

# ACTS

OF THE

*GENERAL ASSEMBLY*

OF

PRINCE EDWARD ISLAND.

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*PART THE SECOND.*

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From the Thirty-Ninth to the Fifty-Fourth Year of the Reign of  
King George the Third.

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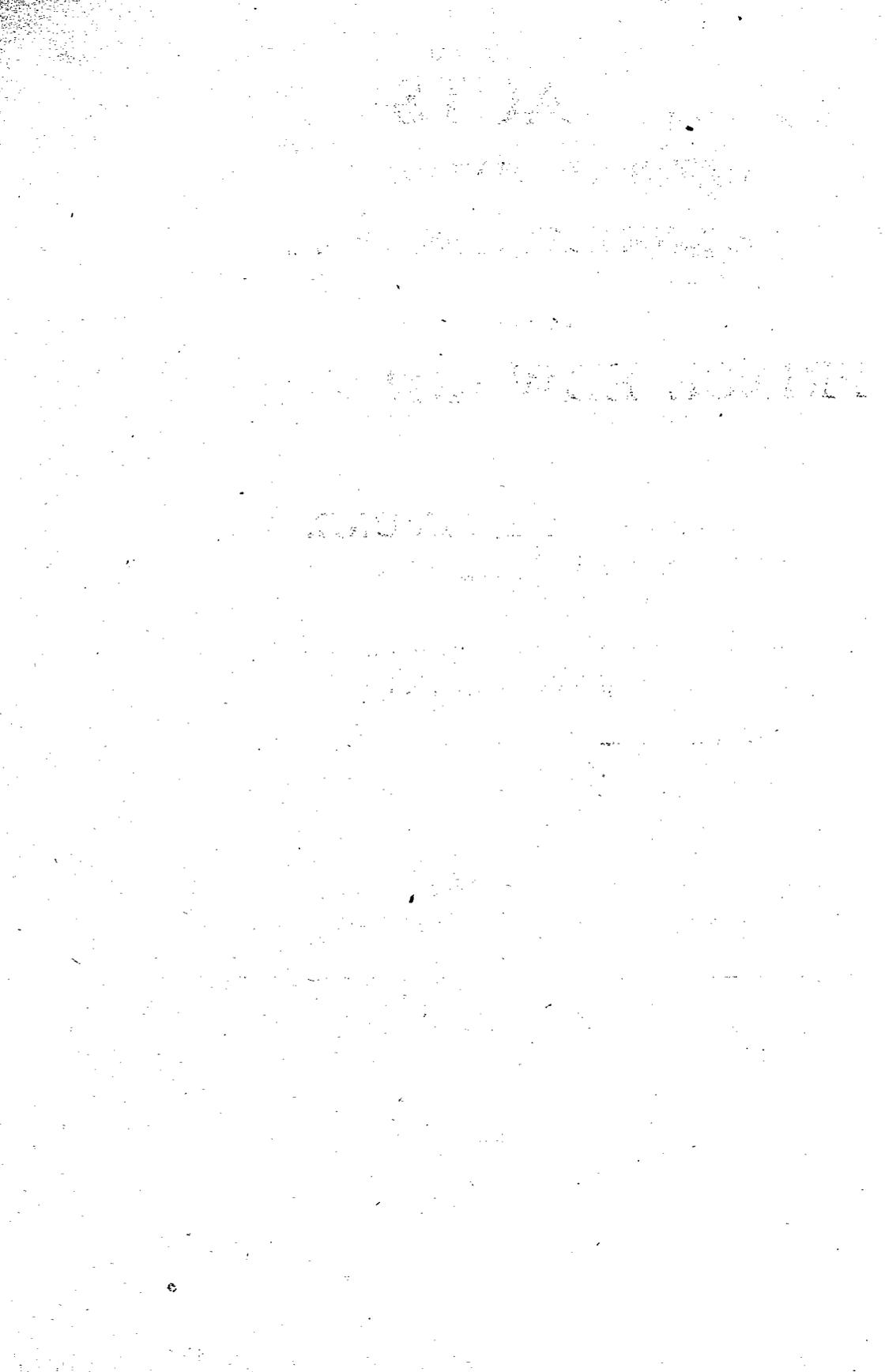
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Charlotte-Town:

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EXCELLENT MAJESTY.

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1814.



# THE ACTS

OF THE

## GENERAL ASSEMBLY,

&c.

Anno Tricesimo Octavo Regis GEORGII III.

1798.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of ST. JOHN, begun and holden at CHARLOTTE-TOWN, on the twenty-second day of March, ANNO DOMINI one thousand seven hundred and ninety, and in the thirtieth year of the Reign of our Sovereign Lord GEORGE the Third, of GREAT BRITAIN, FRANCE and IRELAND, KING, Defender of the Faith, &c. and thence continued by several prorogations until the Twentieth Day of November, one thousand seven hundred and ninety eight, and in the thirty-ninth year of his said Majesty's Reign, being the seventh Session of the Sixth General Assembly, convened in the said Island:

EDMUND FANNING,  
Lt. Governor.

PETER STEWART,  
President.

JOHN STEWART,  
Speaker.

### C A P. I.

AN ACT for altering and changing the name of this Island, from ST. JOHN to that of PRINCE EDWARD ISLAND.

WHEREAS the name of St. John, by which this Island hath hitherto been known, and called, has from long experience been frequently found to occasion much prejudice and inconvenience to Individuals, as well as to His Majesty's Service, by the mis-carriage or delay of Government Dispatches and private Letters, and even of Merchandize and Packages, sent out from England or other distant Parts, addressed to persons in this Island, by being carried through mistake, to St. Johns in Newfoundland, or St. Johns in New-Brunswick, or St. Johns on the Labrador Coast, or elsewhere; and which

Preamble.

which miscarriages and delays are likely unceasingly to occur, and most probably to multiply from an increase of Inhabitants, and the consequent more frequent occasion of Intercourse between this Island and Foreign parts: for prevention whereof, in future, as well as to perpetuate (*in omne volubile ævum*) the grateful remembrance of that peculiarly auspicious and happy period, of this Island having been under the command of *Lieutenant General His Royal Highness Prince Edward*, Commander in Chief of His Majesty's Forces in the District of Nova-Scotia, Islands St. John, Cape Breton, and Newfoundland; Knight of the most noble order of the Garter, and of the most Illustrious order of Saint Patrick &c. &c. &c. *we the Lieutenant Governor, Council, and Assembly of this Island*, in General Assembly convened, most humbly beseech *The King's most Excellent Majesty* that it may be enacted,

The name of this Island to be altered from St. John's Island to that of Prince Edward Island.

I. *And be it enacted by the Lieutenant Governor Council and Assembly*, and it is hereby enacted by the authority aforesaid that the name of this Island shall be altered and changed from ST. JOHN'S ISLAND to that of PRINCE EDWARD ISLAND. AND *to the end that* no temporary injury or prejudice whatever, may result from the change and alteration of the name, or appellation of this Island,

All Acts of Parliament, Commissions, &c. wherein the name of St. John's Island is or has been inserted, to be of equal force and validity as if the name of the Island had not been changed.

II. *Be it further enacted, by the authority aforesaid*, That all Acts of Parliament and Laws of this Island, and all Commissions, both Civil and Military, and all Patents, Grants, Deeds, Leases, Obligations, Recognizances and all Writs and Processes in the Courts of Law or Equity, and all other Writings and Records whatsoever, wherein the name of Saint John's Island now is, or heretofore have been inserted or mentioned, or to which there is any reference or relation whatever, are hereby declared to be, and shall continue to be, of equal force, power, validity, operation and effect, to all and very intent and purpose whatsoever, as if the name or appellation of this Island, had never been altered, or changed.

Preamble.

*And Whereas*, through mistake, inadvertency, or otherwise, it may so happen, that the name of *St. John's Island*, instead of *Prince Edward Island*, may be written or inserted in some Law, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record or other Writing, which shall or may hereafter be passed, issued, executed, made, done or entered into, in this Island, or elsewhere, having reference or relation to the name of this Island.

No error in the name of the Island to work any injury or prejudice, within seven years from the passing of this Act.

III. *Be it further enacted, by the authority aforesaid*, That no such error or mistake as aforesaid, in the name of this Island, *provided* the same shall happen *within the space of seven years*, from the passing of this Act, but not afterwards, shall work any injury or prejudice whatsoever, but that all and every such Act of Parliament, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record or other Writing, whatsoever shall notwithstanding be of equal force, validity, operation and effect to all intents and purpose

poses whatsoever, as if no such misnomer, error, or mistake in the name of this Island had ever been made.

IV. *Provided*, that nothing contained in this Act shall be of any effect, until *His Majesty's* pleasure is known.

Suspendng Clause.

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C A P. II.

AN ACT to repeal *An Act made and passed in the thirteenth year of His Present Majesty's Reign intituled "An Act for indemnifying persons who shall burn small bushes, rotten wind-falls, decayed leaves and all other brush and rubbish, upon the Lands, and in the woods on this Island."*

WHEREAS the operation of the above mentioned Act, has been found from experience not to answer the purposes thereby intended; and several losses and inconveniencies have arisen to the inhabitants of this Island; and great apprehensions being entertained from the effects of the late storm, if the said act is continued; for remedy whereof.

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council, and Assembly, and by authority of the same, it is hereby enacted, That from and after the first day of January next, the said Act and every Clause, matter and thing therein contained, be and the same is hereby repealed:*

Repealing Clause.

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C A P. III.

An ACT in addition to and amendment of an Act made and passed in the Thirty-sixth year of His Present Majesty's Reign, intituled an Act for the preservation of SHEEP throughout the Island.

Expired.

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C A P. IV.

An ACT for continuing sundry Laws that are near expiring.

Expired.

Anno

1801.

Anno Quadragesimo Primo Regis GEORGII III.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the Twenty-second day of July, ANNO DOMINI one thousand seven hundred and ninety, and in the Thirtieth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, KING, Defender of the Faith, &c. and thence continued by several Prorogations until the thirteenth day of July one thousand eight hundred and one, and in the forty-first year of his said Majesty's Reign, being the Eighth Session of the Sixth General Assembly, convened in the said Island.

EDMUND FANWING,  
Lt. Governor.

PETER STEWART,  
President.

JAMES CURTIS,  
Speaker.

C A P. I.

Expired:

AN ACT for granting a Bounty for growing and cultivating of HEMP in this Island, for the purpose of Exportation.

C A P. II.

Repealed by 49th  
Geo. 3d. c. 2.

An ACT in addition to, and amendment of, an Act made and passed in the Thirty-fifth year of His Majesty's Reign, intituled an Act to alter and amend the High Road Laws.

C A P. III.

Expired.

An ACT to enable the Inhabitants of Charlotte-Town to meet annually, on the First Monday of August, to rate and assess themselves, towards making and repairing the Pumps and Wells, within the said Town.

C A P. IV.

Repealed by 44th  
Geo. 3d. c. 3.

An ACT for the the better regulation of ELECTIONS.

C A P.

C A P. V.

AN ACT to explain and amend the Laws of this Island, appointing and directing the recording of DEEDS of SALE, CONVEYANCES and MORTGAGES. (23d July, 1801.)

WHEREAS by the provisions of the Laws passed in this Island, appointing and directing the recording of Deeds of Sale, Conveyances, and Mortgages, the same are declared to be of no force or effect in Law, except against the Grantor or Grantees, and his or their heirs, unless such Deeds of Sale, Conveyances, and Mortgages, shall have been recorded in the Register Office, for the said Island, within the time thereby limited.

Preamble.

And Whereas irreparable injuries might arise to persons, who from accident or otherwise, have not caused such Deeds and Conveyances to be registered within such time.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, no person or persons claiming, or to claim, any Estate, Right, Title or Interest, in, or to any Lands, Tenements or Hereditaments in this Island, by virtue of any Deed of Sale, Grant, Lease, Release, Mortgage, Settlement or other Deed, or Conveyance in the Law, duly made and executed, shall be hindered or prevented the full benefit and advantage thereof, although the same be not registered within the time by Law limited, unless the Lands, Tenements or Hereditaments thereby meant, and intended to be conveyed and assured, shall have become charged, or incumbered, by Deed of Sale, Grant, Lease, Release, Mortgage, Settlement or other Conveyance, Attachment, Judgment, Execution or otherwise, by due operation of Law, before such first mentioned Deed of Sale, Grant, Lease, Release, Mortgage, Settlement, or other Deed of Conveyance shall be registered, any thing in the said Laws contained to the contrary notwithstanding.

After passing of this Act, no Person claiming under Deeds, &c. shall be hindered the benefit thereof, altho' not registered within the time limited,

unless the Lands shall have become charged by Deed or otherwise.

And Whereas, there are a number of Grantees of Town and Pasture Lots, and other Lands from the Crown, who either from ignorance of the Register Laws, or from other causes, have not had their Deeds Registered agreeable to the provision of the said Laws.

Preamble.

II. Be it therefore enacted, That all such Grants shall be and they are hereby confirmed, any want of Registry of such Grants notwithstanding.

All Grants of Lands from the Crown are confirmed, want of registry notwithstanding.

Provided, also, that all such Grants shall be duly Registered within ninety days from the passing of this Act.

Provided they shall be registered within ninety days.

## C A P. VI.

AN ACT in further addition to, and amendment of, an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled "An Act for the the more easy and speedy recovery of SMALL DEBTS." (23d July, 1801.)

Preamble.

Persons appealing from Justices Judgment

shall cause their Reasons to be entered

Justices Fee.

Justices of Supreme Court shall examine Merits of appeal on exceptions, and make final order without regard to any other matter.

WHEREAS the provisions of the said Act have in some cases been found productive of inconvenience; for remedy whereof,  
 I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the first day of August next, all and every person and persons, who shall appeal from the Judgment of any of His Majesty's Justices of the Peace, for this Island, in terms of the said Act, shall cause his or their reasons and exceptions to such Judgment to be entered, which Entry the said Justice, or Justices, is, and are hereby required to make a part of the proceedings in the said *Plaint*, before him or them, and shall charge for the same, one shilling, Currency if under one hundred words, and at the rate of one shilling for every one hundred words that the same may happen to exceed; and the Chief Justice, or other Justices for the time being, of His Majesty's Supreme Court of Judicature of this Island, shall proceed to examine and consider the merits of such *Appeal*, on the exceptions so to be taken, and entered, as aforesaid; and shall make such final order and determination thereupon, as to the said Court shall appear just and reasonable, without regard to any matter or thing other than such as shall appear in the said *Plaint*, any thing in the said Act contained to the contrary thereof, in any wise, notwithstanding.

## C A P. VII.

Expired.

An ACT for continuing sundry Laws that are near expiring.

## C A P. VIII.

Expired.

An ACT appointing and empowering WILLIAM KNOX, Esquire, and THOMAS KNOX, Esquire, to be Colony Agents for this Island.

Anno Quadragesimo Tertio Regis GEORGII III.

1802.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the Twenty-second Day of March, ANNO DOMINI, one thousand seven hundred and ninety, and in the Thirtieth Year of the Reign of our Sovereign Lord GEORGE the THIRD, of Great Britain, France and Ireland, KING, Defender of the Faith, &c. and thence continued by several Prorogations until the Second day of November one thousand eight hundred and two, and in the forty-third year of his said Majesty's Reign, being the Ninth Session of the Sixth General Assembly, convened in the said Island.

EDMUND FANNING,  
Lt. Governor.

ROBERT THORP,  
President of Council.

JAMES CURTIS,  
Speaker.

C A P. I.

AN ACT for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring. (10th Nov. 1802.)

WHEREAS the two several Acts herein after next mentioned, are near expiring; and having from experience been found beneficial in their operation.

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in thirtieth year of his present Majesty's Reign, intituled "An Act ascertaining the Toll to be taken at the different Grist Mills in this Island;" and also, an Act, made and passed in the thirty fifth year of His said Majesty's Reign, intituled "AN ACT to prevent the running at large of Geese within the Town of Charlotte-Town," be, and the same are hereby declared to be perpetual.

Acts made perpetual.

And Whereas, the two several Acts herein after mentioned, are also near expiring, and have been found useful, that is to say:

Preamble.

AN ACT in addition to, and amendment of, an Act, passed in the Twentieth Year of His present Majesty Reign, intituled "AN ACT for the establishing and regulating a Militia,"—and,

These two Acts have expired and been revived several times &

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and have now expired, An Act in addition to, and amendment of, an Act made and passed in the *twentieth year* of His present Majesty's Reign, intituled "AN ACT for the establishing and regulating a Militia," also an Act made and passed in the *thirty-fifth year* of His present Majesty's Reign, intituled "AN ACT in addition to, and amendment of, " an Act passed in the *twentieth year* of His present Majesty's Reign, " intituled an Act for the establishing and regulating a Militia."

II. Be it further enacted, by the Lieutenant Governor, Council, and Assembly, That the two several last mentioned Acts, and every Clause, Matter and Thing therein respectively contained, shall be in full force until the *first day of June, one thousand eight hundred and three*, and from thence to the end of the then next Session of the General Assembly, and no longer.

C A P. II.

It does appear that this Act has received the Royal Allowance.

AN ACT for repealing an Act, intituled "AN ACT for the effectual recovery of certain of HIS MAJESTY'S QUIT RENTS, in the ISLAND OF ST. JOHN," and for the enforcing in future a due and regular payment of the Quit Rents, payable to HIS MAJESTY, His Heirs and Successors. (10th Nov. 1802.)

Preamble.

WHEREAS HIS MAJESTY has been graciously pleased to relinquish his Claims, against the Proprietors of Land, in the Island of PRINCE EDWARD, on account of Arrears of QUIT RENT, on Condition of their paying within a limited time, into the hands of the Receiver General of His Majesty's Quit Rents, a certain proportion of the sums due by them respectively, according to a plan for that purpose, which has been approved by His Majesty.

And Whereas it is highly expedient, that the regular and effectual payment and collection for the future of the Quit Rents, reserved and payable to his Majesty, His Heirs and Successors, should be properly provided for and secured: and whereas the provisions of an Act passed by the Legislature of this PROVINCE, on the *Seventeenth Day of October, One Thousand Seven Hundred and Seventy-Four*, intituled "AN ACT for the effectual recovery of certain of His MAJESTY'S Quit Rents in the Island of St. John," apply to that part only of the Lands in the said Island, upon which Quit Rents were then due; and the said provisions have been found otherwise inadequate to the purposes for which the same were enacted, and it is therefore necessary, that other, and more general Regulations should be made in that respect, we therefore pray Your Most Sacred Majesty that it may be enacted:

Repealing Clause.

I. And be it therefore enacted by the Lieutenant Governor, Council and Representatives, in this present General Assembly met, and by the authority of the same, that immediately from and after the passing of

of this Act, the said Act intituled "An ACT for the effectual recovery of certain of His Majesty's Quit Rents in the Island of St. John," and every Part and Clause thereof shall be, and the same is hereby repealed.

II. And be it further enacted, by the authority aforesaid, That if the Quit Rents reserved and due and payable to His Majesty, his Heirs and Successors, upon any Lots or Parts or Shares of Lots of Land in the said Island, shall at any time after the passing of this Act, be in arrear and unpaid, for more than one year, it shall and may be lawful to and for the Receiver General of His MAJESTY'S Quit Rents for the time being, or any Person by him for that purpose duly authorized, to enter in His Majesty's Name, into and upon, each and every of the said Lots, or Parts, or Shares, of Lots of Land, upon which the Quit Rents shall be so unpaid and in arrear, and to distrain for such Quit Rents; and the distress or distresses on such Lots, or Parts or Shares of Lots of Land, to take, lead, drive, carry away, impound, sell and dispose of, according to the Laws and Practice of GREAT BRITAIN, and THIS ISLAND, not repugnant thereunto, for the recovery of Rents.

If Quit Rents after the passing of this Act shall be in arrear and unpaid for more than one year, Receiver General may enter and distrain and sell.

III. And be it further enacted, by the authority aforesaid, That if no sufficient distress or distresses can or may be had or found upon the Premises to satisfy the Quit Rents so in arrear and unpaid, as aforesaid, it shall and may be lawful to and for the Sheriff of the said Island, or his Deputy, and he is hereby authorised and required at the sitting of the Supreme Court, next after the entry shall be made, into and upon such Lots, or parts or shares of Lots of Land in arrear of Quit Rents, as aforesaid, and upon which no sufficient Distress or Distresses shall be found, to make Proclamation of the said Lots, or Parts, or Shares of Lots, so in arrear, with a Notification, that in case such arrear is not paid within Thirty Days from the day of such Proclamation, application will be made to the said Supreme Court, at their next sitting, after the expiration of the said Thirty Days, for Judgment to be passed against each, and every of said Lots, or Parts or Shares of Lots of Land, in arrear, and proclaimed as aforesaid. And the said Sheriff or his Deputy, shall put up at the Court House a Notice of such Proclamation, signed by him, and shall also publish such Notice in the Gazette, for and during the space of One Month; and in case no Gazette shall be printed in the said Island, then the said Sheriff, or his Deputy, shall post up, in the usual manner, and in the accustomed places, such Notice, in printing or writing, within the Ten Days after such Proclamation shall be made as aforesaid.

If no distress sufficient the Sheriff to make Proclamation & Notify; if arrear not paid, application will be made to Supreme Court for Judgment.

Sheriff to post up Notices of the said Proclamation.

IV. And be it further enacted, by the authority aforesaid, That the Supreme Court next sitting after the expiration of the space of One Month, as aforesaid, upon application being made by the Receiver General of the Quit Rents, for the time being, and proof upon Oath

Supreme Court shall on proof, &c. give judgment against Land in arrear, and issue Fieri Facias.

that the Proclamation, and the notice and publishing the same, as herein before directed, has been made, and given; and also what Quit Rents were due, and in arrear, at the time of such Proclamation, shall, and the Judges thereof, are hereby respectively authorized and directed, to give Judgment against such Lots, or Parts or Shares of Lots of Land, in arrear as aforesaid, for the Quit Rents then due and in arrear, together with reasonable Costs; and shall issue a Writ of *Fieri Facias* thereupon, for such Quit Rents and Costs, directed to the Sheriff, or if necessary to the Coroner, and returnable within a reasonable time into the said Court.

The Sheriff to proceed on the Writ, to sell, first giving Notice; and make Conveyance thereof to the best bidder.

V. *And be it further enacted*, by the authority aforesaid, That the Sheriff, or his Deputy, or the Coroner, upon receipt of such Writ, shall proceed to *attach* such Lots, or Parts, or Shares of Lots of Land, and shall give notice that he shall proceed to the sale thereof, on a fixed day therein to be mentioned, and not to be less than *Twenty*, nor more than *Thirty Days*, from the date of such Notice: such Notice to be posted and published in like manner as the Notice of Proclamation is herein before directed to be made; and the said Sheriff or his Deputy, or the Coroner, shall proceed to sell the same, the day fixed upon for that purpose, as aforesaid, at *public Sale or Vendue in CHARLOTTE-TOWN*, and the best Bidder shall be deemed the Purchaser of such Lots, or Parts, or Shares of Lots of Land; and upon the payment of the purchase Money, which shall be within *Twenty Days* after such sale, the Sheriff or his Deputy, or the Coroner, as aforesaid, shall execute *proper and absolute Deeds of Conveyance* therefore, which Deeds shall be good and valid to all intents and purposes, for conveying the same to the Purchasers and their Heirs and Assigns for ever, subject in future to the same Quit Rents as before were payable for the said Lots, or Parts, or Shares of Lots of Land:

Proviso.

*Provided nevertheless*, that if the Proprietors of such Lots, or Parts or Shares of Lots of Land, attached as aforesaid, or any Person in their behalf, shall at any time between the attachment and the time of sale, pay and discharge the Quit Rents in arrear, and the Costs attending the proceedings, such Sale shall not take place, and the said Lot, or Parts, or Shares of Lots of Land, shall be freed and discharged from the Judgment given against the same, as aforesaid; any thing herein contained to the contrary notwithstanding.

Sheriff within twenty days to pay in the purchase money to the Receiver General.

VI. *And be it further enacted*, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, shall within *Twenty Days* after the receipt of the purchase Money, as aforesaid, pay into the hands of *His Majesty's Receiver General* the Balance thereof, after deducting such Costs and Charges of Proceedings, and Sale, as shall be taxed and allowed by the *Supreme Court*.

VII. *And be it further enacted*, by the authority aforesaid, That upon the receipt of the Balance of the purchase Money, from the Sheriff

Sheriff, or his Deputy, or the Coroner, as aforesaid, the *Receiver General* shall deduct therefrom, and charge himself with, so much thereof as shall discharge the Quit Rents due, and in arrear, upon such Lots, or Parts, or Shares of Lots of Land, sold as aforesaid, and shall pay the surplus, if any shall be, to the Proprietors, their Heirs or Assigns, or their Attorney or Agent, upon the same being legally demanded, without any further charge or deduction whatever; and if any doubt shall arise who is the real Proprietor of the said Lots, or Parts, or Shares of Lots of Land, and entitled to receive the surplus of the said purchase Money, or if it shall appear that any Person, or Persons, are interested in the said Lots, or Parts or Shares of Lots, as Mortgagees, or other legal Incumbrancers, upon the same, or as claiming under any Settlement, Will or other Instrument in the law, or otherwise legally interested in the Land sold, it shall be lawful for the said Court, and the Judges of the said Court, are hereby authorized and required, upon application of any Person interested as aforesaid, or upon the application of the said Receiver, to summon all such parties, or as many of them as they shall think fit to summon, and the said Receiver, and upon hearing of the matter in a summary way, to make such Order therein, for adjusting the said claims, and determining the matter in dispute, and for paying and distributing the said *surplus Money*, as to them shall seem meet, and cause the same to be carried into execution in the same manner, as any order or Judgment of the said Court, is executed by Law: and the said Order, shall and may be *pleaded* by the said Receiver General, *in Bar* to any Action, or Suit, that may be brought against him, for having acted in obedience to the said Order, and the said Order shall also be received in evidence, on behalf of the said Receiver, in any such Action, or Suit, upon a *Plea* of the *General Issue*.

*And whereas* it may happen that Proprietors of Parts or Shares of undivided Lots of Land, may be willing to pay a just proportion of the Quit Rents, payable for the same Lots, and the other proprietors thereof, may not be willing to contribute thereto, in order therefore, to prevent the proprietors who shall be ready to pay a just proportion, from being injured by the operation of this Act,

VIII. *Be it enacted*, by the authority aforesaid, That, upon application of any Proprietor of such Parts, or Shares, or upon application of His Majesty's Receiver General for the time being, to the *Supreme Court*, setting forth the particular state of the Case, it shall and may be lawful to, and for, the respective Judges of the said Court, to direct a *Survey* to be made, in such manner, and by such persons as they shall think fit, of the Lot of Land so circumstanced, in which Survey, the said Lot shall be *fairly and impartially divided* into such shares, to be held in severalty, as bear a just proportion to the Interest which each of the several Proprietors thereof shall be previously

Receiver General to pay the Quit Rent out of the purchase money and pay the surplus to the Proprietors.

Preamble.

If Proprietors of parts of undivided Lots are willing to pay, they may apply to the Supreme Court, upon which survey may be made and Lots divided.

viously entitled to, in the said undivided Lots, regard being had in making such division, to the appropriating to each Proprietor, the *improved Land* which he before held in such Lot, and the *Supreme Court* shall order and direct, by an Order to be *entered of Record*, in the office of *Register* of the said Island, which of such shares shall from thenceforth belong to each of the said Proprietors in severalty, and subject to what Proportion of the said Quit Rent, the same shall be held, regard being had, in estimating such proportions of the Quit Rent, to the nature and quality of the land comprised in each Share, before such Land was cultivated or improved, and the *Supreme Court* shall ascertain such proportions, in such manner, and by such means, as they shall think fit. And the Shares so directed, by such Order, to be holden by the said respective Proprietors, in severalty, shall thenceforth be holden by them, and their Heirs, respectively, in severalty, chargeable only with so much of the whole Quit Rent, payable for the undivided Lot, as shall be ascertained in the same Order; and such respective Share of the Lot, so holden in severalty, shall be in future chargeable with such proportion only of the Quit Rent, but shall be subject to the like remedies for the payment and recovery of such proportion, as are herein provided, with regard to any such undivided and entire Lot of Land, and *all arrears of the entire Quit Rent* which at the time of such Order, made as aforesaid, shall be due from the said Lot of Land, shall be recovered in the same manner and in the like proportions, from the said respective Shares, and the Owners thereof.

Preamble,

And whereas, it may happen that the *Tenants* of Lots, or Parts or Shares of Lots, within this Island, may have duly paid their Rents, to their Proprietors of the said Lots, or Parts or Shares of Lots, or may be ready and desirous to pay the same, at the time of the distress to be taken, by virtue of this Act, and it would be extremely injurious to the said Tenants, if the distress made upon the said Lots, or Parts or Shares of Lots, was to be levied of the *Goods and Chattels* of the said Tenants, in order to discharge the whole of the arrears of Quit Rents due from the said Proprietors, in respect of such Lots, or Parts or Shares of Lots:

Under Tenants not to be prejudiced by distress for Quit Rent beyond the sum they owe to their Landlords

IX. *Be it enacted*, That it shall and may be lawful for any such Under Tenant, to apply to the Supreme Court, and upon proof of such Tenants having paid the Rent due from him or them, respectively, or upon payment of such part of the Rent, as shall be in arrear to his Landlord and unpaid, to the Receiver General of His Majesty's Quit Rents, towards the discharge of the arrear of the said Quit Rents, due for, or on account of the Lots belonging to the Landlords of such respective Tenants; the Goods and Chattels, absolutely the Property of such Tenants, shall not be liable to be distrained or sold, and it shall be lawful for the *respective Judges of the Supreme*

*preme Court*, and they are hereby required on the application of any Tenant, as aforesaid, to hear and determine the same, in a summary Manner, and to make such Order therein, as the nature of the Case may require; and the arrear of Rent due to the Landlord, which shall be paid by the Tenant to the Receiver General of His Majesty's Quit Rents, as aforesaid, shall be applied in discharge of the Quit Rents due from the Landlord of such Tenant: and in case the same shall not be sufficient, the Lot or Lots of every such Landlord, shall be sold, in order to make good the deficiency, *subject to the Lease*, of the said Tenant:

*Provided always*, that if such Tenant shall offer to pay the arrears of Quit Rent, that shall be due, the said Receiver General shall receive the same, and the said Tenant shall be entitled to hold the Lot, or Lots of Land, as against his Landlord, as a security for the Money so advanced, in payment of the arrears of Quit Rent, and to deduct out of his future Rent, what he shall so pay; but such security, or right to deduct, shall not prejudice any future payments of Quit Rents due to His Majesty, His Heirs, and Successors, or prevent any remedy for recovery thereof.

Proviso.

X. *And be it further enacted*, by the authority aforesaid, That if the Sheriff or his Deputy, or the Coroner, shall neglect to comply with the directions of this Act, in respect to the making of Proclamation, and giving the proper Notices of such Proclamation, and sale of any Lots, or Parts or Shares of Lots of Land, attached by virtue of this Act, so that the Proprietors be thereby prevented from discharging the same, by paying the Quit Rents due thereupon, such Sheriff, or his Deputy, or the Coroner, shall forfeit and pay for every Default, the Sum of *Fifty Pounds*, to be recovered in the Supreme Court, and to be, to, and for, the use of the Proprietors injured thereby, or such person who shall sue for the same; and shall moreover be liable to answer for any special Damages, that shall be suffered by any such Proprietors, by reason of such neglect, in any Action or Suit, to be brought with the leave of the *Supreme Court*.

Penalty on Sheriff, or Coroner, neglecting Proclamation, &c.

*And whereas* many of the Proprietors of Land in the *Island of PRINCE EDWARD*, are resident in *GREAT BRITAIN and IRELAND*, and cannot conveniently pay their Quit Rents in the said *Island*:

Preamble.

XI. *Be it therefore enacted*, by the authority aforesaid, That if any Proprietors of Lots, or Parts or Shares of Lots of Land, in the said *Island*, residing in *Great Britain or Ireland*, shall and do, on, or before the *First Day of August*, next ensuing the passing of this Act, discharge and pay their Quit Rents in arrear, and shall pay their future Quit Rents, annually and regularly, in *LONDON*, to the Receiver General of His Majesty's Quit Rents, or his sufficient Deputy, such Lots or Parts or Shares of Lots, shall not be liable to be proceeded against, as directed by this Act: *Provided nevertheless*

If Proprietors residing in Great Britain or Ireland, pay Quit Rent before the first day of August next, and pay in future, those Lots are not liable to be proceeded against.

Proviso.

D that

that if such Proprietors do neglect to pay their Quit Rents from time to time, for the space of *six Months*, after the same shall become due and payable, according to their undertaking, as aforesaid, the said Lots, or parts or Shares of Lots, shall be liable to be proceeded against as herein directed, and the Receiver General of His Majesty's Quit Rents, or his Deputy as aforesaid, shall, for that purpose transmit to the proper Officer in the *Island of PRINCE EDWARD*, within *three Months* from and after the expiration, from time to time, of the said *six Months*, whenever such neglect shall happen, an account of such Proprietors, who shall so neglect their Payments, that the same may be made liable, and be proceeded against accordingly; and such Account so transmitted, as aforesaid, shall be conclusive evidence, that the said Proprietors have so neglected to pay their Quit Rents, and that the said Lots, or Parts or Shares of Lots, are liable to be proceeded against, as herein directed.

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C A P. III.

AN ACT, to alter and amend an Act, made and passed in the *Twenty-Sixth Year of His Present Majesty's Reign*, intituled "An ACT for *the Trial of Actions in a Summary Way.*" (10th Nov. 8102.)

Preamble.

**W**HEREAS the Proceedings prescribed in and by the above mentioned Act, have been found from experience to be too hasty and summary, in Suits commenced and prosecuted wherein the Cause of Action is of so large an amount as the Sum of *Twenty Pounds* :

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, no Action or Suit shall be commenced, or prosecuted according to the Provisions of of an Act, made and passed in the Twenty-Sixth Year of His present Majesty's Reign, intituled "An ACT for the Trial of Actions in "a summary Way," wherein the cause of Action or Damages demanded, shall exceed the sum of Ten Pounds of lawful Money of this Island, the said Act or any Clause, Matter, or Thing therein contained to the contrary notwithstanding.*

No summary Action to be commenced, where cause of Action or Damages shall exceed Ten Pounds.

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C A P. IV.

AN ACT in addition to, and amendment of, "An Act made and passed in the *Thirty Fifth Year of His present Majesty's Reign*, intituled *An Act to alter and amend the High Road Laws.*"

Expired.

C A P.

C A P. V.

AN ACT to amend an Act, made and passed in the Thirty First Year of His present Majesty's Reign, intituled, "An ACT to prevent the running at large of Rams at improper Seasons."—(13th Nov. 1802.)

WHEREAS by the Provisions of the above mentioned Act, no Penalty is annexed to the neglect of putting up of Rams, at the period, when the same are by the said Act to be kept apart from the Sheep, by which means, many Settlements have greatly suffered in their Stocks, owing to their Ewes yeaning in the inclemency of the winter Season.

Preamble.

And whereas the time limited by the said Act, for the confining of Rams, is deemed expedient to be altered :

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That every Person in this Island, owning one or more Rams, shall cause the same to be put up and confined, on or before the Fifteenth Day of August, in every Year, instead of the Fifteenth Day of July, as directed by the said Act, under the Penalty of Twenty Shillings, for every neglect of so doing; to be recovered before any one of His Majesty's Justices of the Peace, in manner provided by the said Act.

Rams to be put up before 15th August,

under Penalty of 20 Shillings.

C A P. VI.

AN ACT for the better and more effectual Establishment of the CHURCH OF ENGLAND, in this Island. (13th Nov. 1802.)

FORASMUCH as HIS MAJESTY upon the Settlement of this Island, was graciously pleased in his pious concern, for the advancement of GOD's Glory, and the more decent celebration of the divine Ordinances amongst us, to grant a Sum of Money, for the purpose of erecting a Church, for religious Worship, according to the usage of the Church of England, and which although not appropriated according to His Majesty's Gracious Intention—yet no less Gratitude is due to His Majesty, for His Manifestations of His Gracious Intentions, in this behalf—In humble imitation of HIS ROYAL example, and for the more effectual attainment of His Majesty's pious Desires, that we might in the exercise of Religious Duties, be seeking for the divine favor and protection :

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the sacred Rites and Ceremonies, of Divine Worship, according to the Liturgy of the Church, established by the Laws of England, shall be deemed the fixed Form of Worship amongst us; and the place wherein such Liturgy shall be used, shall be respected and known by the name of the CHURCH OF ENGLAND, as by Law established;

Divine Worship according to Liturgy of the Church, established by the Law of England, shall be the fixed Form of Worship.

Place of Worship, called the Church of England;

No Minister to officiate as of the Church of England, but such as have been licensed, &c.

Governor, &c. to induct Minister into any Parish, making Presentation.

Governor, &c. and Council, to suspend and silence pretended Ministers.

Proviso.

established; and that for the preservation of *unity and purity of Doctrine*, and discipline in the Church, and the *right administration of Sacrament*, no *Minister* shall be admitted to officiate as a *Minister of the Church of England*, but such as shall produce to the *Governor, Lieutenant Governor, or Commander in Chief*, for the Time being, a Testimonial that he hath been duly licensed by the *Bishop of London*, or by the *Bishop of Nova-Scotia*, and shall publicly declare his assent and consent to the *Book of Common Prayer*, and shall subscribe to be conformable to the *Orders and Constitution of the Church of England*, and the Laws there established, upon which the *Governor, Lieutenant Governor, or Commander in Chief*, for the Time being, is hereby requested to *induct* the said *Minister* into any *Parish* that shall make *presentation* of him. AND if any other Person *pretending* himself a *Minister* of the Church of England, shall contrary to this Act, presume to *teach or preach* publickly, or privately, The *Governor, Lieutenant Governor, or Commander in Chief*, and *His Majesty's Council*, are hereby desired, and empowered, to *suspend and silence*, the person so offending.

*Provided nevertheless*, and it is the true intent and meaning of this Act, That *Protestants dissenting* from the Church of England, whether they be *Calvenists, Lutherans, Quakers*, or under *what denomination soever*, shall have *free Liberty of Conscience*, and may erect and build *Meeting Houses*, for Publick Worship, and may choose and elect *Ministers* for performing *divine Service and administration of the Sacrament*, according to their several opinions, and according to the Provisions of "*An Act of the General Assembly of this Island, made and passed in the Thirtieth Year of His present Majesty's Reign, intituled, an Act for quieting the Minds of His Majesty's dissenting protestant Subjects, in the Island of SAINT JOHN.*"

Anno Quadragesimo Tertio Regis GEORGII III.

1803.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the twenty-second Day of March, ANNO DOMINI, one thousand eight hundred and three, and in the forty-third Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. being the First Session of the seventh General Assembly, convened in the said Island.

EDMUND FANNING,  
Lieut. Governor.

ROBERT THOMP,  
President of Council.

JAMES CURTIS,  
Speaker.

C A P. I.

AN ACT for effectually revesting in His Majesty, His Heirs and Successors, all such Lands as are, or may be, liable to forfeiture within this Island.  
(2d April, 1803.)

This Act has not received the Royal Allowance.

C A P. II.

An ACT for the better preventing Accidents by FIRE, and for appointing FIRE WARDS in Charlotte-Town, and the Suburbs Thereof.

Expired.

E

Anno

1805.

ANNO Quadragesimo Sexto Regis GEORGIÆ III.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the twenty-second day of March, ANNO DOMINI, one thousand eight hundred and three, and in the forty-third year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, King, Defender of the Faith, &c. and thence continued by Prorogation until the twelfth day of November, one thousand eight hundred and Five, and in the forty-sixth Year of his said Majesty's Reign, being the second Session of the seventh General Assembly, convened in said Island.

J. F. W. DESBARRES,  
Lt. Governor,

THOMAS DESBRIAY,  
President of Council.

JAMES CURTIS,  
Speaker.

C A P. I.

AN ACT in addition to, and amendment of, An Act made and passed in the thirteenth Year of His present Majesty's Reign, intituled, "An ACT for the more easy and speedy recovery of SMALL DEBTS."  
(Nov. 26, 1805.)

Preamble.

WHEREAS the said in part recited Act, has been found defective, in as much as that thereby no power is vested in the Magistrate, to restrain the Person of any Debtor, in case of his absconding, or departing from the Island, until after the service of a Summons upon such Debtor, which instead of enabling the Party to recover his just Debt, operates as a Warning to the Debtor, to put such his intentions into immediate execution: for remedy whereof,

On application for  
Summons for Small  
Debts.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, and by the authority of the same, it is hereby enacted, That from and after the passing of this Act, upon application being made by any Person or Persons, to any one, or more of His Majesty's Justices,

Justices of the Peace, in terms of the Laws of this Island, made for the recovery of Small Debts, for a Summons against any Debtor or Debtors, about to depart from this Island, and upon Affidavit of His, Her, or Their Debt, being duly made and filed, with such Justice or Justices, by such Person or Persons applying for a Summons, that He, She, or They, have been informed, and verily believes, that such Debtor is about to depart from this Island, it shall and may be lawful, to and for such Justice or Justices, to issue a compulsory Process, to restrain the Person of such Debtor, or Debtors, until He, She, or They answer the Plaintiff in the Premises, and give Security to the satisfaction of such Justice or Justices, for the Costs and condemnation Money, in case He, She, or They, shall be convicted, which Process shall be in the Words and Form following, viz.

and Affidavit that Debtor is about to leave this Island, Justice to issue a Compulsory Process to restrain Debtor's person until security given.

“ PRINCE EDWARD ISLAND }  
COUNTY. }

Plaintiff,  
Defendant.

“ To the Constable, &c.

“ WHEREAS it appears to me [or as the case may happen] A. B. Esquire, one of His Majesty's Justices of the Peace for said County, upon the Oath of C. D. that E. F. is justly and truly indebted to him the said C. D. in the sum of

Form of Process.

“ and that the said C. D. has received information, and verily believes, that the said E. F. is immediately about to depart from this Island, without discharging the said Debt.

“ THESE are therefore to command you immediately on receipt hereof, to take the body of the said E. F. if he shall be found in your precinct, and bring him before me, to answer to the said C. D. in an action for the sum of [mention on what account due,] hereof fail not at your peril.

“ Given under my Hand and Seal the day of 181 .”

II. And be it further enacted, That on the appearance of the Defendant or Defendants, the said Justice or Justices, shall proceed to enquire into the merits of the said Creditor's Demand, in manner directed in and by the Laws of this Island, made for the Recovery of Small Debts.

Justice on appearance, to enquire into merits.

III. And be it further enacted, by the authority aforesaid, That in case Judgment shall be given against such Defendant and he, she, or they, shall enter an appeal therefrom, and shall not find Security to the satisfaction of such Justice or Justices, in the event of an Appeal being dismissed, it shall and may be lawful for such Justice, or Justices, to issue a Capias ad Satisfaciendum, against the Body of the Defendant, in the words following :

Defendant appearing and not finding security,

On Appeal being dismissed Justice to issue

“ COUNTY, to wit.

Plaintiff, } BY A. B. Esquire (or as the case may  
Defendant, } happen) One of His Majesty's Jus-

Capias ad Satisfaciendum.

“ tices of the Peace for the said County,

“ Upon

“ Upon opening the Plaintiff’s Bill, this day preferred to me,  
 “ (or us) it appears the Defendant is indebted to the Plaintiff in the  
 “ Sum of                    together with                    Costs of Suit. The  
 “ Constable of                    is hereby commanded to take the Body of  
 “ the said Defendant, and him safely commit to the Goal of Char-  
 “ lotte-Town, until he shall satisfy the said Plaintiff, the said Debt  
 “ and Costs, or be otherwise discharged according to Law; and the  
 “ said Constable is hereby commanded to certify, and make due  
 “ return hereof to the said *A. B.* Esquire, within three Days from  
 “ from the Test hereof.

“ Given under                    Hand and Seal the                    Day of  
 “ One Thousand Eight Hundred and                    ”

Fees.

IV. *And be it further enacted*, by the authority aforesaid, That the  
 following Fees, shall be allowed for the Services enjoined by this  
 Act, viz.

Drawing and engrossing Affidavit . . . . .	£0	1	6
Oath . . . . .	0	1	0
Capias if before one Justice . . . . .	0	2	6
if before Two . . . . .	0	5	0
Recognizance for appearance . . . . .	0	1	6
Constable for making arrest, besides his ordinary } travelling Charges . . . . .	0	2	6
Levying Execution . . . . .	0	2	6

## C A P. II.

Expired.

AN ACT for continuing sundry Laws that are near expiring.

Anno

ANNO Quadragesimo Septimo Regis GEORGII III. 1806.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the First Day of December, ANNO DOMINI, one thousand eight hundred and Six, and in the forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. being the First Session of the Eight General Assembly, convened in the said Island:

J. F. W. DESBARRES,  
Lt. Governour,

THOMAS DESBRIAY,  
President of Council,

ROBERT HODGSON,  
Speaker.

C A P. I.

AN ACT to alter and amend an Act, made and passed in the forty second Year of His present Majesty's Reign, intituled, "an Act in addition to, and amendment of, an Act made and passed in the thirty-fifth Year of His present Majesty's Reign, intituled an Act to alter and amend the High-Road Laws."

Expired.

C A P. II.

AN ACT for raising a Fund for the purpose of defraying Contingent expences of the General Assembly of this Island.

Expired.

C A P. III.

AN ACT to repeal An Act, made and passed in the Forty-first year of his present Majesty's Reign, intituled "An Act for the better Regulation of Elections," and to REGULATE ELECTIONS for MEMBERS to serve in GENERAL ASSEMBLY in future.—(18th DEC. 1806.)

WHEREAS the said Act has been found inadequate to the purposes intended, and it is found necessary, to make further Provisions, for the better Regulation of Elections, in future :

Preamble.

F

I. Be

“ Act for the better regulation of Elections,” hereby Repealed.

Sheriff, &c. after he shall have received Writ of Election, to cause copies to be posted up,

Notifying the time & place of holding the Election,

and shall hold the Election accordingly.

Freeholders, &c. may proceed to Elect Members.

Sheriff, &c. to make due return on the Writ,

and cause the persons elected to be summoned, to attend in General Assembly,

giving seven days Notice thereof.

Sheriff, &c. to proceed to the Election.

Shall not without consent of Candidates declare the choice upon view, but shall take the Poll if required.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the said Act, intituled “ An ACT for the better Regulation of Elections,” and every Clause, Matter, and Thing, therein contained, be, and the same is hereby Repealed.*

II. *And be it further enacted, by the authority aforesaid, That the Sheriff of this Island, or his Deputy, for the time being, shall within Seven Days after he shall have received His Majesty's Writ, for Electing Members to serve in the GENERAL ASSEMBLIES thereof, cause a sufficient number of Copies to be made of the said Writ, one whereof he shall cause within the Time aforesaid, to be posted up, at each of the most inhabited Parts or Places of this Island, and upon each, and every of such Copy, or Copies, there shall be fairly and distinctly written, the Time and Place of holding the said Election; which said last mentioned Notice, shall be signed by the said Sheriff or his Deputy, and the said Sheriff or his Deputy shall cause the said Election to be holden at such Time; and Place, and in such Manner, as in, and by, the said Writ, shall or may be directed—when and where the Freeholders, Landholders, and Resident Housekeepers, being Protestants, may proceed to Elect the number of Members, being Protestants, resident within the said Island, required by the said Writ to be elected: and the said Sheriff, or his Deputy, shall thereupon make due Return in Writing, upon the back of the said Writ, according to the command thereof, of the Persons who shall have been duly elected Members, by the major part of the Electors present, at such Meeting or Election.*

III. *And be it further enacted, That the said Sheriff, or his Deputy, shall cause the Person or Persons so elected, to be duly summoned to attend His Majesty's service, in General Assembly, at the time and place appointed for holding the same; the said Notice to be delivered to the said Persons, so elected respectively, or left at his or their usual place of abode, seven days at least, before the day appointed for holding the said General Assembly, or the day that the same shall or may be prorogued to, for the dispatch of Business.*

IV. *And be it further enacted, by the authority aforesaid, That every Sheriff, or his Deputy, to whom any Writ for electing a Member, or Members, to serve in the General Assembly of this Island, shall be directed, and who shall have published, and given such Notice thereof, as is herein before prescribed and directed, shall on the day, and at the place mentioned in the said Writ, between the hours of ten and twelve, in the forenoon, proceed to the Election, by reading the said Writ and this Act, and shall not declare the choice upon the view, without the consent of the Candidates, nor by unnecessary adjournment delay the Election, but shall if a Poll be required, fairly and indifferently proceed from day to day, and time to time, to take the Poll until all the Electors then and there present, be Polled; and before the Sheriff, or his Deputy, shall close the Poll*

so opened, unless with the consent of the Candidates, he shall make Proclamation for the Freeholders, Landholders, and Resident Housekeepers, being Protestants, to come forward and give their Votes, and if after such Proclamation made, no Freeholders, Landholders, or Resident Housekeepers, being Protestants, shall appear to Vote for the space of one hour, the Poll shall be closed.

Shall make Proclamation before closing the Poll unless with consent, &c.

V. And be it further enacted, by the authority aforesaid, That the Sheriff, or his Deputy, shall before proceeding to any Election, take and subscribe before a Magistrate, in presence of Three or more Electors, who, with the Magistrate, shall certify his having taken an Oath, the form of which appears in SCHEDULE Number One, which Oath shall be annexed to the Return of every Writ of Election, under a Penalty of Fifty Pounds, upon every Returning Officer refusing or neglecting so to do; and the Sheriff, or his Deputy, shall after reading the said Writ, and before he opens the Poll, appoint two Clerks, to assist in taking the Election, who shall be sworn by the said Sheriff, or his Deputy, according to the Form of Number Two in the said Schedule. And if any Elector be questioned, as to his qualification, by any Candidate, the Sheriff or his Deputy shall administer to him the Oaths of Allegiance, and such other Oaths as are prescribed by Law for Electors in England to take, and shall likewise administer the Oath in Schedule Number Three, or if Quakers the Test or Affirmation, to the same effect. And the Sheriff, or his Deputy, at the close of the Poll, shall declare the Person or Persons having the Majority of Votes, to be duly elected. And in case a Scrutiny shall be demanded in writing, within Two Hours after the closing of the Poll, the Sheriff, or his Deputy, shall grant the same, and shall with the said Two Clerks, proceed in such Scrutiny, if the Party demanding the same, or some person in his behalf, shall persist in his demand, the day following the close of the Poll.

Sheriff, &c. to be sworn.

Oath to be annexed to the Return of Writ under penalty of £50.

Sheriff to appoint Two Clerks,

to be sworn.

Elector may be sworn as to his qualification.

Sheriff shall at the close of the Poll declare the persons elected.

Shall grant a scrutiny if required,

and proceed thereon.

Provided Always, that no Vote shall be scrutinized, but such Vote or Votes as were excepted to at the time of taking the Vote, and marked as such on the Poll Book; and the Sheriff shall return his proceedings, on such scrutiny, to the House, to be adjudged and determined.

Proviso.

Sheriff to return Proceedings, &c.

To give a Copy of the Poll if required.

VI. And be it further enacted, by the authority aforesaid, That the Sheriff, or his Deputy, shall within a reasonable time, after request made to him for that purpose, give a Copy of the Poll, to any Person who shall require the same, on being paid his reasonable Fees.

Votes if for more than one Member to be given at the same time.

VII. And be it further enacted, by the authority aforesaid, That at any Election for more than one Member, to serve in General Assembly, every Elector shall at the time of his coming to the Poll declare the names of all those persons for whom he gives his Vote, and shall not be allowed to Vote a second time, at the same Election.

VIII. And be it further enacted, by the authority aforesaid, That all Fraudulent Conveyances of Land, to multiply Votes, or to qualify Voters at Elections, subject to an Agreement to reconvey the same, shall

Fraudulent Conveyances shall be taken as absolute against the Grantor.

be

All collateral securities to defeat them, void,

Persons making the same or Voting by colour thereof, shall forfeit £10.

Mode of Recovery & application thereof.

Proclamation to give 30 days Notice for each County and 90 days for each Royalty.

Qualifications of Electors to be duly Registered, &c.

Qualifications of Electors for Towns and Royalties.

Qualifications of Electors for Counties.

Qualifications of persons Elected.

be taken against the *Grantors* as free and absolute, and all collateral securities, for defeating such Estate, shall be void, and the person making such *Conveyance*, or *Voting by colour thereof*, shall forfeit *Ten Pounds*, to any person who shall sue for the same, in any *Court of Record*, within this Island—one half part thereof, to the person, or persons, who shall prosecute the same to effect, and the other moiety for the use of the poor, of the *County*, or *Royalty*, concerned in such *Election*.

IX. *And be it further enacted*, by the authority aforesaid, That the *Proclamation and Notice*, to be given by the Sheriff of this Island, or his Deputy, by Virtue of any *Writ*, or *Writs*, of *Election*, shall in no case be less than *thirty days* for each *County*, and *twenty days* for each *Royalty*, to be computed from the time the same shall be posted up and made Public, in the *several Counties and Royalties* in this Island.

X. *And be it further enacted*, by the authority aforesaid, That no person shall be entitled to give his *Vote*, at any such *Election*, unless such person or persons, shall have been seized, or possessed, of the *Title or Qualification* on which he *Votes*, *Six Calendar Months* at least, before the issuing of the *Writ or Writs of Election*, the said *qualifications* if in *Land*, being *duly Registered*, in the *Register's Office*, of *this Island*, at least *three Calendar Months* before the issuing the said *Writs of Election*.

XI. *And be it further enacted*, by the authority aforesaid, That each *Elector*, for any *Town and Royalty* in this Island, shall in order to *qualify* him to *Vote*, have been entitled, for the time aforesaid, in his own right, as of *Fee*, of *one Town Lot*, or *one Pasture Lot*, at least within such *Royalty*, and the same shall not extend or entitle him to *Vote* for the *County*, but that any *Resident Housekeeper*, having dwelt for the *time aforesaid*, in any *Town or Royalty*, may give his *Vote* at the *Election*, for any *Member or Members*, to represent the same in *General Assembly*.

XII. *And be it further enacted*, by the authority aforesaid, That no Person shall be admitted to *Vote*, at any *County Election*, unless he has a *Freehold Estate*, of the value of *Twenty Shillings*, per annum; or a *Leasehold Estate*, at the yearly Rent of *Forty Shillings*, or be a *resident Housekeeper*, for the *Time* aforesaid, of *Tenements and Premises*, of the yearly value of *Three Pounds*.

XIII. *And be it further enacted*, That no Person shall be capable of being elected a *Member*, for any *Town and Royalty*, or any *County*, in this Island, unless he shall have been in the *seisin or possession* of a *Freehold*, or *Personal Estate*, in some part of this Island, of the value of *Fifty Pounds*, *Twelve Months* prior to the *Day of Election*, and shall, before he be admitted to take his *Seat* in the *HOUSE OF ASSEMBLY*, take the *usual Oaths*, and subscribe the *Declaration* appointed by *Law*, and also the *Oath* in *Schedule Number Four*.

XIV. *And be it further enacted*, by the authority aforesaid, That in case any Sheriff, or his Deputy, to whom the Execution of any *Writ*, for the *electing* any Member or Members, to serve in the *General Assembly* of this Island shall be directed, shall return any person or persons, not duly elected by the Majority of the *Electors*, every such Officer shall forfeit the sum of *One Hundred Pounds*, to be recovered and applied in manner herein after mentioned ; or if the said Sheriff, or his Deputy, shall otherwise do, or cause to be done, or neglect to do, or cause to be done, any other matter or thing, contrary to the directions of this Act, he shall forfeit the sum of *Twenty Pounds*, to be recovered and applied in manner herein after directed.

Penalty for making false return,

or for acting contrary to the directions of this Act.

XV. *And be it further enacted*, by the authority aforesaid, That any person or persons who shall *bribe* or *corrupt*, any *Voter* or *Voters*, at any Election within this Island, such person or persons so offending, shall suffer all the Penalties prescribed by the *Laws of England*, for such offences.

Punishment of Bribery, &c.

XVI. *And be it further enacted*, by the authority aforesaid, That every *Assembly*, hereafter to be called for this Island, shall continue for the space of *seven years*, from the day of the Return of the *Writs*, for calling the same, and no longer ; subject nevertheless, to be sooner prorogued, or dissolved, by the Governor, Lieutenant Governor, or Commander in Chief, of the said Island, for the time being.

Assembly to continue for seven years,

subject to be prorogued or dissolved.

XVII. *And be it further enacted*, by the authority aforesaid, That nothing contained in this Act, shall extend, or be construed to extend, to prevent or exclude any person (other than the *High Sheriff* of this Island,) who shall be nominated and appointed a *Returning Officer*, from being elected a Member of the Assembly, for any County or Royalty, other than the County or Royalty for which such person shall have been nominated and appointed Returning Officer.

Returning Officer for one County or Royalty may be Elected in another.

XVIII. *And be it further enacted*, by the authority aforesaid, That every *Returning Officer*, shall be paid at the rate of *Ten Shillings*, for every day, he shall have kept open *Poll*, and shall, moreover, be reimbursed his travelling, and other unavoidable expences, which he shall be put to, in the execution of his Office ; and for such payment and reimbursement, he shall make application to the Lieutenant Governor, or Commander in Chief, for the time being, who is hereby authorised, by and with the advice and consent of his Majesty's Council, to grant a *Warrant*, directed to the Treasurer, for payment of the same.

Allowance to Returning Officer.

XIX. *And be it further enacted*, by the authority aforesaid, That any *Elector* present at any *Election*, may declare himself the Representative of any Candidate who is an actual settler, and inhabitant of this Island ; but who at the time of such *Election*, may happen

Absent Candidates may be represented.

to be absent from the same, without any special power to that effect.

Returning Officer to execute an Indenture at the close of the Election,

one part whereof together with Oaths, &c. to be transmitted to Secretary's Office.

Penalty on Returning Officer influencing Election.

In case of a vacancy Speaker on information thereof to report the same to Governor, &c.

who is empowered to issue a new Writ to fill up the same.

Poll Books to be delivered into Secretary's Office.

Members of his Majesty's Council not entitled to Vote, nor Infants.

Fines and Forfeitures how to be recovered and applied.

XX. *And be it further enacted*, by the authority aforesaid, That the Returning Officer, at the close of the *Election*, shall immediately execute an Act, or instrument of Indenture thereof, under his Hand and Seal, agreeable to the Form Number Five, in the Schedule annexed, one part of which Act, or Indenture, shall be immediately delivered to each of the persons elected, or his Representative, and another part with the *Writ of Election*.—The Oath of the *Returning Officer*, and that of his Clerks, required by this Act, shall be transmitted by the said Returning Officer, to the Secretary's Office of this Island.

XXI. *And be it further enacted*, by the authority aforesaid, That no *Returning Officer* shall take any part either before or during any *Election*, by him held, by voting, favoring, or influencing, or causing to be favoured or influenced, the interest of any particular Candidate, under pain of incurring a penalty of the sum of *Fifty Pounds*.

XXII. *And be it further enacted*, by the authority aforesaid, That in case of any *vacancy* happening in the *Assembly*, by the death of any *Member* thereof, or by his being called up to his Majesty's Council, or resigning his seat on his final removal from this Island, on information thereof being given to the Speaker, by any *Member* rising in his place, or if such vacancy happen, during any recess of the *Assembly*, by Prorogation or Adjournment, on information thereof, being given to the Speaker, for the time being, under the hands and seals of any two *Members* of the *Assembly*, it shall be the duty of the *Speaker*, to report the same immediately to the Governor, Lieutenant Governor, or Commander in Chief, of this Island, for the time being, who is hereby empowered and required, within *six days*, after such report, to issue a *new Writ* for the *Election* of a *Member of Assembly*, to fill up such vacancy.

XXIII. *And be it further enacted*, by the authority aforesaid, That within *twenty days* after an *Election* is finished, the Returning Officer shall, and he is hereby required, to deliver into the Secretary's Office of this Island, all the *Poll Books* of the *Election*, in order that recourse may be had to the same at any time when required.

XXIV. *And be it further enacted*, by the authority aforesaid, That the *Members* of *His Majesty's Council*, shall not be entitled to *Vote* at *Elections*, neither is any *Vote* to be received from persons under the age of twenty one years.

XXV. *And be it further enacted*, by the authority aforesaid, That the *Fines* and *Forfeitures*, incurred by this Act, shall be recovered by Bill, Complaint, or Information, or by action of Debt, in any Court of Record, by any person suing for the same, and that one half of every such Fine or Penalty, shall be paid to the Commissioners of Roads,

and

and to be applied and laid out, in making and *repairing* the *Public Roads*, in the *County or Royalty* concerned in such Election; the other half to the Informer, suing for the same, with the Costs incurred in the Prosecution thereof, to be by him received for his own use and benefit. *Provided always*, that if any Suit or Action, be brought against any Person or Persons, for any Penalty by this Act imposed, such suit or action shall be commenced within *six months* next after the offence shall be committed, and not afterwards.

Proviso.

*And Whereas* from the extent of the several Counties in this Island, and from the unimproved state of the Roads, it is extremely difficult for the *Electors* of such Counties to meet and assemble, at any one fixed and given place, for the purpose of electing Members to serve in General Assembly.

Preamble.

XXVI. *Be it therefore enacted*, by the authority aforesaid, That it shall and may be lawful, (on application of either of the Candidates) on the *day* the *Poll* is first opened, for every Sheriff, or his Deputy, to whom any Writ for electing a Member or Members, for any County within this Island, shall be directed, after having opened the *Poll* at the *County Court-House*, if demanded, and having received the votes of the *Electors* of such County, in manner herein before directed; to remove and adjourn the *Poll* (held as aforesaid) to the respective places following: that is to say, in the County of *King's County*, on application as aforesaid, the *Poll* to be adjourned at the Court-House at *George-Town* to the settlement at *Saint Peters*; in the County of *Queen's County*, (on application as aforesaid) the *Poll* to be adjourned at the Court-House at *Charlotte-Town*, to *Chiney-Point*, opposite to *Orwell Ferry*; and in the County of *Prince County*, (on application as aforesaid) the *Poll* to be adjourned at the Court House at *Prince-Town*, to the Settlement called *Bedeque*, on the South side of *Dunk River*.

Sheriff, &c. on application may adjourn Poll.

XXVII. *And be it further enacted*, by the authority aforesaid, That the application aforesaid, for removal or *adjournment* of the *Poll*, shall be made the day on which the same is opened, at the County Court-House, and that the Sheriff, or his Deputy, as aforesaid, shall, on such application, duly made, forthwith notify the *Electors*, of the County of the said *adjournment*, by setting up Advertisements at the County Court-House, where the *Poll* is then held, and at two of the most Public places in the District, to which the *Poll* is to be adjourned, that he will on the *seventh day*, next after the opening the *Poll* at the County Court House, continue the same at the place within the District to which it is adjourned, and *then and there proceed* to take the *Poll*.

Application for adjournment to be made the day the Poll is opened.

Sheriff, &c. to notify Electors thereof.

XXVIII. *And be it further enacted*, by the authority aforesaid, That the *Poll* for any one *Election*, shall not be kept open at the place where begun more than *three days*, nor at the place to which it may be adjourned, more than *two days*, after which time it shall, and may

How long the Poll to be kept open.

may be lawful for the Sheriff, or his Deputy, to close it, and return the *Candidate who shall* then have the *Majority of Votes*.

Suspending Clause.

Provided, That nothing in this Act contained, shall have any force or effect, until his Majesty's pleasure therein shall be known.

## SCHEDULE.

(No. 1.)

Oath of Returning Officer.

I A. B. Returning Officer for the County or Royalty of do solemnly swear, that I have not directly, or indirectly, received any sum or sums of Money, Office, Place, or Employment, Gift, Gratuity, or Reward, or any Bond, Bill, or Note; or any Promise, or Gratuity whatsoever, either by myself, or any person to my use, or benefit, or advantage, for favouring the Election of any particular person, or persons, or making or endeavouring to make, the Return of any particular person or persons, at the present Election of a Member, or Members, to serve in the Assembly, of Prince Edward Island, and that I will proceed, in taking the Votes of the Electors, and will make Return of such person and persons, as shall appear to me, to have the Majority of Legal Votes, and this I solemnly swear to do, without partiality, fear, favour, illwill, or affection.

SO HELP ME GOD.

(No. 2.)

### Oath to be taken by Poll Clerks.

Form of Oath to be taken by Poll Clerks.

I A. B. do solemnly swear that I will at this ensuing Election of a Member or Members to serve in Assembly, for the (County or Royalty,) of truly and indifferently take the Poll, and set down the name of each Voter; and for whom he shall Poll and give his Vote, that I will not enter on the Poll Books, the name or Vote of any person, but such as are qualified by an Act of the General Assembly of this Island, made in the Forty-Seventh year of his Present Majesty's Reign, intituled an Act, to repeal an Act, made and passed in the Forty-First year of his Majesty's Reign, intituled "An Act for the better regulation of Elections, and to regulate Elections for Members to serve in General Assembly, in future," and that I will, truly, enter all and every Vote upon the Poll Books, without partiality, fear, favour, or affection.

SO HELP ME GOD.

(No. 3.)

### Form of Elector's Oath.

Elector's Oath.

I do swear that I verily believe I am by Law intituled to a Vote in the Town (or County) of in the Island Prince Edward, and that the Title on which I claim a right

right

right to vote, consists of (*here are to be inserted the particulars*) and are situate lying and being in (*here insert the particular place,*) and that I have been in possession thereof for six months, now last past, and the same hath not been made, or granted to me fraudulently, on purpose to qualify me, to give my Vote, and that I have not received, or had, by myself, or any person whatever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of Money, Office, Place, or Employment, Gift or Reward, or any promise or security, for any Money, Office, Employment or Gift, in order to give my Vote at this Election, and that I have not before been polled at this Election, and that the place of my abode is at \_\_\_\_\_ and that I am of the age of twenty-one years and upwards, as I verily believe.

SO HELP ME GOD.

(No. 4.)

Form of the Oath of the Elected.

I A. B. do swear, that I truly and *bona fide*, have such a Freehold, or personal Estate in Law or Equity, in this Island, to and for my own use and benefit, (over and above what will satisfy and clear all incumbrances that may affect the same,) of the value of £50, as doth qualify me to be elected; and returned to serve as a Member for the \_\_\_\_\_ of \_\_\_\_\_ according to the Tenor and true meaning of the Act of the General Assembly, of this Island, in such case (lately) made and provided.

Oath to be taken by the Elected.

(No. 5.)

Form of an Indenture.

THIS Indenture made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord, one thousand eight hundred and \_\_\_\_\_ and in the \_\_\_\_\_ year of the Reign of our Sovereign Lord George the Third, King, of the United Kingdom of Great Britain, and Ireland, &c. BETWEEN \_\_\_\_\_ Returning Officer of the County or Royalty of \_\_\_\_\_ in Prince Edward Island, of the one part, and A. B. C. D. of the other part, *Witnesseth*, that agreeable to his Majesty's Writ, bearing date the \_\_\_\_\_ day of (*the past or current month,*) after Proclamation thereof being made, according to Law, we the said A. B. C. D. &c. Electors of the said County or Royalty, (*in such place*) in the said County or Royalty in full Assembly, have chosen F. G. as a Member, (or Members) to serve for the said County or Royalty, in the Assembly of this Island, to be held the \_\_\_\_\_ day of \_\_\_\_\_ next, at Charlotte-Town, and by these presents, we have and do give to the said F. G. ample and sufficient power, for us, and the Electors of the said County or Royalty, distinct from us to make, and consent to such matters, as in the said Assembly of the said Island, shall be by favour of God ordained. *In Witness* whereof, each of the said parties have interchangeably set their hands and seals, to these Presents, the day and year above written.

Indenture.

H

Anno

1808.

ANNO Quadragesimo Octavo Regis GEORGII III.

J. F. W. DESBARRES,  
Lt. Governor.

CÆSAR COLCLOUGH,  
President.

ROBERT HODGSON,  
Speaker.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the First Day of December, ANNO DOMINI, one thousand eight hundred and Six, and in the forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. and thence continued by Prorogation until the Eighth day of March, one thousand eight hundred and Eight, and in the forty-eighth Year of His said Majesty's Reign, being the Second Session of the Eight General Assembly, convened in the said Island.

C A P. I.

Expired.

AN ACT appointing and empowering PHILIP CODD, of Kensington, Esquire, to be *Colony Agent* for His Majesty's *Island Prince Edward*.

C A P. II.

Ensemble.

AN ACT to amend an Act, made and passed in the Twenty-Sixth Year of His present Majesty's Reign, intituled "An ACT to empower the Governor, Lieutenant Governor, or Commander in Chief, for the time being, to appoint a SHERIFF, or SHERIFFS, for this Island: also, to regulate the OFFICE of SHERIFFS, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures, levied by them for the use of the Crown,"—and to indemnify Persons, claiming under Deeds executed by the DEPUTY, or UNDER SHERIFF, of this Island. (8th April, 1808.)

WHEREAS the Fine imposed by the said Act, on persons refusing to accept the Office of *High Sheriff* for this Island, hath been found too small and inconsiderable: L. Be

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, any Person or Persons, who shall have been appointed to execute the said Office of High Sheriff, and shall refuse to accept the same in terms of the said Act, shall be subject to, and pay a Fine of Twenty Pounds; of lawful money of this Island, instead of the Fine therein mentioned for such his refusal; the same to be recovered and applied in manner therein directed, with respect to the Fine thereby imposed for such refusal.*

*And Whereas, a practice has long prevailed, of Returning Writs, Executing Deeds of Conveyance of Lands, and doing such other Matters and Things, as relate to the Office of High Sheriff of this Island, in the name and as the Act and Deed of the Deputy or Under Sheriff by him appointed, contrary to the established Law, and practice of England. In order therefore to prevent those disputes, which might otherwise arise, with respect to the validity of such Acts, to the injury of bona fide purchasers, and those claiming under them :*

II. *Be it further enacted, by the authority aforesaid, That all Returns of Writs, heretofore made, and all Acts and Deeds heretofore done, and executed, by and in the name of any Deputy or Under Sheriff, of this Island, shall have the like force and effect, as though the same had been made, done, and executed, in the name of his Principal, any Law, Custom, or Usage, to the contrary notwithstanding.*

III. *And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, all Returns of Writs, Execution of Deeds, and all other Matters and Things whatsoever, appertaining to the Office of High Sheriff of this Island, shall be made, done, and executed, in the name, and as the Act and Deed of such Sheriff, for the time being, and that all Returns of Writs, Execution of Deeds, and all other Matters and Things relating to such Office, and which shall be made, done, and executed, by and in the name of any Person or Persons, by colour of any deputation or appointment to the Office of Under Sheriff, shall be deemed and considered null and void, to all intents and purposes, and all and every Person and Persons, taking advantage thereof, may give this Act, and the matter herein contained, in evidence in any of His Majesty's Courts of Law or Equity in this Island.*

### C A P. III.

AN ACT for repealing "An Act, intituled an Act, to prevent the throwing of BALLAST into Rivers and Creeks on this Island," and for the empowering the Governor, Lieutenant Governor, or Commander in Chief, for the time being, to appoint BALLAST MASTERS, and to regulate their duty.  
(8th April, 1808.)

WHEREAS the Provisions of an Act made and passed in the Thirteenth year of His Present Majesty's Reign, intituled,  
"An

Persons appointed to office of Sheriff shall for refusal pay a Fine of £20 instead of Penalty in former Act.

To be recovered and applied as before directed.

Preamble.

All Returns of Writs and all Acts and Deeds heretofore done in name of Under Sheriff confirmed.

All Returns of Writs, Execution of Deeds, &c. hereafter to be made in name of Sheriff,

and all returns of Writs, Execution of Deeds, &c. in the name of a Deputy or Under Sheriff, to be deemed void.

Preamble.

"An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island," have been found inadequate to the purposes for which the same was enacted, and it is otherwise become necessary, that more general regulations should be made, to preserve the Navigation of the Harbours and Rivers in this Island.

Repealing Clause.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That immediately from and after the passing of this Act, the said Act, intituled "An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island," and every part and clause thereof, shall be, and the same is hereby repealed.*

Preamble.

*And Whereas it is found necessary, that Ballast Masters should be appointed for the several Harbours, and Navigable Rivers, in this Island.*

Governor, &c. to appoint Ballast Master for the different Harbours and Rivers, in this Island.

II. *Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief, of this Island, for the time being, at any time after the passing of this Act, to nominate and appoint, one fit and proper person, to act as Ballast Master, for each of the following Harbours and Rivers, in this Island, that is to say, Charlotte-Town, Three Rivers and Richmond Bay, and at such other Harbours or Rivers, in this Island, as the Governor, Lieutenant Governor, or Commander in Chief, for the time being, may think fit, each of which said Ballast Masters so to be appointed, as aforesaid, shall before he enters on the duties of his said Office, take the following Oath, before any one of his Majesty's Justices of the Peace in this Island, that is to say,*

Ballast Master to be sworn.

Form of Oath.

"I do swear, that I will well and truly, perform the Duty of Ballast Master for the District to which I am appointed, to the best of my skill and judgment, without favour or affection, according to the directions of the Act of the General Assembly of this Island, in such case made and provided.—  
"SO HELP ME GOD."

No Master or Owner of Ship, &c. to unload Ballast into any River or Creek, &c.

but on Land or a league from shore, or as directed by Ballast Master.

Every Master and Owner not complying with this Act,

shall forfeit £50.

III. *And be it further enacted, by the authority aforesaid, That from and after the First day of May next, no Master or Masters, Owner or Owners, of any Ship, Boat, or other Vessel, nor any other person whatsoever, shall cast or unload the Stones, Gravel, or other Ballast, which they may have on board, at, or in any of the Rivers, Creeks, Ports, Havens, or Habours of this Island, but on the Land, above high water mark, or a league from shore, or in such other place as the Ballast Master of such Harbour or River, wherein such Ship or Vessel shall or may arrive, shall direct and appoint, upon pain that all such Owners or Masters of Ships, Boats, or other Vessels, so casting or laying such Gravel, Stones, or other Ballast, or permitting the same to be cast or laid in any River, Creek, or Harbour of this Island, shall forfeit for every such offence the sum of*

*Fifty*

*Fifty Pounds*, of Sterling Money : *one half* part thereof to be applied towards the building or repairing of Wharves, in the Harbour or River wherein the penalty shall be incurred, and the *other half* to be paid to the said *Ballast Master*, of such Harbour or River, as aforesaid, and to be recovered in any Court of Record within this Island, by action of Debt, Bill, Plaint or Information, and wherein no *Essoin*, Protection, or Wager of Law, shall be allowed, in which Action or Suit, the Defendant or Defendants, may be held to special Bail, on an Affidavit being duly made, and filed of the cause of action.

Application of Fine,

Made of recovery of same.

Ballast Master to go on board all Vessels on their arrival,

shall attend to the delivery of the Ballast at proper places on shore.

Ballast Master shall prosecute for offences committed against this Act.

Persons appointed Ballast Master and refusing to serve, shall signify his refusal within twenty days after notice of appointment.

In default thereof shall pay a Fine of £5.

Ballast Master subject to a penalty of £50 for neglect of duty.

Made of recovery and application of Penalties.

Allowance to Ballast Master.

IV. *And be it further enacted*, by the authority aforesaid, That every *Ballast Master* so to be appointed, as aforesaid, shall as soon as conveniently may be, after the arrival of any Ship or Vessel in the Harbour, or River, to which he shall be appointed, go on board the same, and inform the Master or Owner, or other person having charge or command thereof, of the Provisions of this Act, and shall diligently attend to the delivery of the Ballast, from on board the same, and shall not knowingly permit the same, or any part thereof, to be cast into the water where navigable, but shall direct, and to the best of his power, cause all such *Ballast* to be brought and laid on shore, at some convenient place or places, where it may not obstruct Navigation, nor be washed into the Channel ; and in case any Master, Owner, or other person, having such charge or command, as aforesaid, shall offend against the provisions of this Act, the said *Ballast Master* shall, and he is hereby required, without delay, to prosecute for the same.

V. *And be it further enacted*, by the authority aforesaid, That in case any person or persons, to be appointed *Ballast Master*, by Virtue of this Act, shall refuse to accept the said Office, each of such persons shall signify such his refusal, to the Clerk of his Majesty's Council, within *twenty days*, next after he shall have been duly notified of such appointment, or in default thereof, shall forfeit and pay the sum of *Five Pounds*, of lawful Sterling Money ; and any person having accepted the said Office, and who shall fail to do his duty, according to the directions of this Act, shall forfeit and pay for each and every Offence, the sum of *Fifty Pounds*, of lawful Sterling Money ; the said Penalties, and each of them, to be recovered in any Court of Record within this Island, by action of Debt, Bill, Plaint, or Information, and wherein no *Essoin*, Protection, or Wager of Law, shall be allowed—one half part thereof, to be applied towards the building and repairing of *Wharves*, in the *Harbour* or *River*, wherein the Penalty shall be incurred, and the other half part thereof, to be paid to him, her, or them, who shall or may prosecute and sue for the same.

VI. *And be it further enacted*, by the authority aforesaid, That every *Ballast Master*, shall be paid by the *Master*, *Owner*, or other Person having charge or command, of any Ship or Vessel, which shall

unlade *Ballast*, as aforesaid, at the rate of *Ten Shillings*, Currency, for each day he shall be employed in attending such Ship, or Vessel, and discharging the duty enjoined on him by this Act.

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C A P. IV.

It does not appear that this Act has received the Royal Allowance.

AN ACT to alter and amend an Act, made and passed in the Thirtieth Year of his present Majesty's Reign, intituled "An Act to oblige the respective Proprietors of Lots, or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the settlement or improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges, for the making and repairing the High-Ways, and BRIDGES of this Island."

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C A P. V.

Expired.

AN ACT to revive two several Acts of the General Assembly, of this Island, that have lately expired.

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C A P. VI.

Expired.

AN ACT for raising a Fund, for defraying the Expence of Printing the *Laws of this Island*, and for other purposes therein mentioned.

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C A P. VII.

Expired.

AN ACT for raising a Fund to make and keep in repair the *Pumps, Wells, and Streets of Charlotte-Town*.

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C A P. VIII.

Expired.

AN ACT to revive two certain Acts of the General Assembly, of this Island, that have lately expired.

Anno Quadragesimo Nono Regis GEORGH III.

1809.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the First Day of December, ANNO DOMINI, one thousand eight hundred and Six, and in the forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. and thence continued by Prorogation until the Twentieth day of March, one thousand eight hundred and Nine, and in the forty-ninth Year of His said Majesty's Reign, being the Third Session of the Eighth General Assembly, convened in the said Island.

J. F. W. DENNINGS,  
Lt. Governor.

CÆSAR COLCLOUGH,  
President.

ROBERT HODGSON,  
Speaker.

C A P. I.

AN ACT for establishing a MERIDIONAL LINE, to regulate SURVEYORS in this Colony. (April 19th 1809.)

WHEREAS it is highly necessary, to promote accuracy in Surveying the Lands of this Colony, that a Meridional Line should be established by astronomical Observation.

Preamble.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief of this Colony, for the time being, to nominate and appoint Three Commissioners, (of whom His Majesty's Surveyor General of Lands in this Colony shall be one,) for the purpose of establishing a Meridional Line, in manner herein after directed, that is to say, that a Meridional Line, by Astronomical Observation, shall be properly drawn and ascertained by correctly fixing Three Stones, of such sufficient heighth and dimensions, as will admit a full view from the most Northerly stone of the two others, in the said Line, which Stones to have the Line accurately marked thereon; together with the Variation, and year in which the same

Governor, &c. to appoint Commissions for establishing a Meridional Line.

How to be ascertained.

same

same was done, the said *Meridional Line* to be fixed, in the most convenient place in or near Charlotte-Town, by the said *Commissioners* within *six months* after the passing of this Act, and by which all *Surveyors* shall regulate and rectify their several *Instruments* once in every year at least, and in the presence of the *Surveyor General*, or of some person by him duly authorised, for that purpose, or of one or more of the said *Commissioners*.

Surveyors to regulate their Instruments by it.

And all, and every *Surveyor of Lands*, is, and are, hereby required to demand and obtain from the said *Surveyor General*, or person authorised as aforesaid, or from one or more of the said *Commissioners*, a Certificate that the several *Instruments* of such *Surveyor*, or *Surveyors*, to be used and employed in Surveying, are good and sufficient, and in the Certificate so to be granted, shall be set down and expressed the *Variation*, found at the period of making such Certificate, so to be granted, which the *Surveyor General*, or some one or more of the said *Commissioners*, is, and are, hereby authorized to do.

Surveyors to obtain Certificates of the sufficiency of their instruments.

Variation to be expressed in the Certificate.

II. And be it enacted, by the authority aforesaid, That the *expence* of establishing and ascertaining a *Meridional Line*, in manner before directed, shall be borne and paid out of the Treasury of this Colony, and that the Governor, Lieutenant Governor, or Commander in Chief of this Colony, for the time being, by and with the advice of his Majesty's Council, shall have power to draw Warrants on the Treasurer of this Island, for the time being, for the amount of the aforesaid purposes.

How expence of fixing Meridional Line to be defrayed.

## C A P. II.

AN ACT to repeal an Act, intituled an Act, in addition to, and amendment of an Act, made and passed in the thirty-fifth year of his present Majesty's Reign intituled, an Act to alter and amend the HIGH ROAD LAWS. (19th April, 1809.)

WHEREAS the operation of an Act, made and passed by the General Assembly, of this Island, in the forty-first year of his present Majesty's Reign, intituled "An Act in addition to, and amendment of, an Act made and passed in the thirty-fifth year of his present Majesty's Reign, intituled "An Act to alter and amend the High Road Laws," hath been found productive of public loss and inconvenience, the monies thereby directed to be received and applied, in lieu of Statute Labour, having proved far inadequate to the actual performance thereof :

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That immediately from and after the passing of this Act, the said Act, intituled "An Act, in addition to, and amendment of "an Act, made and passed in the thirty-fifth year of his present Majesty's Reign, "intituled An Act to alter and amend the High "Road Laws," and every part and clause thereof, shall be, and the same is hereby repealed.

Act of 41st Geo. 3. Repealed.

CAP.

C A P. III.

AN ACT for allowing a further *Drawback* on *Wines, Rum, Brandy,* and other *Distilled Spiritous Liquors,* and a *Drawback* on *Porter, Ale, and Strong Beer, Sugar, and Tobacco,* to be exported from this Island.

Rep ealed by 52d of Geo. 3, c. 4.

C A P. IV.

AN ACT appointing the recording of *LETTERS, or POWERS of ATTORNEY,* in such Cases as are therein mentioned.—(19th April 1809.)

**W**HEREAS by the Statutes of this Colony, all *Deeds of Sale, Conveyances, and Mortgages, and Leases,* of longer duration than *Ten Years,* are required to be *Registered* in the *Register Office* of this Island, and although many of such *Deeds and Conveyances,* are made and executed by Persons duly authorised and empowered, by *Letter of Attorney* for that purpose, for, and in the name, and as the Act and Deed of *absent Proprietors,* and Persons interested therein, yet no such Powers or Authorities have hitherto been required to be *Registered* in like manner.

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly,* and by the authority of the same, it is hereby enacted, That *from and after the passing of this Act, all Powers and Letters of Attorney,* under or by virtue of which, any *Deeds of Sale, Conveyances, Mortgages or Leases,* (or the counter parts thereof) of any Lands, Hereditaments, or Premises, in this Island, shall be made and executed, shall be *duly recorded,* at length, in the *Register Office*—and that no *Deed, or Instrument,* purporting to be executed in such manner, as is before mentioned, shall have any force or effect, until such *Power or Letter of Attorney,* shall have been first *duly Registered.*

Powers of Attorney authorising the execution of Conveyances or Leases of Lands to be Registered,

otherwise such Conveyances or Leases to have no force or effect.

C A P. V.

AN ACT for continuing sundry Laws that are near expiring.

Expired.

C A P. VI.

AN ACT for repealing certain parts of an Act, made and passed in the fourteenth year of his present Majesty's Reign, intituled, "An Act for regulating the *Measure of Boards,* and all other kinds of *Lumber,* and for appointing *Officers to survey the same,* and for declaring what shall be deemed *Merchantable Timber* "for *Exportation.*"

Expired.

K

CAP.

## C A P. VII.

AN ACT to repeal an Act, made and passed in the Twentieth year of his present Majesty's Reign, intituled "An Act, to enable the Governor, or other Commander in Chief, to Lease out certain parts of the Common of Charlotte-Town Rent free, for the space of Ten Years." (19th April, 1809.)

Preamble.

WHEREAS the above mentioned Act, hath not been carried into execution since the passing thereof:

Former Act repealed.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That immediately from and after the passing of this Act, the said Act, intituled "An Act to enable the Governor, or other Commander in Chief, to Lease out certain parts of the Commons of Charlotte-Town, Rent free, for the space of Ten Years," and every Clause Matter, and Thing, therein contained shall be, and the same is hereby repealed.

## C A P. VIII.

This Act was passed with a Suspending Clause, and has not yet received his Majesty's Allowance.

AN ACT to confirm the Titles, and quiet the Possessions, and Locations, in this Colony, of the *American Loyal Emigrants, and Disbanded Troops*

## C A P. IX.

AN ACT for raising the sum of Sixteen Hundred Pounds, for the purpose of erecting BUILDINGS, for the meeting of the GENERAL ASSEMBLY, the SUPREME COURT, and its OFFICES, and other PUBLIC OFFICES, in Charlotte-Town, and for Building two Gaols, viz. one in Prince County and one in King's County in this Island.

(20th April, 1809.)

Preamble.

WHEREAS it is essential to the dignity and honor of his Majesty's Government, in this Island—the due and regular administration of Justice—and the security of private Property, that Provision be made by this Assembly, for the erecting proper Buildings, for the accommodation of the General Assembly, the Supreme Court and its Offices, and the Register and Surveyor General's Offices, in Charlotte-Town, as also for Public Buildings in King's County, and Prince County; and Whereas, the usual method of raising money for building Court Houses and Gaols, in His Majesty's Colonies, as well as in Great Britain, is by Assessment on the property of the County upon presentment by the Grand Juries thereof.

And Whereas, under the circumstances of this Island, where there is only one Grand Jury for the whole thereof, and where it is impossible to ascertain the abilities of the Inhabitants, otherwise than by their Landed Property.

It

It appears both expedient, equitable, and least burthensome, that the same should be raised by an *Assessment of two shillings for every hundred acres of Land*, in this Island.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That there shall be paid into the hands of the Treasurer, of this Island, the sum of *two Shillings*, lawful Money thereof, for every *hundred acres of Land*, contained in the several Townships thereof, and in the several small Islands, belonging thereto, and the sum of *two Shillings* for every *Pasture Lot*, already granted, in the several Royalties, in the said Island; the said several sums of Money to be paid as aforesaid, by the several and respective Owners or Proprietors, within *six Months* after his Majesty's Royal allowance, and confirmation of this Act, shall have been signified.

II. *And be it further enacted*, by the authority aforesaid, That the Treasurer of this Island shall, and he is hereby required and directed, within *thirty days*, next after His Majesty's Royal allowance of this Act, shall have been signified, to cause advertisements in Charlotte-Town, and three of the principal Settlements in each of the Counties of this Island, to be published, calling upon the respective *Owners of the Lands*, charged by this Act, as aforesaid, to pay the sums respectively charged thereon, within the time limited by this Act; and the Treasurer is hereby directed and required, at the next sitting of His Majesty's Supreme Court of Judicature, after the posting of the said advertisements, on the *last day of the Term*, to make Proclamation of all such Lands which shall then be in arrear, in payment of the sums charged thereon by this Act, and immediately thereafter to cause further Notices to be published at *three* of the most Public places in Charlotte-Town, and at *three* of the principal Settlements, in each of the Counties of the Colony, notifying the *Owners of the said Lands*, so in arrear, that in case the sums charged on them, by this Act, shall not be paid, on or before the *first day of Michaelmas Term*, then next following, application will be made to the said Supreme Court, for Judgment against the said Lands, which shall then be in arrear,—and the said Supreme Court, shall give Judgment accordingly, and order and direct, that so much of the several *delinquent Lands*, as shall be sufficient to pay the sum charged by this Act, together with reasonable Costs, to be Sold at Public Auction, to the highest bidder, and shall thereupon issue a *feri facias* directed to the *Sheriff*, or *Coroner* for that purpose, who on such Sale shall, after having given *Sixty days previous Notice*, proceed to the said Sale, and shall thereupon execute to the Purchaser, a good and sufficient Conveyance thereof, reasonable means having been previously used, by the said *Supreme Court*, according to its discretion, for the ascertaining the Proprietor, and for the enabling him by due Notice, to prevent the necessity of such Sale, by payment of the sum charged by this Act, together with the Costs attending such

Enquiry

There shall be paid two shillings per 100 acres, in the Townships and small Islands, and two shillings for every Pasture Lot,

within six months after his Majesty's Allowance of this Act.

Treasurer to cause Advertisements to be published,

calling on Proprietors for payment.

Treasurer to make proclamation the term next following in Supreme Court of all Land in arrear,

and cause further Notices to be published,

Notifying that in case sums in arrear be not paid on the 1st day of Michaelmas Term then following application will be made for judgment.

Supreme Court to give judgment and direct sale of Lands at Public Auction, and issue a Fieri Facias.

Sheriff, &c. after having given sixty days Notice, to proceed to sale and execute Deed of Conveyance to purchaser,

means having been previously used for ascertaining the Proprietor, and enabling him to prevent Sale.

no longer than twelve months allowed for that purpose.

If Lands profitable then to be Let, and Rents applied to satisfy Executions.

If Rents or proceeds on Sale more than sufficient, surplus to be paid to Proprietor,

provided it be claimed within three years.

Equity of Redemption for two years.

Purchaser accounting to former Owner, and former Owner repaying purchaser with interest, and allowance for Improvements made.

Governor, &c. to appoint Commissioners for erecting aforesaid Buildings.

Commissioners to make Contracts.

Commissioners to procure proper Plans and Sections, together with Estimates, &c.

to be laid before Governor, &c. for his approbation.

Enquiry and Notices, as aforesaid; provided that no longer period than *twelve months* shall be allowed by the said *Supreme Court*, for that purpose.

III. *Provided Always*, that in case any of the *Lands* so in arrear, in payment of the sums charged thereon, by this Act, shall be improved or profitable Land, the said Sheriff, or Coroner, is hereby directed, to use his utmost endeavours to Let the same, and apply the Rents arising therefrom, to satisfy the said Executions, together with the Costs and charges of levying the same.

IV. *And Provided also*, that if the Rents or Proceeds on the Sale of such Lands, shall be more than sufficient to defray the sums charged thereon, by this Act, together with all reasonable Costs and Charges, attending the advertising, letting, or selling the same, the surplus shall be paid to the Proprietors of such Land, or their lawful Attornies; and in case no person shall appear within *three years*, from the Sale, or letting of the said Land, the said surplus having been previously paid into the Treasury of this Island, shall be applied to the improving or repairing the Roads within the Township, in which such Lands lie.

V. *And Provided Always*, That in case of any Lands being sold, under the operation of this Act, an *Equity of Redemption* shall nevertheless be open to the former Owner, or Proprietor, his Heirs or Assigns, for the space of *two years*, next after the levying of the *Fieri Facias* thereon; the Purchaser accounting to the former Owner, for the Rents, Issues, and Profits, and the former Owner repaying the Purchase Money, with lawful interest thereon, and allowance for such improvements, as shall or may be made thereon, the same to be ascertained by the *Supreme Court*.

VI. *And be it further enacted*, by the authority aforesaid, That the Lieutenant Governor, or Commander in Chief, with the advice of His Majesty's Council, be, and he is hereby empowered, to nominate and appoint *Six Commissioners*, three being of the Council, and three of the Assembly, for erecting the aforesaid *Buildings*, in *Queen's Square*, in *Charlotte-Town*, which said *Commissioners*, or the major part of them, are hereby authorised to make such Contracts, for the purchase of materials, for erecting and finishing the said *Buildings*, and for workmanship, as they, or the major part of them, shall think proper.

VII. *And be it further enacted*, by the authority aforesaid, That the said *Commissioners*, or the major part of them, shall without delay, procure proper plans and Sections for the said *Buildings*, to be erected in *Charlotte-Town*, together with particular Estimates of the expense of materials, and workmanship, necessary to complete the same; which, together with all Contracts which shall be entered into by the said *Commissioners*, shall previous to their being executed, be laid before the Governor, Lieutenant Governor, or Commander in Chief

Chief, for the time being, for his approbation. *Provided* the expence thereof, shall not exceed in the whole, the sum of *one thousand two hundred and forty Pounds*.

*Provided* expence not to exceed £1240.

VIII. *And be it further enacted*, That the *Governor, Lieutenant Governor, or Commander in Chief*, be, and he is hereby empowered, to draw Warrants on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the sum appropriated by this Act, for the said Buildings, or any part thereof, at such times, and in such proportion, as they may think necessary.

Governor, &c. to draw Warrants on Treasury, for the sum appropriated.

IX. *And be it further enacted*, That the *Governor, Lieutenant Governor or Commander in Chief*, for the time being, be, and he is hereby empowered, to appoint a *Commissioner, or Commissioners*, for erecting the said *Gaols*, at such places in *King's County, and Prince County*, as the *Governor, Lieutenant Governor, or Commander in Chief*, with the advice of His Majesty's Council, shall think proper, and to draw Warrants on the Treasurer, for the sum appropriated by this Act, for defraying the expence thereof.

Governor, &c. in like manner to appoint Commissioners in King's County, and Prince County for erecting Gaols there.

And to draw Warrants on Treasurer for defraying expence thereof.

X. *And be it further enacted*, That a particular account of the expenditure of the Monies, to be raised and applied by Virtue of this Act, shall be laid before the General Assembly, at the next Session.

Account of expenditures and applications of Monies to be laid before General Assembly.

XI. *And be it further enacted*, by the authority aforesaid, That the said *Treasurer*, shall be allowed at and after the rate of *Five per cent*, for receiving and paying the Monies to be received by Virtue of this Act, and for other duties thereby enjoined.

Allowance to Treasurer.

XII. *Provided always*, That nothing in this Act contained, shall have any force, or effect, until His Majesty's pleasure therein shall be known.

Suspending Clause until his Majesty's Royal pleasure be known.

*This Act received his Majesty's Royal Allowance, as appears by a Letter from the Secretary of State, dated the 15th November 1809, as entered upon the Council Books.*

Anno Quinquagesimo Regis GEORGII III.

1810.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the First Day of December, ANNO DOMINI, one thousand eight hundred and Six, and in the forty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. and thence continued by Prorogation until the Thirtieth day of July, one thousand eight hundred and Ten, and in the Fiftieth Year of His said Majesty's Reign, being the Fourth Session of the Eighth General Assembly, convened in the said Island.

J. F. W. DESBARRES,  
Lt. Governor,

CESAR COLCLOUGH,  
President.

ROBERT HODGSON,  
Speaker.

C A P. I.

AN ACT to amend an Act, intituled, "An Act to prevent the MALICIOUS Killing, Wounding and Maiming of CATTLE.

(August 22d, 1810.)

Preamble.

WHEREAS the late frequent commission of the Offences, named and mentioned in the Act passed in the Thirtieth Year of His present Majesty's Reign, intituled "An Act to prevent the malicious killing, wounding, or maiming, of Cattle," is shocking to Humanity, and calls for a much more exemplary Punishment than is provided in and by the said Act.

Persons convicted of killing or maiming of Horses, or cattle, shall instead of the punishment inflicted by former Act, be sentenced to forfeit treble Damages,

or be imprisoned until Fine is paid, and besides be imprisoned 2 Months,

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That any Person or Persons who after the Tenth day of September, in the Year of our Lord One Thousand Eight Hundred and Ten, shall be legally convicted of maliciously, unlawfully, and willingly Killing, Maiming, Wounding, or otherwise Hurting, any Horses or Neat-Cattle, shall in the stead of the Punishment or Punishments therein inflicted, be sentenced to forfeit and pay unto the party injured Treble the Damages, which he, she or they may sustain, or be imprisoned until such Fine is paid; and shall besides be imprisoned for the space of two months, during which time the said Offender, or Offenders, shall be twice publicly whipped, in such manner, and at such

such

such place, and times, as the Court pronouncing the said Sentence, shall and may direct, so that in no case the number of *Lashes* to be given, at each whipping, to exceed the number of *Fifty Lashes*. and publickly whip-  
ped.

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C A P. II.

AN ACT for reviving two several Acts of the General Assembly, Expired.  
lately expired.

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C A P. III.

AN ACT to prevent the HARBOURING DESERTERS from his Majesty's NAVY or ARMY, and for giving a Reward for apprehending Deserters; and to prevent Harboursing Deserters from Ships in the Merchant Service. (22d August 1810.)

**B**E it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the Tenth day of September next, any Person harbouring, concealing, or assisting any *Deserter* from his Majesty's Navy or Army, knowing him to be such, the Person so offending shall forfeit and pay for every such offence the sum of *Twenty Pounds*, one Moiety whereof to be paid to the Informer, or Person by whose means such *Deserter* shall be apprehended, and the residue to be paid to the *Officer*, or *Ship*, to which such *Deserter* did belong, the same to be recovered by Bill, Plaint or Information, in any Court of Record in this Island, by the Oath of one or more credible Witness or Witnesses.

Persons harbouring Deserters from Army or Navy, to forfeit £20.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the *Sheriff* of this Island, or his *Deputy*, or for any Constable of the Town, or place, where any Person who may be reasonably suspected to be a *Deserter* shall be found, or for any *Officer* or *Soldier* in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring, or cause him to be brought, before any Justice of the Peace, living in or near such Town, or Place, who hath hereby power to examine such suspected Person, and if by his Confession, or the testimony of one or more Witness, or Witnesses, upon Oath, or by the knowledge of such Justice of the Peace, it shall appear or be found, that such suspected Person is a *Listed Soldier*, or a *Sailor*, belonging to His Majesty's Navy, such Justice shall forthwith cause him to be conveyed to the Jail of the County, in case there shall be a Jail there, otherwise to the Jail in Charlotte-Town, and shall transmit an account thereof to the Governor, Lieutenant Governor, or Commander in Chief, of the Island, or to the Commanding Officer of his Majesty's Troops, in the Garrison of Charlotte-Town, to the end that such person may be removed

Sheriff, &c. or Constable or Officer or Soldier in his Majesty's Service to apprehend suspected person, and bring him before Justice of the Peace.

and such person appearing to be a Listed Soldier, or belonging to the Navy, to be conveyed to Jail, and Justice to transmit account thereof to Governor, &c.

Sheriff or Jailor to receive full subsistence for maintenance of Deserter, but to receive no Fee for imprisonment.

removed, and proceeded against according to Law. And the Sheriff of this Island, and the keeper of every Jail or Prison in which such *Deserter* shall at any time be confined, shall receive the full subsistence of such *Deserter*, during the time he shall continue in his custody, for the maintenance of such *Deserter*, but shall not be entitled to any Fee or Reward, on account of the Imprisonment of such *Deserter*; and the keeper of every Jail or other Prison, shall, and he is hereby required, to receive and confine such *Deserter* while on the Road from the Place where he was apprehended, to the Place to which he is to be conveyed, either by Warrant of the said Justice, or by order of the Governor, Lieutenant Governor, or Commanding Officer of the Garrison of Charlotte-Town, and shall not be entitled to any Fee or Reward on account of the imprisonment of the said *Deserter*, any Law or Usage to the contrary notwithstanding. *Provided* that every such *Deserter* from his Majesty's Navy, shall have previously entered and received his Majesty's Bounty.

And in order to give every encouragement to his Majesty's Subjects in this Island, to check a practice disgraceful in itself, and highly injurious to his Majesty's Service,

Five Pounds to be paid for apprehension of Deserter, &c.

III. *Be it further enacted*, That the sum of *Five Pounds*, be paid out of the Revenue of this Island, for the apprehension of every *Deserter*, either from his Majesty's Navy or Army.

Preamble.

*And Whereas*, a practice has prevailed of encouraging and harbouring *Deserters* from *Ships* or *Vessels* in the *Merchant Service*, to the great injury of the Trade and Commerce of this Island.

Person harbouring Deserters from Merchant Ships, &c. to forfeit and pay the sum of £5.

IV. *Be it therefore enacted*, by the authority aforesaid, That any Person or Persons, who shall, after the said *Tenth day of September next*, encourage, harbour, conceal, and employ, or assist any *Deserter* or *Deserters* from any *Merchant Ship* or *Vessel*, within any Harbour in this Island, knowing him or them to be such, he or they shall for every such Offence forfeit and pay the sum of *Five Pounds*, Currency; the same to be recovered before any two of his Majesty's Justices of the Peace, by the Oath of one or more credible Witness or Witnesses, or by the confession of the party Deserting. The same Penalty to be levied by Warrant of the said Justice, against the Goods and Chattels of the said Offender, or Offenders; and for want of Goods and Chattels, the said Justices shall commit the said Offender, or Offenders, to the common Jail of the Place where such Offence shall be committed, and if there shall be no Jail there, then to the Common Jail in Charlotte-Town, for the space of ten days and no longer.

Penalty to be levied by Justices Warrant against Offenders Goods; and for want of Goods, Offender to be committed to Jail for 10 days.

#### C A P. IV.

Expired.

AN ACT for continuing an Act of the General Assembly made and passed in the Forty-Seventh year of his present Majesty's Reign, intituled, "An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island."

Anno

Anno Quinquagesimo Secundo GEORGII III.

1812.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the Tenth Day of August, ANNO DOMINI, one thousand eight hundred and Twelve, and in the fifty-second Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. being the First Session of the Ninth General Assembly, convened in the said Island.

J. F. W. DESBARRÉS,  
Lt. Governor,

CESAR COLCLOUGH,  
President.

RALPH BRECKEN,  
Speaker.

C A P. I.

AN ACT appointing COMMISSIONERS for expediting the PRINTING of the LAWS of this ISLAND. (Sept. 29, 1812.)

WHEREAS a fund has been raised for Printing the Laws of this Island, by an Act of the General Assembly thereof; made and passed in the Forty-Eighth year of his present Majesty's Reign, intituled "An Act for raising a Fund for defraying the Expences of Printing the Laws of this Island, and for other purposes therein mentioned."

Preamble.

And whereas it is requisite that this most important object should be accomplished without delay.

I. Be it therefore enacted by his Excellency the Lieutenant Governor, Council, and Assembly, and by the authority of the same, it is hereby enacted, That for the more speedy Execution thereof the Honorable ROBERT GRAY; CHARLES STEWART, Attorney General; JAMES BARDIN PALMER, Solicitor General; RALPH BRECKEN, Speaker of the House of Assembly; and GEORGE BIRNIE, Esquire; be appointed Commissioners to carry the intention of the before mentioned Act into full effect, and the said ROBERT GRAY, CHARLES STEWART, JAMES BARDIN PALMER, RALPH BRECKEN and GEORGE BIRNIE, Esquires, are hereby appointed Commissioners for the purpose herein before mentioned.

Commissioners named, to carry the intent of the Act into effect.

II. And be it further enacted, by the authority aforesaid, That the said Commissioners, or any three of them, shall have full power and authority to agree and contract with Mr. JAMES BAGNALL, for the

Commissioners, or any three of them, shall have full power and authority to agree and contract with

the *Printing of the Laws* of this Island, and to take good and sufficient security for the due performance thereof, agreeable to the Estimate given in by the said JAMES BAGNALL.

Commissioners invested with power to sue for penalties for breach of Contract and to agree with another Printer.

And whereas it is deemed necessary, in case the said JAMES BAGNALL, shall not fulfil his Agreement, or Contract, with the said Commissioners, that they should be invested with power to sue for, and recover the Penalty, or Penalties, contained, or to be contained, in such Agreement or Contract, and also to agree and contract with some other person, or persons, for completing the Printing of the Laws.

Commissioners to sue for Penalties.

III. *Be it therefore enacted*, by the authority aforesaid, That if the said JAMES BAGNALL shall not fulfil his Agreement or Contract, with the before mentioned Commissioners, they are hereby empowered and authorised, in their joint names, or in the name of any three of them, to sue for and recover the Penalty, or Penalties, contained in the said Agreement, or Contract, in the Supreme Court of Judicature of this Island; and the said Commissioners or any three of them, are hereby authorized, to agree or Contract with some other person or persons, for the completion of the Printing of the Laws, and in case such person or persons, shall fail to fulfil or perform such Agreement or Contract, then the said Commissioners shall sue for, and recover the Penalty, or Penalties, contained therein, in manner and form herein before mentioned: and such sum or sums of money, so to be recovered, shall go to and be applied to the Fund for Printing the Laws.

Commissioners to agree with some other person or persons to complete Printing.

Penalty when recovered how to be applied.

### C A P. II.

Expired.

AN ACT for reviving an Act of the General Assembly lately expired, intituled "An Act for repealing certain parts of an Act made and passed in the Fourteenth year of his present Majesty's Reign, intituled an Act for regulating the Measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed Merchantable Timber for exportation."

### C A P. III.

Expired.

AN ACT to continue and amend an Act intituled "An Act, appointing and empowering *Philip Codd*, of Kensington, Esquire, to be Colony Agent for his Majesty's Island Prince Edward."

CAP.

C A P. IV.

AN ACT to alter and amend two several Acts of the General Assembly of this Island, viz. an Act, intituled, "An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Dracoback, on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, exported from this Island." And an Act intituled, "An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer." (Sept. 29, 1812.)

WHEREAS by the Acts above mentioned, the nature or form of the instrument of security, to be given for payment of the duties therein mentioned, is not specified or declared, nor is any Interest directed to be paid in the event of such security not being paid or discharged at the time, when the same becomes, or shall become due and payable, to remedy which defects,

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council, and Assembly, of this Island, that when, and as often, as the Collector and Receiver or Collectors and Receivers, of the Duties, or any of them, specified in the said Acts, or either of them, or in any Act or Acts, made or to be made in amendment thereof, or addition thereto, is or shall be authorised, or required, to give credit for the payment of the said Duties or any of them, the said Collector and Receiver, or Collectors and Receivers, shall in every such instance cause the person, or persons, giving such security, to enter into a Recognizance to the King's most excellent Majesty, payable at a like time as the Duties in the Act, first before mentioned, should and would become payable. And which Recognizance shall be signed and acknowledged, by the person or persons so entering into the same, together with one good and sufficient security before the said Collector and Receiver, or Collectors and Receivers, who is, and are, hereby authorized and required, to take and subscribe such acknowledgement; and every Recognizance, so to be taken, shall be good and valid in the Law, to all intents and purposes whatsoever, and shall be in the words and figures following:

Collectors and Receivers of Duties shall take a Recognizance for payment of the Duties for which credit is allowed, with one sufficient security.

"Prince Edward Island, } Be it remembered, that on the  
County. } day of \_\_\_\_\_ in the year 18 A. B.  
and C. D. of \_\_\_\_\_ came before me E. F. Collector and Receiver of Imposts and Duties, for the District of \_\_\_\_\_ in said Island, and acknowledged themselves to owe to our Sovereign Lord the King, the sum of £ \_\_\_\_\_ (double the amount of the Duties payable,) of good and lawful money of Prince Edward Island, to be made and levied of their, or either of their, Goods and Chattels, Lands and Tenements, to the use of our said Lord the King, his Heirs

Form of Recognizance.

Heirs and Successors, if the said A. B. and C. D. shall fail in the condition underwritten.

The condition of the above written Recognizance, is such, that if the above bound A. B. and C. D. or either of them, their or either of their Heirs, Executors, or Administrators, shall well and truly pay, or cause to be paid, unto the Treasurer of his Majesty's said Island, the sum of \_\_\_\_\_ of lawful money, of the said Island, on or before the \_\_\_\_\_ day of \_\_\_\_\_ or in case the said sum shall be permitted to remain in the hands of the said A. B. and C. D. after said \_\_\_\_\_ day of \_\_\_\_\_ then if said A. B. and C. D. their or either of their Heirs, Executors, or Administrators, shall well and truly pay on demand, to the Treasurer aforesaid, the said sum of £ \_\_\_\_\_ with the lawful interest thereof, from the said \_\_\_\_\_ day of \_\_\_\_\_ then the said Recognizance to be void, or else to remain in its force.

Taken and acknowledged at \_\_\_\_\_ pursuant to the Statute, before me E. F. Collector."

II. *And be it enacted*, That if the sum, in the condition of the said Recognizance mentioned, shall not be paid, at the time, and in manner therein specified and appointed, the same shall bear lawful interest from the day appointed, for the payment thereof; and such *Interest* shall be received by His Majesty's Treasurer of this Colony, for the time being, and accounted for unto His Majesty, in manner as by the said first mentioned Act is directed; but the amount of the sum in the condition of such Recognizance mentioned, and interest, if any, shall nevertheless be paid, and recoverable at such time and in such manner after the day therein specified, for payment thereof, as the Governor, Lieutenant Governor, or other Commander in Chief of this Island, by and with the advice of His Majesty's Council, shall direct and appoint.

Duties shall be recovered in such way as the Governor with the advice of Council may direct.

### C A P. V.

AN ACT for reviving two several Acts of the General Assembly, lately expired, viz. "An Act made and passed in the 35th year of his present Majesty's Reign, intituled an Act in addition to "and amendment of an Act, passed in the *Twentieth Year* of the Reign of His present Majesty intituled "AN ACT for the *establishing and regulating a Militia*,"—and, "AN ACT made and passed in the 37th year of the Reign of his present Majesty intituled, "An Act in addition to, and amendment of, an Act made and passed in the *twentieth year* of His present Majesty's Reign, intituled "AN ACT for the *establishing and regulating a Militia*," also "an Act made and passed in the *thirty fifth year* of His present Majesty's Reign, intituled "AN ACT in addition to, and amendment of, an Act passed in the *twentieth year* of His present Majesty's Reign, intituled an Act for the *establishing and regulating a Militia*." CAP

Expired.

C A P. VI.

AN ACT for raising a Fund to make and keep in repair the PUMPS, WELLS, and STREETS of CHARLOTTE-TOWN, and for other Purposes therein mentioned. (Sept. 29, 1812.)

**B**E it enacted, by the Lieutenant Governor, Council, and Assembly, That within one month from the passing of this Act, the Representatives in General Assembly, of the Royalty of Charlotte-Town, for the time being, are, and each of them is required, to publish an advertisement at different conspicuous parts of Charlotte-Town, calling together the Inhabitants, and Landholders of, and in said Town, to assemble at the Court House in Charlotte-Town, at some fixed day and hour, and in each and every succeeding year during the continuance of this Act, the said Representatives are, and each of them is hereby required, in like manner, to call a meeting of such Inhabitants, and Landholders, on the First Monday in April, at noon at the Court House aforesaid, eight days notice of all such Meetings being previously given, at which Meetings of the said Inhabitants and Landholders, so to be held, the said Representatives of Charlotte-Town, for the time being, or either of them, who shall be present, shall preside, and take the Chair, and in case that neither of said Representatives shall be present at such Meetings respectively, the Inhabitants and Landholders then present shall elect a Chairman, and the Inhabitants and Landholders present, at each of such Meetings, shall proceed to choose nine Inhabitants of the said Town, any five of whom to be a Quorum, who are hereby required to assess the Inhabitants and Landholders of the said Town, for such sums as shall be granted, voted and agreed upon by the Majority of Inhabitants, and Landholders present at such Meetings respectively.

II. And be it further enacted, That the said Inhabitants, and Landholders, at such first Meetings, and at their subsequent annual Meetings, respectively, shall be, and are hereby impowered to vote such Sums of Money as they shall judge necessary for the then current year, for the making or repairing of Pumps, Wells, or Streets, or other Repairs, Improvements or necessary Expenditures in Charlotte-Town.

III. And be it further enacted, That the Inhabitants so to be Elected, at the respective Meetings herein directed, or any five of them, shall be, and are hereby impowered to assess the Landholders, and Inhabitants of Charlotte-Town, in just and equal proportion, as near as may be, for the monies voted as aforesaid; and each particular person being assessed, according to his known Estate, either real or personal, for the purpose aforesaid, shall pay the same to such person or persons as shall be appointed to collect and receive the same, by the said Elected Inhabitants, or any five of them.

Representatives of Charlotte-Town in the General Assembly to advertise a meeting of Inhabitants,

such meeting to be called in like manner on First Monday in April annually.

One of the Representatives to take the Chair.

Meeting to choose Nine Inhabitants, of whom Five shall be a Quorum, to assess such Inhabitants.

Inhabitants and Landholder, at such Meetings to assess what they shall judge sufficient for the current year.

To assess according to real or personal Estate, and assessment to be paid to a Collector appointed by the Assessors.

Any Five of the Electors may appoint a Treasurer, and take sufficient security, and allow him a sufficient poundage.

Collector to hold Office during pleasure of the Committee.

Persons refusing or neglecting to pay assessment, Collector to affix Notice on House or on the Premises assessed in some conspicuous place.

Form of Notice.

Persons receiving such Notice and not paying must lodge Appeal with the Collector within 30 days thereof.

Collector on the expiring of the 30 days, to make a second demand within 20 days, and then if there is no payment the amount may be levied by Distress and Sale of the Defaulters Goods and Chattels, or real Estate if no Goods or Chattels.

IV. *And be it further enacted,* That the said *Elected Inhabitants*, or any *five* of them, are hereby empowered and required, at such their Meetings, to choose and appoint a fit and proper person to be *Treasurer* of the Fund to be raised in pursuance of this Act, taking sufficient security, for the due performance of such Office, and like security from the *Collector*, so to be appointed, and at their pleasure to displace, either or both of such *Officers*, and to appoint others in case of misbehaviour, and to allow the said *Collector* and *Treasurer* respectively such poundage as the Majority of said *Elected Inhabitants* shall direct.

V. *And be it further enacted,* That if any person so assessed shall refuse or neglect to pay his, her, or their proportion of the *Assessment*, the *Collector* so to be appointed shall leave at the House or place of residence of such person so refusing, or post up on some conspicuous part of the premises, so assessed, in case there shall be no House thereon, a Notice in the following words, or to that effect,

Mr. A. B.

"I do hereby give you Notice that under and by virtue of an Act of the General Assembly of Prince Edward Island, passed in 1812, intituled, "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," you have been rated and charged to pay the sum of \_\_\_\_\_ as your proportion of the Town Assessment for the current year, and unless you shall pay the amount thereof to me, at my House or Office at \_\_\_\_\_ within thirty days from the date hereof, or deliver to me an Appeal within the time aforesaid, with one sufficient security to prosecute the same before the Justices in manner by the said Act directed, (in case you shall consider yourself to be over-rated) I will proceed to levy and recover the sum before mentioned, with costs, by Distress and Sale of a sufficient part of your real and personal Estate. Given under my hand at Charlotte-Town aforesaid the \_\_\_\_\_ day of \_\_\_\_\_ 18

"C. D. Collector."

VI. *And be it further enacted,* That if within *thirty days*, from the time of delivering or posting such Notice, as the case may be, the person or persons so thereby required to pay his, her, or their proportion of the said *Assessment*, shall refuse or neglect to pay the same, or shall not within such time lodge with the *Collector*, an Appeal as hereafter mentioned, then the said *Collector* is hereby empowered and required again to make demand of the said *Assessment*, and within *twenty days* after the expiration of such time, if the same shall not have been paid, to levy the amount and proportion of the said *Assessment* by Distress and Sale of a competent part of the Defaulter's Goods and Chattels, or of his, her, or their real Estate, in case

case no Goods or Chattels shall or may be found whereon to levy or make Distress.

VII. And Provided always, That in case any Lands being sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner, or Proprietor, his Heirs or Assigns, for the space of two years, next after the Sale of the said Land, the Purchaser accounting to the former Owner, for the Rents, Issues, and Profits, and the former Owner repaying the Purchase Money, with lawful interest thereon, and allowance for such improvements, as shall or may be made thereon, the same to be ascertained by the judgment of three Magistrates of this County.

Lands thus Sold may be redeemed within two years, on repayment of purchase money and interest with the value of the improvements.

VIII. And be it further enacted, That any person or persons so to be rated or charged with a proportion of the said Assessment, and who may consider, that he, she or they, is, are, or shall be over-rated, shall and may within the time specified, in the beforementioned Notice, deliver to the said Collector, or leave at his House, Office, or place of Residence, an Appeal to the Justices of Peace hereinafter appointed to try and determine the same, which Appeal shall be in the following Form :

Appeal against Assessment to be lodged with Collector.

" I A. B. do hereby Appeal to the Justices of Peace of Charlotte-Town, and its vicinity, at their next meeting, against the payment of the sum of charged and rated as my proportion of the Assessment for keeping in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes.

Form of Appeal.

" Witness my hand the of 18

" A. B.

" To Mr. C. D. Collector."

IX. And be it further enacted, That the Collector shall nevertheless disallow and refuse to receive such Appeal, unless the Appellant shall on presenting same, become bound in a Recognizance with one sufficient surety to abide the determination, or Judgment of the Magistrates, to be made thereupon, and which Recognizance, shall be in the following Form :

Collector shall refuse to receive Appeal unless Appellant present a Recognizance to abide the Judgment of Justices.

" Prince Edward Island, } Be it remembered that on the  
" Queen's County, } day of in the year of our  
" Lord 18 "A. B. and E. F. of came before me C.  
" D. Collector of the Charlotte-Town Assessment and acknowledged  
" themselves to owe to Treasurer of the said Assess-  
" ment the sum of £ (double the amount of said Assessment)  
" of good and lawful money of Prince Edward Island, to be made  
" and levied of their Goods and Chattels, Lands and Tenements, to  
" the use of the said Treasurer, or the Treasurer of the said  
" Assessment for the time being, if the said A. B. shall fail in the  
" condition underwritten.

Form of Recognizance.

" The



shall be found to answer the said amount with costs, then the *Collector* is hereby authorized to levy the amount by sale of a sufficient proportion of the Defaulters Lands, Tenements, or Hereditaments, to answer and discharge such claim, giving *thirty days* notice in writing of such Sale. And in all cases where any Lands, Tenements, or Hereditaments shall or may be sold by the *Collector*, by virtue of this Act, such *Collector* shall, and he is hereby required, to execute a *Deed of Conveyance*, at the expence of the Purchaser, of the Lands, Tenements, or Hereditaments so to be sold, which *Deed of Conveyance*, shall operate effectually to assign, convey, and make over the right, title, and interest of the Defaulter, or Defaulters, in or to the Lands, Tenements, or Hereditaments, so to be sold to the Person or Persons, who shall purchase the same respectively.

XII. *And be it enacted*, That the person or persons appointed to collect the *Assessments* aforesaid, shall *once* in every *three months* account with, and pay into the hands of the *Treasurer*, all such sums of money as he, or they, may have received; and upon his or their neglect or refusal, to account and pay in the same as aforesaid, such person or persons shall and may be *prosecuted* by the said *Treasurer*, for the time being, by Bill, Plaint, or Information, in the Supreme Court of Judicature, and shall also forfeit and pay a *Fine of Ten Pounds*; and any *Treasurer* or *Collector*, to be appointed as aforesaid, (and who shall accept of such appointment,) not complying with the *Duties* herein before and after set forth, shall for each offence, forfeit and pay such *Fine* not exceeding *Twenty Shillings*, as the *Magistrates* at any of their Meetings, to be held as aforesaid, shall direct and appoint, such *Fine* to be recovered before any Justice of Peace, and applied in and of the *Fund* to be raised under this Act.

XIII. *And be it enacted*, That if any of the *nine inhabitants*, to be chosen as *Assessors*, at the meetings to be held respectively, shall *refuse to serve*, in their respective Offices, each person so refusing, shall forfeit and pay the sum of *Forty Shillings*, to be recovered by the *Collector* before any Magistrate, and paid to the *Treasurer* in aid of the *Fund* to be raised by virtue of this Act.

XIV. *And be it enacted*, That the said *Assessors*, so to be appointed, shall, and they are hereby *authorised and required*, to cause such *Improvements to be made* in the said Town, by *sinking Wells, procuring Pumps, repairing others, and the Streets and Shores* thereof, and also *procuring a Fire-Engine*, as they in their discretion shall think necessary, and shall render an account of the expenditure of all monies, received by them in pursuance of this Act, together with proper vouchers in support thereof, to the *Magistrates* at their next meeting; and any *Assessor*, offending herein, shall incur a penalty of *Five Pounds* to be recovered before two *Magistrates*, and applied in aid of the *Fund* to be raised under and by virtue of this Act.

If no Goods or Chattels, Collector may proceed to sell the Lands, giving thirty days Notice of the Sale.

Collector empowered to execute a Deed of Conveyance which shall be at the expence of the Purchaser, and convey a good right to the Purchaser.

Collector shall pay into the hands of the Treasurer all monies once in every three months.

Collector failing so to do, to pay a fine of £10.

Collector not complying with duties set forth in Act, shall forfeit for each offence a Fine not exceeding twenty shillings.

Assessors refusing to act shall forfeit 40s. to be applied in aid of the Fund.

Assessors authorised and required to make such improvements in sinking Wells, obtaining Pumps, repairing others, and the Streets and shores, and also procuring a Fire Engine.

Assessors to render an Account of monies received by them, and to be properly vouchered.

XV.

Assessors empowered to remove obstructions in Street at the expence of the party offending, and to present Nuisances to the Supreme Court.

Treasurer authorized to pay monies to the Assessors when required by a majority of them.

Treasurer to retain overplus of monies procured from Sale of Lands under this Act, and if not claimed within 2 years the same to go to the Fund to be raised by this Act.

Treasurer appointed to receive monies from the Honorable Robert Gray the Treasurer, received under a former Act, for making and keeping Streets in repair.

Fire Buckets and other implements formerly procured,

Assessors to collect and sue for all monies that may be due and also all such Buckets.

XV. *And be it further enacted,* That the said *Assessors* and each of them are hereby empowered, to cause all obstructions, in the Streets of the said Town, to be removed at the expence of the party offending, and to present all *Nuisances* to the said Supreme Court of Judicature, to be proceeded against according to Law.

XVI. *And be it further enacted,* That in order to enable the said *Assessors*, to carry the provisions of this Act into Execution, the *Treasurer* to be appointed in pursuance of this Act, is hereby authorised and directed, from time to time, as he shall be required by the majority of the said *Assessors*, to supply the said *Assessors*, or either of them with money, taking his or their receipt for the same, and if any overplus shall remain, in the hands of the said *Treasurer*, out of the monies arising by virtue of this Act, the same shall continue in the hands of the said *Treasurer*, and to be accounted for at the next meeting of the Magistrates.

XVII. *And be it further enacted,* That the overplus of any monies, which shall be raised by any Sales, which shall or may take place by, or in consequence of the non-payment of rates to be levied under this Act, shall be paid to, and remain in the hands of the *Treasurer*, to and for the use of the person or persons, whose Lands, or Premises, shall be sold, and if the said overplus, shall not be claimed for two years after such sale, then the same shall go to the Fund to be raised by this Act.

*And whereas* a sum of money now remains in the hands of the Honorable ROBERT GRAY, *Treasurer*, under an Act of the General Assembly, of this Island, intituled "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town."

XVIII. *Be it enacted,* That the said sum, shall be paid over to the *Treasurer* to be appointed by this Act, and shall form and constitute a part of the Fund to be raised under the same.

*And Whereas* sundry *Fire Buckets*, and other *Implements* and *Materials*, have been heretofore procured, and a sum of money has been raised under and by virtue of an Act of the General Assembly of this Island, intituled "An Act for preventing accidents by Fire, and for appointing Fire-Wards in Charlotte-Town, and the suburbs thereof,"

XIX. *Be it enacted,* That the *Assessors* to be appointed under and by virtue of this Act, shall have the power and they are hereby required to demand, sue for, collect and receive, all such monies, if any, as shall or may be due under the Act, last before mentioned, and also, all such of the *Buckets*, *Implements* and *Materials*, as shall have been furnished in pursuance thereof, and keep the same for the purposes in this Act mentioned.

XX. *And*

XX. *And be it enacted*, That this Act shall continue, and be in force, for and during the space of three years, and from thence to the end of the then next Session of the General Assembly, and no longer. This Act to be in force for three years and no longer.

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C A P. VII.

AN ACT for continuing an Act of the General Assembly, made and passed in the Forty-Seventh year of his present Majesty's Reign, intituled, "An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island." Expired.

1813.

Anno Quinquagesimo Quarto GEORGII III.

C. DOUGLASS SMITH,  
Lt. Governor,

THOMAS TREMLETT,  
President of Council.

JAMES CURTIS,  
Speaker.

At the GENERAL ASSEMBLY of His Majesty's ISLAND of PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the Fifteenth Day of November, ANNO DOMINI, one thousand eight hundred and Thirteen, and in the fifty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, of the United Kingdom of GREAT BRITAIN, and IRELAND, KING, Defender of the Faith, &c. being the second Session of the Ninth General Assembly, convened in the said Island:

C A P. I.

AN ACT, for better preventing ACCIDENTS by FIRE within CHARLOTTE-TOWN, and the SUBURBS thereof. (13th January 1814.)

Preamble.

WHEREAS many Accidents have happened by Fire in Charlotte-Town, and it is has become necessary for the preservation of the Lives and Properties of his Majesty's Subjects, residing therein, that every precaution should be taken to prevent the recurrence of similar Accidents.

The Governor for the time being to appoint not more than four Persons annually as Fire-Wardens.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly,* and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief, for the time being, to appoint annually such number of persons not exceeding *Four*, within the Town and Suburbs of Charlotte-Town, as he may think proper, to be *Fire-Wardens*, which persons shall be sworn faithfully to discharge their duty as hereinafter mentioned.

No Fire-Warden to be obliged to act more than once in 3 years.

II. *And be it further enacted,* by the authority aforesaid, That no *Fire Wardens* shall be obliged to act in that capacity above *Once* in *Three Years*, and that no Clergyman, Physician, or Surgeon, shall be obliged to serve as a *Fire Warden*.

Any Person who shall be nominated as a Fire Warden, to forfeit forty shillings, if he refuse to serve.

III. *And be it further enacted,* That any Person refusing to accept the Office of *Fire Warden*, after having been nominated thereto as aforesaid, shall forfeit the sum of *Forty Shillings*.

IV. *And be it further enacted,* That every *Chimney* which shall or may be made use of in Charlotte-Town and the Suburbs thereof, be

tween

tween the *first day of May*, and the *thirty-first day of October*, shall be *swept* once in every Two Months, and every *Chimney* which shall be made use of in the said Town or Suburbs, between the *first day of November*, and the *thirtieth day of April*, shall be *swept* once in every Month, and all persons occupying Houses respectively, omitting to cause their *Chimnies* so to be *swept*, shall incur a Penalty of *Five Shillings*, for each and every such omission; and if any such *Chimney*, shall *take fire*, then the occupier shall incur a further Penalty of *Twenty Shillings*; the occupier of each House being obliged to prove that the *Chimnies* therein, have been *swept* within the periods herein before limited and appointed.

V. *And be it further enacted*, That within *Three Months* from the passing of this Act, the Tenant or Occupier of every House in the said Town, shall be provided with, and keep *two Water-Buckets* of Leather, Wood, or Tin, and *one Ladder*; and within *Three Months* from the time which any person or persons shall in future occupy any House within the said Town, such person or persons shall in like manner be provided with such implements, the same to be ready for use at all times in case of Fire, and which *Ladder* shall be of a length corresponding to the height of the House sufficient to enable Water to be carried to any part of the same in case of Fire.

VI. *And be it further enacted*, That the Occupier of any such House or Houses, omitting to have the said Buckets and Ladder, or not having the same in sufficient repair and fit for immediate use, shall incur a penalty of *five shillings*, for each and every such omission; and it is hereby enacted that the expence of providing and keeping in repair, the said *Ladders*, shall be borne by the Proprietors of the Houses, and the expence of keeping the said *Buckets* shall be borne by the Tenant or Occupier of each House, and if any Proprietor shall neglect or refuse to provide the said *Ladders*, the Occupiers shall procure the same, and deduct their value from their Rent.

VII. *And be it further enacted*, That one of the said *Fire-Wardens*, shall in succession, visit each House within the said Town and Suburbs, and inspect the *Water Buckets* and *Ladders*, once in every three months, under a Penalty of *Ten Shillings* for every House, such *Fire-Warden*, in succession, shall neglect to visit; and it shall and may be lawful for the said *Fire-Wardens*, or either of them, who shall think fit, to visit any House or Houses in the said Town and Suburbs, once a Month, between the Hours of eleven in the morning and four in the afternoon, to inspect the *Water-Buckets* and *Ladders*, and any House-Keeper refusing to produce the same, shall for every such refusal, incur a Penalty of *Five Shillings*.

VIII. *And be it further enacted*, That if any House-Keeper in said Town, shall keep or permit to be kept, any *Hay, Straw or Flax*, in any part of a Dwelling-House, or shall keep any *ashes on a Wooden*

All chimnies to be swept once in every 2 Months between the 1st May and 31st October, and once a Month from the 1st November to the 30th April, and persons omitting so to do, to incur a Penalty of 5 shillings for each offence.

Occupiers of Houses to prove that their chimnies have been swept.

Occupiers of Houses to be provided with Two Buckets and a Ladder, within Three Months after they occupy the house.

length of Ladder to correspond with the height of the house.

Occupier not having said Buckets and Ladder and in sufficient repair to incur a Penalty of 5 shillings.

The Proprietor of the House to bear the expence of the said Ladder, and the Tenant the Buckets.

The Wardens to inspect the Buckets and Ladders at each house once in 3 months, under a penalty of Ten Shillings.

Fire-Wardens to visit between the hours of 11 morning and 4 afternoon.

Housekeeper refusing to produce Buckets and Ladder to incur a Penalty of 5 shillings.

Housekeeper keeping Hay, Straw, or Flax in any dwelling-house, or ashes in a

wooden vessel, to forfeit 10 shillings except Bed Straw.

No lighted Candle or Firebrand to be carried from house to house, unless properly secured to prevent accident, under the Penalty of 5 shillings.

Not more than 25lb. of Gun-Powder to be kept in any house excepting the Magazine.

Two Shillings per pound over and above the forfeiture of the Powder to be paid for all above 25lbs. weight.

No person to incur Penalties unless a Magazine for the reception of Gun-Powder is provided.

No Stove-Pipe to be nearer any roof, wooden partition or floor than 5 inches,

under a penalty of twenty shillings, Fire-Wardens particularly to attend to this Clause.

*Wooden Floor*, or in a *Wooden-Vessel*, in the said House, such House-Keeper shall forfeit *Ten Shillings*, for every such offence, and likewise the *Hay, Straw* or *Flax*, found in such Dwelling-House, excepting always such *Hay* or *Straw*, as is used for bedding.

IX. *And be it further enacted*, That no *lighted Candle, Fire, or Fire-Brand*, shall be carried from House to House, or place to place, through the *Streets* of *Charlotte-Town*, unless such *Fire, or Fire-Brand* shall be properly enclosed, or otherwise secured, so as to prevent accident; and any person carrying such *lighted Candle, Fire* or *Fire-Brand*, not secured, shall forfeit and pay a Penalty of *five shillings* for each and every such offence; the said Fine or Penalty, to be paid by the parents, masters, mistresses, or guardians of any minors, so offending.

X. *And be it further enacted*, That no person residing within the said *Town*, or the *Suburbs* thereof, shall keep or permit to be kept in any Dwelling-House, Store, Shop, Stable or Out-House, any greater quantity than *twenty-five pounds* weight of *Gun-Powder*, at any one time, and all persons found offending herein, shall incur a Penalty of *Two Pounds* for each offence, and shall forfeit the whole of the *Gun-Powder*, and it shall and may be lawful for any one of his Majesty's Justices of the Peace, upon information on Oath being made before him, of a reasonable ground of suspicion, that any person in *Charlotte-Town*, or the *Suburbs* thereof, has a greater quantity of *Gun-Powder* than *twenty-five pounds* weight, in any place or places contrary to the intent and meaning of this Act, to issue a Warrant directed to any Constable of the District, to search such suspected place or places, along with one of the *Fire-Wardens*, and on any such greater quantity being found, the same shall be forfeited together with a Penalty of *Two Shillings*, for every pound weight of *Gun-Powder*, so found, above the quantity allowed to be kept.

XI. *Provided Always, and be it enacted*, That no person shall be liable to the Forfeitures or incur the Penalties for having *Gun-Powder* in his keeping contrary to the intent and meaning of this Act, unless there shall be in *Charlotte-Town*, or the *Suburbs* thereof, a *Magazine* for the reception and security of *Gun-Powder*, to which the Public can have access.

XII. *And be it further enacted*, That from and after *Two Months* from the passing of this Act, no *Stove-Pipe* within *Charlotte-Town*, aforesaid, shall be passed through any *partition* of *Wood*, or of *Wood and Lime*, or through any *wooden Floor, or Roof*, unless there shall have been left *five inches* clear between the *pipe* and the *partition, or floor, or roof*, and which *Pipe* shall be surrounded with a sheet of *Iron, or Tin*, which shall be nailed to such *partition, floor, or roof*; and any Person offending in the Premises, shall incur a Penalty of *Twenty Shillings*, and the several persons to be appointed *Fire-Wardens*, in pursuance of this Act, are hereby required to pay due

due attention to this clause, at the time of the different inspections or visitations, herein before mentioned.

XIII. *And be it further enacted*, That there shall be one *Fire-Engine* provided for Charlotte-Town, and the Suburbs thereof, and which shall be deposited in some central and convenient part of Charlotte-Town, and there shall be provided for the said *Engine*, one *Ladder* of twenty-five feet in length, and one *Ladder* of twenty feet in length, with spikes at the bottom of each *Ladder*, *ten leathern* or *canvas Buckets*, *ten large bags*, *four sharp axes*, and *four fire-hooks*, and the same shall be deposited in the *Engine-House*, and be marked with some distinguishing mark, to be affixed by the orders of the *Fire-Wardens*.

One Fire-Engine, 2 Ladders, and other useful articles to be provided.

Implements to be deposited in the Engine-House.

XIV. *And be it further enacted*, That on the discovery of any *fire* breaking out, an alarm *Drum* shall be beat, and the *Bell* of the Church shall be rung, and all the *Inhabitants* of the said Town and Suburbs shall be bound to give their assistance to the said *Fire-Wardens*, who are hereby jointly and severally empowered to require the assistance of the said *Inhabitants*, for the purpose of securing or removing any property that may be thought necessary or practicable to save, and for extinguishing and putting out the *fire*; also to require the assistance of the said *Inhabitants* on any service calculated to stop or to prevent the further spreading of the *fire*, and to suppress all tumults and disorder.

Alarm Drum to be beat, and Church Bell to be rung in case of Fire.

Fire-Wardens to require the assistance of the Inhabitants when a Fire happens.

Fire-Wardens to have a Staff.

Inhabitants to observe a due obedience to the Fire-Wardens.

Persons guilty of disobedience to forfeit Twenty Shillings if the same is sued for within one week after offence is committed.

Constables to attend where a Fire happens.

All Fines to be recovered before one or more Justices.

XV. *And be it further enacted*, That the said *Fire-Wardens*, shall each of them have a *Staff* of seven feet long, distinguished by being painted red, and headed with tin, and when any *fire* shall break out as aforesaid, the *Fire-Wardens* shall forthwith repair to the place where the *fire* may be, and use every endeavour to regulate and controul the Exertions of the *Inhabitants*, in the way that shall be most effectual, to extinguish or to arrest the progress of the *fire*; and the *Inhabitants* are hereby required to observe a reasonable and due obedience, to the commands of the *Fire-Wardens*, on such service; and all persons guilty of disobedience, neglect, or refusal of the same, shall respectively upon information and conviction thereof, before one or more of His Majesty's Justices of the Peace, residing in the said Town or Suburbs, within one week thereafter, forfeit and pay a sum not exceeding twenty shillings.

XVI. *And be it further enacted*, That the *Constables* of Charlotte-Town, shall upon all occasions of *fire* be ready to attend with their *Staves*, and receive the commands and directions of the *Fire-Wardens*, to prevent thefts, and for other necessary purposes.

XVII. *And be it further enacted*, That all *Fines*, *Penalties*, and *Forfeitures*, arising by virtue of this Act, shall and may be recovered before one or more of his Majesty's Justices of the Peace, in Charlotte-Town, who shall hear and determine such information in a summary way, upon the Oath of one or more credible *Witness*, or

on the Oath of one or more Witnesses.

Fines how applied.

and to be sued for within ten days after the offence.

Witnesses, being some other Person than the Informer, which said Justice or Justices shall cause such Fine, Penalty, or Forfeiture, together with the Costs of suing for the same, to be levied by Warrant of Distress, and Sale of the Goods of the Offender; one half of every such Penalty to be given to the Informer, and the other half to the *Fire-Wardens*, to be applied by them in repairs or additions of the *Fire Engine*, and other implements herein before provided for, and to be accounted for by them to their Successors in Office, provided that all Fines, Penalties, and Forfeitures, shall be sued for within *ten days* after the offence shall be committed and not after.

## C A P. II.

AN ACT in addition to, and amendment of, an ACT for expediting the PRINTING of the LAWS of this ISLAND. (13th Jan. 1814.)

Preamble.

WHEREAS in consequence of the death, or removal from this Colony of the Majority of the *Commissioners* appointed in and by the said Act, it has become necessary that other persons should be appointed in the place of those so dead or removed.

Commissioners appointed to carry Act into effect.

I. *Be it enacted by the Lieutenant Governor, Council, and Assembly, of this Island*, That WILLIAM JOHNSTON, Esq. his Majesty's *Attorney General*, FADE GOFF, and ANGUS M'AULAY, Esquires, be and are hereby appointed *Commissioners* in the place of the late CHARLES STEWART, and RALPH BRECKEN, Esquires, and of GEORGE BIRNIE, Esquire, for the purpose of carrying into effect and execution the several clauses and provisions of the said Act.

The new Commissioners and the two remaining by the former Act.

II. *And be it enacted*, That the *Commissioners* herein before named, together with the two Commissioners in and by the former Act appointed, and who remain effective, viz. the Honorable ROBERT GRAY, and JAMES BARDIN PALMER, Esquire, be, and are hereby appointed *Commissioners* to carry the intention of the before mentioned Act into full effect, with all and every of the like powers and authorities, to the said *Commissioners*, or any three of them, as is, and are, given and contained in and under, and by virtue of the Act before mentioned, and every part thereof.

to have the full power given by the former Act.

Anno Quinquagesimo Septimo Regis GEORGII III.

1817.

At the GENERAL ASSEMBLY of His Majesty's ISLAND PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN, on the Tenth Day of August, ANNO DOMINI, One thousand Eight hundred and Twelve, and in the Fifty-second Year of the Reign of our Sovereign Lord GEORGE the Third, of GREAT BRITAIN, and IRELAND KING, Defender of the Faith, &c. and thence continued by several Prorogations unto the Eighth day July, One thousand Eight Hundred and Seventeen, and in the Fifty-seventh Year of His said Majesty's Reign, being the Third Session of the Ninth General Assembly, convened in the said Island.

CHARLES DOUGLASS SMITH, Lieutenant Governor.

THOMAS TREMLETT, President of Council.

JAMES CURTIS, Speaker.

C A P. I.

AN ACT to continue An Act, intituled, "An Act for raising a Fund to make and keep in repair the PUMPS, WELLS, and STREETS of CHARLOTTE-TOWN, and for other purposes therein mentioned." (August 14th, 1817.)

WHEREAS "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," is nearly expired, and it is thought expedient to continue the same;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the above recited Act near expiring, be continued, and that every Clause, Matter, and Thing therein contained, shall be in full force until the Thirtieth day of March, One Thousand Eight Hundred and Nineteen, and no longer.

Preamble.

Act to be continued and be in full force until the 30th March 1819, and no longer.

C A P. II.

AN ACT to amend "An Act made and passed in the Twentieth Year of his present Majesty's Reign, intituled 'An Act to prevent the cutting of PINE or other TREES, without permission of the Proprietor, and to prevent the cutting down and destroying of FENCES.'" (August 14th, 1817.)

WHEREAS great inconveniencies have arisen from permitting common Informers, to sue for the Forfeitures or Penalties, affixed by the

Preamble.

the said Act of the Twentieth of His present Majesty's Reign, intituled "An Act to prevent the cutting of *Pine* or other *Trees*, without Permission of the Proprietor, and to prevent the cutting down and destroying of *Fences*."

Penalties shall be sued for by Proprietor of the Land whereon *Pine*, &c. is cut, and by no other Person whatsoever.

I. *Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, and by the authority of the same it is hereby enacted,* That from and after the passing of this Act the Forfeitures affixed by the said Act of the Twentieth of his present Majesty's Reign, for cutting down, felling, barking, or boxing *Pine* or other *Trees*, or removing the same, shall be sued for by the Proprietor of the Land whereon such *Pine* or other *Trees* were cut down, barked, boxed, or from which they were removed, and by no other Person or Persons whatsoever.

### C A P. III.

AN ACT to enable CREDITORS more easily to recover their DEBTS from CO-PARTNERS and JOINT-DEBTORS. (August 14th, 1817.)

Preamble

WHEREAS Co-Partners and other Persons often contract Debts jointly, and some of such joint Debtors, being resident out of the Island, or absent from it, the Recovery of such Debts is thereby delayed and impeded, For remedy whereof,

When one or more joint Debtors absent or resident out of the Island, Creditors may proceed to recover their Debts by Writ of Mesne Process against all the joint Debtors, and may be served on such Defendants as are within the Island.

I. *Be it enacted by the Lieutenant Governor, Council, and Assembly,* That where *Co-Partners*, or others, are and shall become jointly indebted by specialty or simple Contract, to any Person or Persons, and any one or more of such joint Debtors shall be absent or resident out of the Island, the Creditor or Creditors, in all Suits, in such Cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the *Supreme Court*, a Writ, or Writs of *Mesne Process*, against all the said *Co-Partners* or *joint Debtors*, which shall be served in the usual manner upon such of the Defendants as shall be within the Island, and which Process so served, shall be deemed as good and effectual to all intents and purposes as if the same had been served on all the said *Co-Partners* or *joint Debtors*.

If it shall appear to the Court by Affidavit or Plea in abatement that the names of any joint Debtors are omitted in the Writ or any of them, within the Island not served with same, Court may abate the Writ or stay proceedings.

II. *Provided always, and be it enacted,* That if it shall be made appear to the said Court, by Affidavit or Plea in abatement, that the names of any of the said *Co-Partners* or *joint Debtors*, are omitted in the Writ, or that any of them who were in the Island at the time of issuing such *Mesne Process*, as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the Writ or to stay the Proceedings as the Case may require, any thing herein contained to the contrary notwithstanding.

Plaintiff may file Declaration against such joint Debtors as have been served with Mesne Process, and may suggest that the others were absent from the Island at the time of issuing such Process and of filing Declaration and

III. *And be it further enacted,* That in all Cases as aforesaid, the Plaintiff or Plaintiffs, may file his, her, or their Declaration against such of the *Co-Partners* or *joint Debtors* as have been duly served with *Mesne Process*, and may suggest in the said Declaration that the other *Co-Partners* or *joint Debtors* (naming them) were absent out of the Island, and without the Jurisdiction of the Court at the time of issuing the Process, and at the time of filing such Declaration, and thereupon the Plaintiff, or Plaintiffs, may

may proceed according to the usual practice of the Court to obtain Judgment against the said *Co-Partners* or *joint Debtors*, who have been so duly served with Process, in the same manner as is practised in *England*, against a Defendant whose *Co-Partner* and *joint Debtor* has been Outlawed.

IV. *And be it further enacted*, That it shall and may be lawful for the Plaintiffs, after Judgment recovered, as aforesaid, to take out a Writ called a *Statute Execution*, and levy the amount on the Goods and Chattels, Lands and Tenements, the joint or separate Property of the said *Co-Partners*, or to take the Person or Persons of the said *joint Debtors*, or either of them, in satisfaction of the same. *And Provided always*, That if any such Defendant shall make Affidavit that it is necessary for him to receive Instruction or Information respecting such Suit from his absent *Partner* or *joint Debtor*, and that he cannot safely proceed to the Trial of the Cause without Communication with the said Absentee, and that he is not seeking for delay only, it shall be lawful for the Court on application grounded on such Affidavit, or other sufficient cause shewn by Affidavit, to grant to the Defendant or Defendants such a reasonable Imparance as is allowed in common Cases.

V. *And be it further enacted*, That if any *Co-Partner* or *joint Debtor*, being absent as aforesaid, and not served with *Mesne Process*, shall come into the Island before the final determination of the Suit against his *Co-Partner* or *joint Debtor*, and shall apply to the Court to be admitted to appear and defend the Action, the Court shall admit him accordingly, and shall cause such amendment to be made in the Proceedings as may be required to make the same regular and consistent.

VI. *And be it further enacted*, That if any such *absent Debtor*, or *Co-Partner*, shall come into the Island after final Judgment given in any such Cause, it shall be lawful for the Plaintiff or Plaintiffs, in case he or they shall not have received full Satisfaction on such Judgment, to sue out a *Scire Facias*, against such last mentioned *Co-Partner* or *joint Debtor*, requiring him to appear and shew Cause why Execution should not be had against his Person, or against his Goods and Chattels, Lands and Tenements, to satisfy the said Judgment or whatever may remain due thereon, and such Defendant shall be allowed to plead either in Bar to the original Suit, or in answer to the said *Scire Facias*, and thereupon the Court shall proceed to try and determine the same, and to give Judgment as in other Causes instituted by such Writ.

VII. *And be it further enacted*, That nothing herein contained, shall be construed to effect or prevent any Proceeding which may or shall hereafter be instituted against any *absent* or *absconding Debtor*, pursuant to the Act in such Case made and Provided.

VIII. *And be it further enacted*, That this Act shall continue and be in Force for the space of *Three Years* from the passing thereof, and from thence to the end of the next Session of the General Assembly.

Plaintiff may thereafter proceed to Judgment against said joint Debtors so served as is practised in England against a Defendant whose joint Debtor has been outlawed.

It shall be lawful for Plaintiffs after Judgment recovered to take out Execution and levy the amount on Goods and Lands, the joint or separate Property of said Debtors, or take their Persons in satisfaction of the same.

Provido.

If any absent Debtor shall come into the Island before final determination of suit he may be admitted by Court to appear and defend the same, and Court shall cause Proceedings to be amended accordingly.

If joint Debtor come into Island after final judgment, Plaintiff who has not received full satisfaction may sue out *scire facias*, against such Debtor

and Defendant may be allowed to plead either in Bar to original suit or to answer *scire facias*, and Court may proceed to try and judge as in other cases of *scire facias*.

Nothing herein to prevent any Proceedings against absent Debtors pursuant to Act.

Act to continue for 3 Years from passing and to the end of the next Session of General Assembly.

## C A P. IV.

AN ACT to regulate the admission of BARRISTERS, ATTORNIES and SOLICITORS. (August 14th, 1817.)

Preamble.

**W**HEREAS it is of great public importance, that Persons practising the Profession of the Law should be regularly Educated, and properly qualified, to perform the Duties of their Employment.

Qualification of Persons applying to be admitted a Barrister, &c. in Supreme Court or Court of Chancery.

I. *Be it enacted by the Lieutenant Governor, Council, and Assembly, and by the authority of the same it is hereby enacted,* That from and after the passing of this Act, every Person who shall apply to be admitted as a Barrister or Attorney, in the Supreme Court of Judicature, or as a Barrister or Solicitor in the Court of Chancery, shall have served *bona fide*, as an articled Clerk for the space of *Four Years* at least in the Office of one of the Barristers, Attornies or Solicitors of the said Courts, or shall produce authentic Documents to prove his having been called to the Bar in *Great-Britain* or *Ireland*, or in the Colonies, or of his being qualified to be so called or of his having been admitted to practice as an Attorney or Solicitor in one of the Superior Courts of Law or Equity in *Great Britain* or *Ireland*, or the Colonies, or of his being qualified to be so admitted according to the Rules and Regulations of such Courts.

Every Candidate shall be 21 years of age at least and shall undergo an examination touching his skill in the Law.

II. *And be it further enacted,* That every Candidate for admission, as aforesaid, shall be of the age of *Twenty one Years* at least, and shall undergo a strict examination touching his skill in the Law, and which examination shall be conducted by his Majesty's Attorney General, or the Solicitor General, for the Island, for the Time being, and the Senior practising Barrister, in presence of the Judges of the Supreme Court, of which the Chief Justice shall always be one, and in presence of the Chancellor in the Court of Chancery.

Proviso as to Persons who have already qualified under Rule of Court of Michaelmas, 1808.

III. *Provided always,* That nothing herein contained, shall be held to affect Persons who have already qualified themselves for admission to the Office of Barrister and Attorney in the Supreme Court, according to the general Rule of that Court, of Michaelmas Term, in the Year One Thousand Eight Hundred and Eight, or to the Office of Barrister and Solicitor in Chancery, according to the practice of that Court.

## C A P. V.

AN ACT for repealing certain parts of "An Act made and passed in the Fourteenth Year of his present Majesty's Reign, intituled an Act for regulating the MEASURE of BOARDS, and all other kinds of LUMBER, and for appointing OFFICERS to survey the same," and for declaring what shall be deemed Merchantable TIMBER for EXPORTATION.

(August 14th, 1817.)

Preamble.

**W**HEREAS in and by an Act of the General Assembly of this Island, made and passed in the Fourteenth Year of his present Majesty's Reign, intituled "An Act for regulating the Measure of Boards and all other kinds of Lumber, and for appointing Officers to survey the same," It is enacted, that the Officer or Officers to be appointed for the purpose shall upon every admeasurement of Boards, Plank, Timber, and Slit-Work, make an allowance for Rots, Splits and Wains.

I. Be

I. *Be it enacted by the Lieutenant Governor, Council and Assembly, That so much of the said Act as requires such allowance to be made on Ton Timber, shall be, and the same is hereby repealed.*

So much of former Act as permits Measurers to make an allowance for Rots, Splis, and Wains, repealed as to Ton Timber.

II. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, all Pine, Spruce, and Hemlock Ton Timber, to be exported from this Island, shall be well squared and square butted at both ends, shall not have more than one perpendicular inch of Wain thereon, shall have no appearance of the narrow Axe scoring left, to be detrimental to the stick, and shall not have any Rots or Worm-Holes thereon, and no Stick shall be deemed Merchantable of a shorter length than twelve feet, and ten inches square, unless such shorter lengths be agreed to be taken as Merchantable by the Purchaser or Receiver thereof, which shall be at his or their option. And all Spars shall be free from Shakes and Rotten Knots, and all Timber from sixteen feet in length, shall be of equal dimensions at both ends, and if any Person or Persons, from and after the passing of this Act, shall survey and certify as Merchantable for Exportation, any square Timber, as aforesaid, not answering the foregoing description, any Person or Persons so offending shall forfeit for each offence the sum of Ten Shillings, for every Ton of Timber that he shall so survey and certify.*

Pine, Spruce and Hemlock Ton Timber, shall be well squared and square butted at both ends, &c.

No stick deemed Merchantable if less than 12 feet in length, and 10 inches square, unless agreed to be taken as Merchantable.

All Spars to be free from Shakes and rotten Knots, and all Timber 16 feet in length to be of equal dimensions at both ends.

Persons surveying and certifying square Timber not answering foregoing description to forfeit 10s. for every Ton so surveyed and certified.

III. *And be it further enacted by the authority aforesaid, That all Surveyors, surveying Timber, shall mark and number each Piece with the contents thereof, and shall also mark the particular species of Timber, on each Stick as follows, viz. Pine with the Letter P. Spruce with an S. and Hemlock with an H.*

Surveyors of Timber shall mark and number each piece and its kind,

IV. *And be it further enacted, That all such Timber as is herein before described, shall be surveyed by the square admeasurement and no other way.*

Timber to be surveyed by the square admeasurement.

V. *And be it further enacted, That all Boards, Plank and Scantling, for Exportation, shall before they are Shipped, be surveyed, by a sworn Surveyor. All Merchantable Boards shall be square edged, and shall be One Inch thick. No Board or Plank shall be deemed Merchantable if the same be split at both ends, or be split in any part more than one sixth of the length of such Board, or Plank, or be not of equal thickness throughout, and a reasonable Allowance shall be made to the purchaser for all splits, rents and knot holes; All Boards and Plank shall have the full contents marked thereon, deducting such reasonable allowance for rents and knot-holes, one half of the split shall be allowed for splits. And that all Scantling whether sawed or hewed, shall be properly squared, parallel and square butted, and the contents in board measure marked on each piece; and all Persons shipping Boards, Plank, or Scantling, not surveyed as aforesaid, shall on conviction forfeit Ten Shillings, for every thousand feet, so shipped by them. Provided always, that no Person shipping such Articles, the same not exceeding five thousand feet, in any one Vessel for the purpose of Dunnage, shall be liable to such penalty.*

All Boards, Plank and Scantling for Exportation before being Shipped shall be surveyed by a sworn Surveyor.

What Boards and Plank shall be deemed Merchantable.

All such shall have their contents marked thereon.

Scantling whether sawed or hewed shall be properly squared, and contents marked on each piece.

Persons Shipping Boards, Plank or Scantling, not surveyed as aforesaid, shall forfeit 10s. for every 1000 feet so shipped.

Proviso.

VI. *And be it further enacted, That all Timber, Scantling, Boards, or Plank, surveyed as Merchantable for Home consumption, if required by the*

Timber, Scantling, &c. for Home con-

surveying, to be surveyed if required as before directed for Exportation.

Fines and Penalties under this Act not exceeding 40s. to be recovered before any Justice of Peace.

If above 40s. and not exceeding 25 he. before two Justices, and if above 25 to be recovered in any Court of Record in the Island.

Proviso,

Surveyors of Timber shall receive 2d per Ton for surveying, and 3d per mile for travelling, one half to be paid by buyer the other by seller.

Proviso,

Act to continue in force for three years, and thence to next Session of the General Assembly.

the Purchaser, shall be surveyed after manner as herein directed, when the same is for exportation.

VII. *And be it further enacted by the authority aforesaid,* That all Fines and Penalties incurred under this Act, shall be recovered before any One of His Majesty's *Justices of the Peace* for the said Island, in case the sum forfeited shall not exceed *forty shillings*; and in case the sum sued for shall be more than *forty shillings*, and not exceed *Five Pounds*, then the same to be recovered before *two* of His Majesty's *Justices of the Peace* for this Island; and in case the same shall amount to a larger sum than *Five Pounds*, then the same to be recovered by Bill, Plaint, or Information in any *Court of Record* in this Island, the one half to the use of His Majesty, His Heirs and Successors, the other Moiety to him or them who shall sue for the same, *Provided*, that all Offences committed against the provisions of this Act shall be prosecuted within *six months* after the time the Offence shall have been committed.

VIII. *And be it further enacted by the authority aforesaid,* That the *Surveyor* or *Surveyors*, of all such *Timber* shall be paid and receive *two pence* per Ton, together with travelling charges at the rate of *three pence* for each mile he shall travel in going to, and returning from the place of such Survey, one half of the said Fees, and Travelling Expenses to be paid by the Seller, and the other half to be paid by the Purchaser, *Provided always*, That nothing in this Act contained, shall extend to such *Timber* as shall have been proved on Oath of one credible Witness, to have been cut down and hewed on or before the passing of this Act.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force from and after the passing thereof, for the space of *three years*, and from thence to the end of the next Session of the *General Assembly*, and no longer.

# INDEX

TO THE

## ACTS OF THE GENERAL ASSEMBLY

OF

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