Annual rent of land limited.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Joel Hill, Abner Hill, Daniel Hill, Horatio N. Hill, Robert M. Todd, Freeman H. Todd, Seth M. Todd, Abner M'Alister, James S. Hall, and such other male persons as are or may become members of the Society hereinafter named, be and they are hereby created and declared to be a body politic and corporate in deed and in name, and shall have succession for ever, by the name of *First Universalist Society in Saint Stephen*, and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or any other place whatsoever, and shall have full power and capacity to purchase, convey, receive, take, hold and enjoy, for the use and benefit of the said Society, as well goods and chattels as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Society, and shall have all the other general powers and privileges not

hereinbefore mentioned and contained, made incident to a Corporation by any Act of Assembly of this Province.

2. Provided always, that the amount of annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of one thousand pounds.

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**CAP. XXXI.**

**An Act to continue the several Acts relating to the  
Maduxnikik Boom Company.**

Act 8 V. c. 49, and 10 V. c. 80, continued.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Maduxnikik Boom Company*; and also another Act made and passed in the tenth year of the same Reign, intituled *An Act to amend the Act to incorporate the Maduxnikik Boom Company*, be and the same are hereby severally continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty five.

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**CAP. XXXII.**

**An Act to continue the Act to incorporate the Central  
Fire Insurance Company of New Brunswick, and the  
several Acts in amendment thereof.**

Act 6 W. 4, c. 55; 4 V. c. 41; and 9 V. c. 50, continued.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate the Central Fire Insurance Company of New Brunswick*; and an Act made and passed in the fourth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick*; and an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to amend*



*the Act to incorporate the Central Fire Insurance Company of New Brunswick*, be and the same are hereby continued until the first day of May in the year of our Lord one thousand eight hundred and seventy seven.

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CAP. XXXIII.

An Act to continue an Act intituled *An Act in addition to an Act intituled "An Act to incorporate the Nashwaak Boom Company."*

Act 18 V. c. 63, continued.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act in addition to an Act intituled "An Act to incorporate the Nashwaak Boom Company,"* be and the same is hereby continued in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty five.

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CAP. XXXIV.

An Act to revive, continue and amend the Act to incorporate the New Brunswick Mining Company.

Section.

1. First meeting to be held in London.
2. Capital, its amount and shares.
3. Assessment of shares to be under Imperial Act.

Section.

4. Provincial Act continued in force.
5. Verified names of officers and the stock to be filed.
6. Act not to interfere with 18 V. c. 17, s. 8.

*Passed 26th March 1857.*

WHEREAS the first meeting contemplated in the said Act was not held in conformity with the provisions of the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the first meeting of the said Corporation shall be held in London, under the provisions of the Imperial Act hereinafter referred to, within one year from the passing of this Act.

2. The capital stock of the said Corporation shall consist of sixteen thousand pounds sterling, and be divided into six hundred and forty shares of twenty five pounds each.

3. Whensoever it may be deemed necessary to levy and collect assessments on the shares held and owned in England, the

amount so assessed shall be collected under and by virtue of the provisions of the Imperial Act, intituled *An Act for the incorporation and regulation of Joint Stock Companies and other Associations*, 19th and 20th Victoria, Cap. 47.

4. The aforesaid Act to incorporate the New Brunswick Mining Company shall in all things be revived and continue in force except as far as the same may be inconsistent or at variance with the provisions of this Act.

3. That the names of the President and Directors and Stockholders of the said Corporation, and the amount of stock belonging to each, verified by the oath of the President of the said Company, shall be filed in the Office of the Provincial Secretary of this Province within one year from the passing of this Act, and so on annually during the existence of the said Corporation.

6. That nothing in this Act shall interfere in any way or repeal the provisions of the eighth Section of the said Act, intituled *An Act to incorporate the New Brunswick Mining Company*.

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### CAP. XXXV.

An Act to amend the Act to incorporate the President, Trustees and Proprietors of Victoria College, in the City of Saint John.

Section.

Preamble; Act 19 V. c. 11.

1. Trustees elected in 1856 to continue such for a time.

Section.

2. Authority for special meeting to elect Trustees.
3. Meetings, where to be held.

*Passed 26th March 1857.*

WHEREAS in and by the seventh Section of an Act made and passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the President, Trustees and Proprietors of Victoria College, in the City of Saint John*, it is enacted and provided that a general meeting of the stockholders shall be held at the College Building on the second Wednesday in January in every year, for the purpose of choosing five Trustees in the place of the five retiring by rotation: And whereas the said intended College Building not having been yet erected, no such annual or general meeting as aforesaid could be held at the College Building on the second Wednesday in January last; and in consequence of doubts as

to the legal right or authority to call and hold such general meeting at any other place, no general or annual meeting of the said stockholders for the purpose aforesaid has been called or held in the present year ; for remedy whereof,—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. The Trustees of the said Corporation chosen and elected at the first meeting of the said Corporation, held in the year one thousand eight hundred and fifty six, under and by virtue of the fourth Section of the said in part recited Act, and the President subsequently elected by the said Trustees, shall respectively be deemed and taken to be, and shall remain and continue, in all respects and for all purposes, the lawful President and Trustees of the said Corporation from the time of their said election in the year last aforesaid until the second Wednesday in January next, or until others are chosen in their stead as hereinafter provided, any thing in the said in part recited Act to the contrary notwithstanding.

2. A special meeting of the stockholders for the purpose of choosing and electing five Trustees in the room of the junior five of the present Trustees, to serve until the second Wednesday in January next, may be called and held in the manner provided in and by the seventh Section of the said Act of incorporation, at any time within six months from the passing of this Act, and such meeting may be held at any convenient place to be appointed by the person or persons calling such special meeting ; and in case no such special meeting be called and held, the present President and Trustees shall remain in office until the next annual or general meeting as hereinbefore provided ; and in such case five Trustees only shall be elected at such general meeting on the second Wednesday in January next, and the two senior Trustees shall remain in office during the year thence next ensuing, without re-election, any thing in the said Act of incorporation to the contrary notwithstanding.

3. Until the said intended College Building shall be erected, it shall and may be lawful to and for the said Corporation to hold any general or special meeting of the stockholders in any other convenient place, upon due notice of the time and place of holding any such meeting being given, as is directed and required in and by the said seventh Section of the said Act of incorporation.

## CAP. XXXVI.

An Act to amend an Act intituled *An Act to incorporate the Lacoote Lake River Driving Company.*

Time for filing certificate extended.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time for filing the certificate of payment of twenty five per centum of the capital stock of the Lacoote River Driving Company, as required by the Act incorporating the said Company, passed in the year of our Lord one thousand eight hundred and fifty three, be and the same is hereby extended until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty eight.

## CAP. XXXVII.

An Act in further amendment of an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company.*

Section.

1. Matters in 14 V. c. 14, s. 13; 15 V. c. 27; and 17 V. c. 51, extended.
2. Capital, further division of.
3. Power to join any similar Company.

Section.

- 4, 5. Directors, continuance in office, and qualification.
6. Auditors may be appointed.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the period limited by the thirteenth Section of an Act passed in the fourteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Northumberland Straits Fishing Company*, for paying up one fifth part of the capital stock of the said Company, be extended for the term of three years from the passing of this Act; and all and singular the clauses, privileges, matters and things in the said Act, as amended by an Act passed in the fifteenth year of the same Reign, and by another Act passed in the seventeenth year of the same Reign, in further amendment of the said Act, and in such two last mentioned Acts, shall be extended and enlarged for such term of three years.

2. It shall be lawful for the majority of the shareholders in the Corporation erected by the said Act, at any meeting to be

called for that purpose, if they shall think proper, to divide the capital stock authorized to be raised by the said Act into shares of five pounds each; and every share of ten pounds now subscribed for shall be thereupon divided into two shares of five pounds each.

3. It shall be lawful for such majority of shareholders to unite and consolidate the capital of the said Corporation with any other Company formed for a similar purpose, either with corporate powers or under the Act passed in the last Session of the Imperial Parliament commonly called "The Limited Liability Act," upon such terms and conditions as to them shall seem proper and advantageous.

4. The present Directors and officers of the said Company shall continue in office until others shall be elected in their stead; and the future qualification of Directors shall be ten shares of five pounds each.

5. All future Directors may be chosen from among the shareholders at large, wherever resident.

6. It shall be lawful for the shareholders at any meeting to be called for that purpose, to appoint a superintending Auditor for each Fishing station which shall be formed, with such powers and authorities as such meeting shall think proper to confer on such superintending Auditor, in furtherance of the objects of the said Act.

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### CAP. XXXVIII.

An Act to alter and amend the second Section of an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Shediak Bank.*

Time for paying up capital extended.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time for payment of the capital stock under the second Section of an Act made and passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act to incorporate sundry persons by the name of the President, Directors and Company of the Shediak Bank,* be and the same is hereby extended as follows:—Seven thou-

sand five hundred pounds to be paid on or before the first day of May which will be in the year of our Lord one thousand eight hundred and fifty eight, and the further sum of seven thousand five hundred pounds on or before the first day of May which will be in the year of our Lord one thousand eight hundred and fifty nine, instead of the times in the said second Section respectively mentioned; provided that in all other respects the provisions of the said recited Act in regard to the said payments shall be complied with.

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**CAP. XXXIX.**

An Act in amendment of an Act intituled *An Act to incorporate the Saint John Protestant Orphan Asylum.*

Control of Children placed in Institution by Mothers; inspection.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in all cases where fatherless children enjoy the benefits afforded by the Saint John Protestant Orphan Asylum, the Directors thereof shall have the exclusive custody of, and charge and control over the persons of such children, until they are disposed of in manner directed by an Act of the General Assembly, intituled *An Act to incorporate the Saint John Protestant Orphan Asylum*, passed in the eighteenth year of Her present Majesty's Reign; provided such child or children are placed under the control of said Society by the written consent of the mother of such child or children; and provided always, that said institution shall at all times be open to a full inspection of Commissioners to be appointed by the Executive Government, whenever they may deem it necessary to make such inspection.

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**CAP. XL.**

An Act in addition to an Act intituled *An Act to incorporate the Saint John Suspension Bridge Company.*

Section.

1. Penalty for forcibly passing.

Section.

2. Penalty for passing faster than a walk.

*Passed 26th March 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

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1. If any person or persons shall on foot, or with any horse or other animal, with or without a wagon, carriage, sleigh, sled or other vehicle, forcibly pass or attempt to pass any gate of the Saint John Suspension Bridge Company without having paid the legal toll, such person or persons for each and every offence shall forfeit and pay to the said Corporation a sum of not more than five pounds and not less than two pounds, together with all costs of suit, to be recovered under the provisions of the Revised Statutes, Chapter 138, "Of Summary Convictions."

2. If any person or persons shall ride or drive any horse, horned cattle, or other large animal, at a pace faster than a walk over or upon the said Bridge, such person or persons shall for each and every offence forfeit and pay to the said Corporation a sum of not more than five pounds and not less than two pounds, to be recovered in the same manner as the penalty hereinbefore imposed.

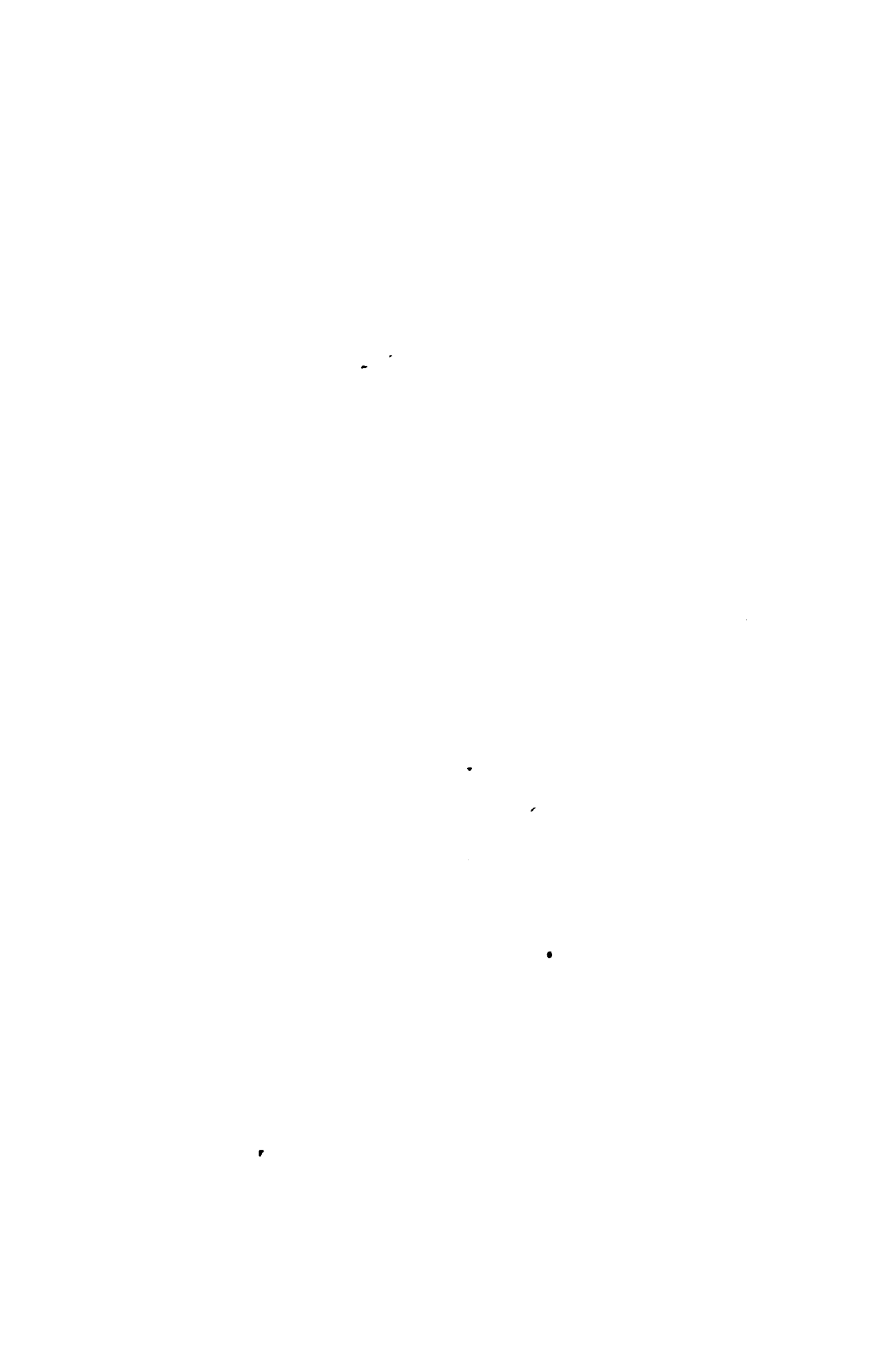
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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO PRIMO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty fourth day of June, *Anno Domini* One thousand eight hundred and fifty seven, in the Twenty first Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, being the First Session of the Eighteenth General Assembly convened in the said Province.





**ACTS**  
**OF**  
**THE GENERAL ASSEMBLY.**

21° VICTORIÆ, A. D. 1857.

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**CAP. I.**

**An Act to provide for the repair and improvement of the  
Roads and Bridges and other Public Works and  
Services.**

**Section.**

1. Moneys granted.
2. By whom and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Money, how to be drawn.

**Section.**

5. Compensations.
6. Money, where to be expended; and
7. On what roads.
8. Bonds to be given.

*Passed 1st July 1857.*

**BE** it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

**1.** There shall be granted to His Excellency the Lieutenant Governor the several sums of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges and other Public Works and Services :—

The sum of thirty five thousand pounds for the repair of the Roads and Bridges.

A sum not exceeding two thousand pounds to provide for the repair of Public Buildings, including Miscoe Light House.

A sum not exceeding two thousand three hundred pounds to provide for Internal Navigation and Steam Communication, including the Dredging Machine.

**2.** The said several sums of money, and every part thereof, shall be expended under the direction of the Board of Works and of such Supervisors and Commissioners as the Governor in Council may appoint, and shall be paid to the several and respective persons who actually work and labour in making, completing and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reason-

able rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of Notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done; which Notice shall specify and describe the work to be performed, and also the place, day and hour, when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work, in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by days' labour, provided that in no case shall more than one quarter part of any grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers of such payments, and render an account thereof in duplicate, upon oath, (which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer), one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the office of the Clerk of the Peace in their respective Counties for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges

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are issued to such Municipality, shall account for the moneys granted to the said Municipalities in the same manner as the Commissioners appointed by the Governor in Council.

4. The before mentioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of the Governor in Council.

5. The said Commissioners entrusted with the expenditure of the said several and respective sums of money shall, for their time and labour, be allowed to retain at and after the rate of five per centum out of the said money so entrusted to them respectively, together with a reasonable compensation for actual labour and work performed by them on the said several Roads and Bridges, where such moneys are expended on Roads or Bridges.

6. The said Commissioners for the expenditure of money on Roads or Bridges shall expend the said several and respective sums of money on the Roads on or before the first day of October; provided always, that nothing herein contained shall extend or be construed to extend to prevent any Commissioner from expending moneys after the first day of October, when it shall be necessary to expend the same for building Bridges, removing rocks, stumps, trees, or other obstructions.

7. None of the before mentioned sums of money, or any part thereof, shall be laid out or expended in the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall respectively enter into a bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Executive Government, for the due performing his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

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## CAP. II.

## An Act to provide for defraying certain expenses of the Civil Government of the Province.

Section.

1. Moneys granted.

Section.

2. How to be drawn.

*Passed 1st July 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. There shall be granted to His Excellency the Lieutenant Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses of the Civil Government of the Province:—

A sum not exceeding one hundred and ten pounds to provide for the Clerk of the Crown and Usher of the Supreme Court.

A sum not exceeding eight thousand four hundred and fifty pounds to provide for the Officers and Contingent expenses of the Legislature, including the Library, Printing, and expenses of holding the Elections.

A sum not exceeding two thousand six hundred pounds to provide for the expenses of the Provincial Penitentiary.

A sum not exceeding seven hundred pounds to provide for the expenses of the Tracadie Lazaretto.

A sum not exceeding four thousand pounds to provide for the expenses of the Lunatic Asylum.

A sum not exceeding two thousand and seventy eight pounds to provide for miscellaneous services.

A sum not exceeding three hundred and seventy five pounds to provide for the usual allowance to certain old Soldiers of the Revolutionary War and their Widows, and others.

A sum not exceeding seven thousand pounds to defray the expense of the collection and protection of the Revenue, and of the Controller's and Customs Department.

A sum not exceeding three hundred pounds for the usual relief of the Indians.

The sum of six thousand three hundred and one pounds to provide for the payment of certain claims on the Disputed Territory Fund, adjusted by the Commissioners appointed by the Governments of Canada and New Brunswick.

A sum not exceeding one hundred and twenty five pounds for the encouragement of Oat Mills.

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A sum not exceeding three hundred pounds to provide for the protection of the Fisheries.

A sum not exceeding eight hundred and sixty two pounds eight shillings and ten pence to refund certain return Duties.

A sum not exceeding three thousand three hundred and thirty pounds to provide for certain Educational purposes.

2. The several sums of money aforementioned shall be paid by the Treasurer by Warrant of His Excellency the Lieutenant Governor in Council, out of moneys now in the Treasury or as payment may be made at the same.

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### CAP. III.

An Act to revive and continue an Act to provide for the expenses of the Legislature.

Act 18 V. c. 4, revived and continued.

*Passed 1st July 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the expenses of the Legislature*, be and the same is hereby revived and continued in force during the continuance of the present General Assembly, and no longer ; provided always, and be it enacted, that nothing herein contained shall extend or be construed to authorize payment to the President of the Legislative Council, or to the Speaker of the House of Assembly, of any sum of money for official services as such President or Speaker, beyond the sum of fifty pounds for the present Session of the General Assembly.

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### CAP. IV.

An Act to amend the first Section of Chapter 19, Title III, of the Revised Statutes, “ Of Buoys and Beacons.”

Tonnage money increased as to Ports in Restigouche.

*Passed 1st July 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Master, Owner or Consignee of every Vessel that may arrive at any Port in the Bay or Harbour of Restigouche, shall pay to the Deputy Treasurers

at said Ports respectively the sum of one penny per ton at which such Vessel may be rated in the Register thereof, in lieu of one half-penny as provided to be paid at the said Ports by the first Section of Chapter 19, Title III, of the Revised Statutes, "Of Buoys and Beacons."

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### CAP. V.

An Act to revive and continue Chapters 48, 49, 50, and 51, Title VII, of the Revised Statutes, "Of Parish Schools," and the Act in amendment thereof.

Chapters 48, 49, 50, and 51, of Revised Statutes; and 17 Vic. c. 6, continued.

*Passed 1st July 1857.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Chapters 48, 49, 50, and 51, Title VII, of the Revised Statutes, "Of Parish Schools," and an Act made and passed in the seventeenth year of the Reign of present Majesty, intituled *An Act in addition to and in amendment of an Act for the better establishment and maintenance of Parish Schools*, be and the same are hereby severally continued and declared to be in force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty eight.

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### CAP. VI.

An Act to authorize an increased assessment for the purposes of the Fire Department in the City of Saint John.

Section.

1. Authority to assess given.

Section.

2. Assessment, &c., how to be regulated.

*Passed 1st July 1857.*

WHEREAS it has become necessary to erect a new Engine House in the City of Saint John for the Fire Engine Number Five: And whereas the amount to which the Common Council of the said City are now restricted in the Assessment for the purposes of the Fire Department is insufficient for the exigencies thereof;

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City of Saint John, to make a rate and assessment in the City of Saint John on the east side of the Harbour, for the purposes of the said Fire Department, not exceeding in any one year the sum of one thousand five hundred pounds, besides the costs and charges of assessing and collecting, and thereout to appropriate such a sum as may be necessary for the purpose of erecting an Engine House for the said Fire Engine Number Five, not exceeding five hundred pounds in any one year.

2. The sum so assessed shall be levied, collected and paid at the time and in the manner provided in and by an Act of the General Assembly made and passed in the sixteenth year of Her present Majesty's Reign, intituled *An Act relating to the Fire Department of the City of Saint John*, and when collected, shall be paid into the hands of the Chamberlain of the said City, to be disbursed on the Orders of the Common Council.

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### CAP. VII.

#### An Act for the relief of the Reverend Henry Pitman Guilford.

Rev. H. P. Guilford authorized to solemnize Marriage, after taking the oath of allegiance.

*Passed 1st July 1857.*

WHEREAS the Reverend Henry Pitman Guilford, a regularly Ordained Baptist Minister, has become a resident in this Province, and the settled Pastor of the Baptist Church in the City of Fredericton, but by reason of his not being a British subject is precluded from solemnizing Marriage in this Province;

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Reverend Henry Pitman Guilford, after having taken the oath of allegiance to Her Majesty before the Provincial Secretary or some other person to be appointed therefor without fee by the Governor, may solemnize Marriage by Licence or publication of Banns, with the same effect as any Christian Minister authorized by Chapter 106, Title XXVII, of the Revised Statutes, might do, subject to the provisions of any Law in force relating to the solemnization of Marriage.

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ANNO DECIMO NONO VICTORIÆ REGINÆ.

CAP. LXIX.

An Act for further facilitating the making of part of the  
Saint Andrews and Quebec Rail Road.

Preamble refers to Acts 6 W. 4, c. 31, 10 V. c. 27, & 84, 11 V. c. 63, 12 V. c. 74.

Section.

1. Repeals 10 V. c. 84, s. 3.
2. Forfeiture if Railroad be not completed in four years.
3. Duration of guarantee of interest.
4. Faith and credit of Province pledged.
5. Repeals sec. 3 of 12 V. c. 74.
6. Continues 12 V. c. 74.

Section.

7. Grants of Crown Land confirmed.
8. Privileges under previous Acts not lessened.
9. Act conditional on certain expenditures.
10. Construction of Act.
11. Suspending clause.

Passed 12th April 1856.

WHEREAS by an Act of Assembly passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate the Saint Andrews and Quebec Rail Road Company*, the Company were authorized to make a Rail Road from Saint Andrews to Quebec, and were required to complete the Rail Road from Saint Andrews to the Province line within fifteen years from the passing of that Act: And whereas by an Act of Assembly passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to amend and extend the provisions of an Act intituled 'An Act to incorporate the Saint Andrews and Quebec Rail Road Company,'* the obligation on the Company to make the Rail Road from Saint Andrews to the Province line within those fifteen years was repealed, and the Company were required to make the Rail Road from Saint Andrews to Woodstock within ten years from the passing of the now reciting Act: And whereas by a Facility Act passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to facilitate the making of a Rail Road from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton, and Branches thereof*, the Lieutenant Governor or Administrator of the Government was authorized to grant Crown Lands in the Province to the Company, and (by the third Section) it was enacted—"that if the part between Saint Andrews and Woodstock of the Rail Road should not be completed and in full operation within the space of ten years from the time the now reciting Act should

come into operation, all and every the said grants of land, and the rights and privileges conferred by the now reciting Act, should be utterly null and void, and the land and privileges should revert to and revest in Her Majesty as fully as if no grant had been made or rights and privileges conferred;” and (by the fifth Section) the faith and credit of this Province was pledged to the Company to make up and pay any deficiency of the clear profits arising from the traffic of merchandise and passengers, and otherwise, on that part of the Rail Road and the Branches thereof, whereby the Company might realize a less annual profit or interest than five per centum on such capital sum not exceeding one hundred thousand pounds as might be invested in the undertaking; and by the sixth Section provision was made for such payment, but for not more than ten years: And whereas by a Facility Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to extend the provisions of an Act intituled ‘An Act to facilitate the making of a Rail Road from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton, and Branches thereof;’* by the first Section the rate of annual profit or interest, for which the faith and credit of the Province stood pledged by the recited Facility Act of the tenth year of the Reign of Her present Majesty, was increased from five per centum per annum to six per centum per annum; and by the second Section the term of years during which such deficiency was to be made up was extended to twenty five years; and by the third Section further grants of Crown Land were authorized to be made to the Company: And whereas by a Facility Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act further to facilitate the making of a Rail Road from Saint Andrews to Woodstock with a Branch to Saint Stephen,* further grants of Crown Land were authorized to be made to the Company; and by the third Section it was enacted that the now reciting Act should be and continue in force for ten years from the passing thereof, and no longer: And whereas several grants of Crown Lands have under the recited Acts, or some of them, been made to the Company: And whereas it is expedient to continue the facilities already granted and to extend the time for the making of the said Rail Road;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. The third Section of the recited Facility Act of the tenth year of the Reign of Her present Majesty, shall be and the same is hereby repealed; and in lieu thereof,

2. If the part of the contemplated Saint Andrews and Quebec Rail Road which may be between Saint Andrews and Woodstock, and also a Branch thereof to the River Saint Croix at or near the Ledge, (so called) in the Parish of Saint Stephen, in the County of Charlotte, be not completed and in full operation within the space of four years from the time when this Act comes into operation, all and every the grants of land, and the rights and privileges conferred by the several Facility Acts relating to the Company, shall be utterly null and void, and the land and privileges shall revert to and revest in Her Majesty, as if no grant had been made or rights or privileges conferred.

3. The term of twenty five years mentioned in the second Section of the recited Facility Act of the eleventh year of the Reign of Her present Majesty, during which the deficiency of the annual profit or interest shall be made up and paid by this Province, to the extent of six per centum per annum on such capital sum not exceeding one hundred thousand pounds as shall be invested in the undertaking, shall be computed from the day on which the part between Saint Andrews and Woodstock of the Rail Road, and also a Branch thereof to the River Saint Croix, at or near the Ledge, in Saint Stephen aforesaid, are finally opened; and during that term of twenty five years so computed, such deficiency, if any, shall be made good by this Province, and shall be paid to the Company in manner and form, and according to the stipulations and conditions mentioned and contained in the sixth Section of the recited Facility Act of the tenth year of the Reign of Her present Majesty, so far as those stipulations and conditions are consistent with the provisions of this Act, but in no case shall the liability of the Province exceed six per centum on one hundred thousand pounds, and shall cease to be paid at any time when the said Road is not kept in efficient operation.

4. The faith and credit of this Province shall stand pledged, and the same is hereby pledged to the Company, to make up

and pay such deficiency during that term of twenty five years so computed, subject only to the provisions of the last preceding Section.

5. The third Section of the recited Facility Act of the twelfth year of the Reign of Her present Majesty is hereby repealed ; and in lieu thereof,

6. The recited Facility Act of the twelfth year of the Reign of Her present Majesty shall be and continue in force for four years from the passing of this Act, and no longer.

7. The several grants and appropriations of Crown Lands respectively made to or for the benefit of the Company, are by this Act confirmed, and shall be valid and effectual to all intents and purposes whatsoever.

8. Provided always, that this Act or any thing therein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, privileges, or authorities of the Company, or of the Directors of the Company, or of the holders of Class A Shares, or of the Directors of Class A Shareholders, under or by virtue of the several Acts of Assembly and Facility Acts relating to the Company, or any of them.

9. Provided always, this Act and the extension of time therein mentioned are upon the express condition that the said Company, or the Class A Shareholders, or the Directors thereof, shall within one year from the time this Act comes into operation, expend in the construction and further extension of the parts of the said Road above mentioned a sum not less than eight thousand pounds sterling, and also in each of the three following years a sum not less than fifteen thousand pounds sterling over and above any Money or Debentures which may be received by them under any Facility Act or Law of this Province ; the whole line from Saint Andrews to Woodstock, together with a Branch to Saint Stephen as aforesaid, to be completed within the said four years ; satisfactory proof of such annual expenditure shall from year to year be given to the Lieutenant Governor in Council ; failing any of these payments or expenditures the facilities granted shall cease.

10. Provided always, that nothing in this Act shall in any way be construed to extend the provisions or rights of the said Company under any Act of Assembly now in force ; nor shall

this Act enlarge the powers or privileges already granted, or increase the Provincial liabilities, except to extend the time for the completion of the said Railway.

11. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

*[This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the twenty first day of August 1856, and published and declared in this Province the first day of October 1856.]*

### CAP. LXX.

## An Act in addition to and in amendment of the Act relating to the Saint Andrews and Quebec Rail Road Company.

#### Section.

1. Act how to be cited.
2. Agreement may be made for a transfer of the whole undertaking to a Company to be formed, and herein named the Transferee Company.
3. Agreement, how may be perfected.
4. Class A Company may execute the agreement.
5. Effect of agreement so perfected.

#### Section.

6. Powers and duties under Acts relating to the Company, to be enjoyed and fulfilled to the Transferee Company.
7. Privileges and obligations of the Transferee Company.
8. Assent of the Governor in Council necessary to the transfer.
9. Acts of Incorporation and in amendment repealed so far as inconsistent with this Act.
10. Suspending clause.

*Passed 1st May 1856.*

WHEREAS the Capital Stock of the Saint Andrews and Quebec Rail Road Company has been divided into two Classes A and B, and the Class A Shareholders have paid up the whole amount of the stock subscribed for by them, but the Class B Shareholders are unable to pay up the whole amount of the stock subscribed for by them, and the Saint Andrews and Quebec Rail Road Company are desirous, for the purpose of securing the completion of the line of Rail Road to Woodstock, to be authorized to transfer their undertaking and all the control and management thereof, and all the rights, privileges, lands, and other benefits, profits, or advantages which have been and now are granted, conceded, or allowed to them by Act of Assembly in this Province, or otherwise howsoever, to any Company which may by Act of Assembly in this Province, or by Act of Parliament, be authorized to accept such transfer and to complete the Rail Road ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That this Act may be cited for any purpose as ‘The Saint Andrews and Quebec Rail Road Act, 1856.’

2. That after the passing of this Act the Saint Andrews and Quebec Rail Road Company, with the concurrence of the Company incorporated by Act of Parliament by the name of the Class A Shareholders of the Saint Andrews and Quebec Rail Road Company, in this Act called the Class A Company, may agree with any Company which may by Act of Assembly in this Province, or by Act of Parliament, be authorized to accept a transfer of the undertaking of the Saint Andrews and Quebec Rail Road Company, and to complete the line of Rail Road to Woodstock, for the transfer of such Company (in this Act called “The Transferree Company,”) of the undertaking of the Saint Andrews and Quebec Rail Road Company, and the control and management thereof, and all the lands, goods, chattels, and the present and future property and effects, rights, and expectancies of the Saint Andrews and Quebec Rail Road Company, and any such agreement may be on such terms and conditions as the three Companies, parties thereto, mutually agree on.

3. That when any such agreement for transfer is resolved on by any general meeting of the Saint Andrews and Quebec Rail Road Company, such one or more of the Directors of that Company as the general meeting authorize in that behalf, or failing him or them, such other person or persons as any general meeting of that Company may from time to time authorize in that behalf, may, with the concurrence of the Class A Company, enter into and execute under the common seal of the Saint Andrews and Quebec Rail Road Company, an agreement accordingly, and may do, authorize, and assent to all such things as the Director or Directors, person or persons so authorized, think proper in that behalf.

4. Provided always, that if any such general meeting so resolve, the Class A Company may, as the agent and on behalf of the Saint Andrews and Quebec Rail Road Company, enter into, execute, and carry into effect the agreements for the transfer.

5. That when any such agreement for transfer is so executed, then, except so far as shall by such agreement be otherwise provided, and subject to the terms and conditions of such

agreement, all the undertaking of the Saint Andrews and Quebec Rail Road Company, and the control and management thereof, and all the lands, goods, chattels, and other present and future property and effects, rights, and expectancies of that Company, and all the duties, obligations, and liabilities of that Company in respect of the same, shall respectively by virtue of these Acts be thereupon transferred to and absolutely vested in, and belong to and be imposed on the Transferree Company exclusively accordingly, and the Transferree Company shall accordingly have the sole right to and management and disposal of the transferree property, and be vested with all the rights, powers, and privileges, benefits, profits, and advantages, and subject to all the duties, obligations, and liabilities now held and exercised by, or belonging or to belong to, or attaching on the Saint Andrews and Quebec Rail Road Company.

6. That except as is by this Act otherwise provided, all the powers and duties now conferred and imposed by the several Acts of Assembly relating to the Saint Andrews and Quebec Rail Road Company, or the Directors thereof, shall from and after such transfer, be enjoyed, executed, and fulfilled by the Transferree Company and their Directors; and the faith of this Province now pledged to the Saint Andrews and Quebec Rail Road Company, shall stand pledged accordingly to the Transferree Company, as representing the Saint Andrews and Quebec Rail Road Company.

7. That it is the true intent and meaning of this Act that the Transferree Company shall under the several Acts relating to the Saint Andrews and Quebec Rail Road Company, have all such power and privileges, rights and expectancies, and be subject to all such duties and liabilities with respect to the making of the Rail Road and its stations, and other works and conveniences, and the taking of such lands as may from time to time be requisite or proper for that purpose, and the working, managing, and controlling of the undertaking, and the protection of land owners and others, as if the Transferree Company instead of the Saint Andrews and Quebec Rail Road Company had been originally authorized to make the Rail Road; but that, except as by this Act expressly provided, the several provisions of those Acts relating to the internal



affairs of the Saint Andrews and Quebec Railroad Company shall be subject, and without prejudice, to any Act relating to the Transferree Company, so far as relates to the internal affairs of the Transferree Company.

8. Before any transfer authorized by this Act and under its authority shall be made, the assent of the Governor in Council shall be had; and notwithstanding such assent, the right, interest, and control of the Governor in Council in the said Company, under the authority of any Act relative to the Saint Andrews and Quebec Rail Road Company, shall not be impaired or affected in any way, but such right, interest, and control shall be continued and retained.

9. That the Act incorporating the Saint Andrews and Quebec Rail Road Company, and the several Acts in addition to and in amendment of such Acts, irrespectively so far as the provisions thereof respectively are repugnant to or inconsistent with any of the provisions or purposes of this Act, are hereby repealed, but in all other respects those Acts respectively, so far as the same respectively are now unrepealed and in force, shall, subject and without prejudice to the provisions and purposes of this Act, be and remain in force; provided always, that this Act, and every thing therein, shall be subject, and without prejudice, to all the estates, rights, powers, privileges and expectancies of the Class A Company.

10. This Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

[*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the twenty first day of August 1856, and published and declared in this Province the first day of October 1856.*]



I N D E X

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