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A C T S

OF

THE GENERAL ASSEMBLY

OF THE

Ch. Long

PROVINCE OF NOVA-SCOTIA.

Recd 26 June 1842

ANNO QUINTO VICTORIÆ REGINÆ.

1842.



HALIFAX:

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T A B L E
 OF
 ACTS OF THE GENERAL ASSEMBLY
 OF THE
PROVINCE OF NOVA-SCOTIA.

ANNO QUINTO VICTORIÆ REGINÆ.

1842.

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At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Twentieth day of January, 1842, in the Fifth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, **QUEEN, Defender of the Faith, &c. &c. &c.**, being the Second Session of the Seventeenth General Assembly convened in the said Province.*

* In the time of The Viscount FALKLAND, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; Joseph Howe, Speaker of the Assembly; John Whidden, Acting Provincial Secretary; and James F. Gray, Acting Clerk of Assembly.

CAP. I.

An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and Forty-two, and for other purposes.

(Passed the 19th day of March, 1842.)

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the House of Assembly of Her Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to Her Majesty, and for supplying the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted; and,

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That by or out of any Monies which now are, or, from time to time, shall be or remain in the Public Treasury of this Province, there shall be paid the sum of 200*l.* to the Speaker of the House of Assembly, in full for his Salary as Speaker, during the present year.

200*l.* Speaker of Assembly

And a further sum of 600*l.* to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the same year.

600*l.* Treasurer

And a further sum of 200*l.* to the Clerk of the House of Assembly, for his services in the same year.

200*l.* Clerk of Assembly

And a further sum of 25*l.* to the Clerk of the House of Assembly, to be paid by him to the Chaplains who have attended the House of Assembly during the present Session.

25*l.* Chaplains of Assembly

And a further sum of 100*l.* to the Clerk Assistant of the House of Assembly, for his services for the same Session.

100*l.* Clerk Assistant of Assembly

And a further sum of 50*l.* to Matthew Forrester, for his services as Serjeant at Arms to the House of Assembly for the same Session.

50*l.* M. Forrester

And a further sum of 30*l.* to John Jennings, for his services as Assistant Serjeant at Arms to the House of Assembly for the present Session.

30*l.* J. Jennings

And a further sum of 40*l.* to the Messenger of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive and Legislative Councils, for the present year.

40*l.* Messenger of Gov.

And a further sum of 30*l.* to John Gibbs, for his services as Messenger to the House of Assembly during the present Session.

30*l.* J. Gibbs

And a further sum of 45*l.* to the Clerk of the Commissioners of the Revenue, for his services for the present year.

45*l.* Clerk of Revenue Board

And

- 200*l.* Guager and Weigher And a further sum of 200*l.* to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum, to be paid on the Certificate of the Commissioners of the Revenue, at the rate of 7*s.* 6*d.* per day to such person or persons as shall be employed, during the present year, by the Collector of Impost and Excise for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax; 5*s.* per day to such extra Waiter or Waiters when unemployed, and at the rate of 5*s.* per day to temporary Waiters.
- 60*l.* Keeper of Assembly And a further sum of 60*l.* to the Keeper of the Assembly House, and Council Chamber, and Law Library, for the present year.
- 800*l.* Transient Poor And a further sum of 600*l.* for the support of the Transient Poor for the present year—to be paid to the Commissioners of the Poor at Halifax.
- 80*l.* & 40*l.* Adj. & Q. M. Gen. Militia And a further sum of 80*l.* to the Adjutant General of Militia, for his services for the present year; and the further sum of 40*l.* to the Quarter Master General of Militia, for his services for the present year.
- 400*l.* Sable Island And a further sum of 400*l.* to the Commissioners of Sable Island, for the support of that Establishment for the present year.
- 42*l.* Mail Couriers And a further sum, not exceeding 42*l.* to pay for the increased allowance to Mail Couriers, conformably to the Report of the Post-Office Committee.
- 65*l.* Mail Routes And a further sum, not exceeding 65*l.* to pay for the establishing new Mail Routes, and transport of Mails, conformably to the Report of the Post-Office Committee.
- 20*l.* L. Morehouse And a further sum of 20*l.* to Lemuel Morehouse, to repay him for expense of Ferriages for the years One Thousand Eight Hundred and Forty, and One Thousand Eight Hundred and Forty-one, agreeably to the Report of the Committee on the Post-Office Department.
- 550*l.* Mail Couriers And a further sum of 550*l.* to defray the balances due Mail Couriers up to the Fifth of January last, agreeably to the Report of the Committee on the Post-Office Department.
- 50*l.* Parrsborough Packet And a further sum of 50*l.* to the owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices, in their Sessions, for the County of Hants, for the present year.
- 50*l.* Guysborough Packet And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by any Special Sessions of the Peace for the County of Guysborough, to be held for that purpose—to be paid upon the Certificate of such Special Sessions that such Packet has been properly kept and run during the present year; provided that the Judge or Judges of the Supreme Court shall be taken, without charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their circuit to Cape-Breton; and that the said Packet shall also carry the Mail to be established between Guysborough and Arichat, if required.
- 20*l.* W. Weeks And a further sum of 20*l.* to W. Weeks, or any person who will run a Packet Boat between the Bay of Verte and Prince Edward Island, when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that such Packet Boat has been run agreeably to such Regulations as may be established by the Justices, in Sessions, for the County of Cumberland.
- 150*l.* Proprietors Steamers Pocohontas And a further sum of 150*l.* to the Proprietors of the Steam Boat Pocohontas, for the supporting and maintaining a good and sufficient Steam Boat between Pictou and Prince Edward Island for the present year—to be paid when it shall be satisfactorily made appear to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that such Boat (when not prevented by boisterous weather or unavoidable accident) has plied, during the summer season, three times a week between Pictou and Prince Edward Island, and shall, if required, have conveyed the Mails between this Province and said Island; and the further sum of 50*l.* to be paid when it shall be made in like manner to appear, that such Steam Boat has plied once a fortnight between Pictou and Miramichi, during the summer season, under the regulations aforesaid.
- 20*l.* Ferry Londonderry And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat or Scow to run between Londonderry and that place; the said Boat to be run under the regulations of the General Sessions for the County

ty of of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor, upon Certificate from said Sessions that said Boat has been running at least twice a week for six months, to the satisfaction of the said Sessions, under their regulations.

And a further sum of 20*l.* to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow to run between McMillan's Point, in Cape-Breton, and Auld's Cove, in the County of Sydney—the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness.

20*l.* Ferry
Cape Breton

And a further sum of 10*l.* to each of the two Licensed Ferrymen at the mouth of the Shubenacadie, in the Counties of Colchester and Hants, for the transportation of Horses and Carriages across that River—the same to be paid on the Certificate of the General or Special Sessions of each County respectively, that such Ferry has been duly attended, and proper Boats procured and used.

10*l.* Ferry
Shubenacadie

And a further sum of 15*l.* to John Pernette and Charles Pernette, for keeping up the Ferry over LaHave River.

15*l.* LaHave
Ferry.

And a further sum of 10*l.* to Cornelius Craig, to enable him to keep up the Ferry across the Narrows at the entrance of Sable River, in the County of Shelburne.

10*l.* Ferry
Sable River

And a further sum of 10*l.* to Richard Carter, to enable him to run a suitable Ferry Boat or Scow between his Landing, on the Western side of the Gut of Canso, and David McPherson's, on the Eastern side thereof—the said Ferry Boat or Scow to be run under the regulation of the General Sessions for the County of Guysborough.

10*l.* Ferry
Gut of Canso

And a further sum of 10*l.* to the Ferryman on the Eastern side of the Gut of Canso, to enable him to run a suitable Ferry Boat or Scow between Richard Carter's Landing, on the Western side of said Gut, and David McPherson's, on the Eastern side thereof—the said Ferry Boat or Scow to be run under the regulation of the General Sessions for the County of Richmond.

10*l.* Ferry
Gut Canso

And a further sum of 10*l.* each to such persons as shall respectively keep up a Ferry at the mouth of the Harbor of Port L'Herbert; provided a Boat be kept to convey Horses and Cattle across said Harbour—said sum to be paid upon the Certificate of the Court of Sessions in the County of Shelburne.

10*l.* Ferry
Port L'Herbert

And a further sum of 20*l.* to aid the Inhabitants of Isle Madame in opening a passage between Little Arichat Harbour and Lenox Passage, in the County of Richmond.

20*l.* Passage
Arichat

And a further sum of 25*l.* to aid the Inhabitants in completing Everitt's Pier, in the County of Digby—to be drawn when it shall be satisfactorily made appear to His Excellency the Lieutenant-Governor that the sum of Seventy-five Pounds has been subscribed and expended by the Inhabitants on said Pier.

25*l.* Everitt's
Pier

And such further sum at the disposal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, as will suffice to pay to the Inhabitants a sum in aid of completing the Breakwater at Givan's Cove, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on said Breakwater; provided the sum hereby granted shall not exceed One Hundred Pounds.

100*l.* Break-
water Givan's
Cove

And a further sum of 53*l.* 11*s.* 8*d.* to the Commissioners for building the Arisaig Pier, to reimburse that sum over-expended on said work.

53*l.* 11*s.* 8*d.*
Arisaig Pier

And a further sum of 100*l.* to aid the Inhabitants of the Township of Clare in the erection of a Breakwater at Saulnier's Cove, in that Township—to be drawn when it shall be satisfactorily made appear to His Excellency the Lieutenant-Governor that the sum of 300*l.* has been raised by private contribution, and expended on said work, and that the use of the Pier has been secured to the public.

100*l.* Break-
water Saul-
nier's Cove

And a further sum of 100*l.* to aid the Inhabitants in the erection of the Wilmot Pier—to be drawn when it shall be satisfactorily made appear to His Excellency the Lieutenant-Governor that the sum of 300*l.* has been raised by private contribution and expended on said work, and that the use of the Pier has been secured to the public.

100*l.* Pier
Wilmot

And a further sum of 166*l.* to aid the Inhabitants in the completion of the Pier at Montegan Cove, in the Township of Clare—to be drawn when it shall be made satisfactorily appear to His Excellency the Lieutenant-Governor that the sum of 500*l.* has been raised by private contribution, and expended on said work, and that the use of the Pier has been secured to the public.

166*l.* Pier
Montegan
Cove

And

- 100*l.* Break-water Hall's Harbour
And such further sum at the disposal of His Excellency the Lieutenant-Governor as will suffice to pay to the Inhabitants a sum in aid of the completion of the Breakwater at Hall's Harbor, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on said Breakwater; provided the sum hereby granted shall not exceed 100*l.*
- 100*l.* Pier Margareville
And such further sum at the disposal of His Excellency the Lieutenant-Governor, as will suffice to pay to the Inhabitants a sum in aid of the completion of the Margareville Pier, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on said Breakwater; provided the sum hereby granted shall not exceed 100*l.*, and that the use of the Pier shall be secured to the public.
- 100*l.* Break-water Cannady's Creek
And such further sum at the disposal of His Excellency the Lieutenant-Governor, as will suffice to pay to the Inhabitants a sum in aid of the completion of the Breakwater at Canady's Creek, on the Bay Shore, Cornwallis, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on said Breakwater; provided the sum hereby granted shall not exceed 100*l.*
- 60*l.* Break-water Clare
And a further sum of 60*l.* to aid the Inhabitants of Clare in the completion of the Breakwater at Montegan River—to be drawn when it shall be satisfactorily made to appear to His Excellency the Lieutenant-Governor that the sum of 180*l.* subscribed by the Inhabitants has been actually expended on said work.
- 60*l.* Beacon 'Guysboro'
And a further sum of 60*l.* to aid the Inhabitants in erecting a Beacon at the entrance of Guysborough Harbour.
- 20*l.* E. Crowell
And a further sum of 20*l.* to Edmund Crowell, to enable him to keep up his Establishment at the Seal Islands for the relief of Shipwrecked Mariners for the present year; and 20*l.* additional for the past year, for the same purpose, omitted to be granted last year.
- 4000*l.* Great Roads
And a further sum of 4000*l.* to be placed at the disposal of His Excellency the Lieutenant-Governor on the Great Roads, and for Contingencies.
- Road Votes at disposal of Gov.
And the following sums, that is to say: the sum of 1500*l.* allotted for the service of Roads and Bridges in the County of Cape-Breton; the sum of 1400*l.* allotted for the service of Roads and Bridges in the County of Inverness; the sum of 1300*l.* allotted for the service of Roads and Bridges in the County of Richmond; the sum of 1300*l.* allotted for the service of Roads and Bridges in the County of Sydney; the sum of 1300*l.* allotted for the service of Roads and Bridges in the County of Guysborough, at the disposal of His Excellency the Lieutenant-Governor, to be respectively expended on the said services.
- 1300*l.* Shelburne
And a further sum of 1300*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the ninth day of March in this year of our Lord One Thousand Eight Hundred and Forty-two, and agreed to by the Legislative Council.
- 1300*l.* Yarmouth
And a further sum of 1300*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid.
- 1300*l.* Digby
And a further sum of 1300*l.* for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid.
- 1200*l.* Queen's
And a further sum of 1200*l.* for the several Roads and Bridges in the County of Queen's, to be applied and expended as aforesaid.
- 1300*l.* Annapolis
And a further sum of 1300*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.
- 1400*l.* King's
And a further sum of 1400*l.* for the several Roads and Bridges in the County of King's, to be applied and expended as aforesaid.
- 1800*l.* Hants
And a further sum of 1800*l.* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.
- 2000*l.* Halifax
And a further sum of 2000*l.* for the several Roads and Bridges in the County of Halifax, to be applied and expended as aforesaid.
- 1400*l.* Colchester
And a further sum of 1400*l.* for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid.
- 1300*l.* Cumberland
And a further sum of 1300*l.* for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid.

And a further sum of 1500*l.* for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid.

1500*l.* Pictou

And a further sum of 1400*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid.

1400*l.* Lunenburg

And a further sum of 3000*l.* at the disposal of His Excellency the Lieutenant-Governor to be expended on the following Great Roads in manner following: To open a section of the Road round the Cumberland Mountains 800*l.*; to extend the line of the Great Eastern Road between Musquedobit and Guysborough, 750*l.*; in aid of the Road from North West Arm to Chester, 500*l.*; in aid of section of the Shore Road from Liverpool to Shelburne, 450*l.*; between McNab's, in the County of Richmond, and Currie's, in the County of Cape-Breton, 500*l.*

3000*l.* Great Roads

And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor to repair the Great Military Road leading through Dalhousie; 50*l.* from Sherbrooke settlement to Liverpool Cross; and 50*l.* from Liverpool Cross to James Whitman's, Esq.

100*l.* Dalhousie Road

And a further sum of 150*l.* to assist in building the Great Bridge over the East River at New Glasgow.

150*l.* Bridge East River

And a further sum of 150*l.* to aid in building a Bridge over the Narrows at Argyle, in the County of Yarmouth, and to repair the Road from Frost's to Joshua Porter's.

150*l.* Bridge Argyle

And a further sum 63*l.* 13*s.* 5*d.* to be placed in the hands of His Excellency the Lieutenant-Governor, to pay Michael Gordon, Esquire, for that sum expended by him in the over-expenditure for the repairs of the Bridge over the River Mussaquash.

63*l.* 13*s.* 5*d.* M. Gordon

And a further sum of 38*l.* 2*s.* 6*d.* at the disposal of the Lieutenant-Governor to pay the expenses of Lands purchased by Munro and Crerar upon the Main Eastern Road, between Keys' and Polly's.

38*l.* 2*s.* 6*d.* purchase of Lands

And a further sum of 197*l.* 15*s.* 5*d.* at the disposal of His Excellency the Lieutenant-Governor to re-imburse the sum of 50*l.* advanced by His Excellency on account of charges incurred by the authority of the Board of Health at Pictou, in cases of Small Pox and Typhus Fever, and to meet the balance due therefor, according to the Report of the Committee.

197*l.* 15*s.* 5*d.* Board of Health Pictou

And a further sum of 72*l.* 9*s.* 8*d.* at the disposal of His Excellency the Lieutenant-Governor to pay the sum of 22*l.* 9*s.* 8*d.* expended by the Commissioners of the Poor for the Township of Halifax, in necessaries for the sick in the Waterloo Hospital, and to pay the sum of 50*l.* to Doctor Hoffman, for his attendance on said Hospital.

72*l.* 9*s.* 8*d.* Waterloo Hospital

And a further sum of 743*l.* 5*s.* at the disposal of His Excellency the Lieutenant-Governor to re-imburse the sum of 14*l.* advanced to the County of Sydney, for Vaccination of poor persons, and to pay the other claims for that service, pursuant to the Report of the Committee.

743*l.* 5*s.* Vaccination

And a further sum of 22*l.* 15*s.* 6*d.* at the disposal of His Excellency the Lieutenant-Governor to pay the charges in the case of George W. Potter, for attendance upon him whilst afflicted with the Small Pox, pursuant to the Report of the Committee.

22*l.* 15*s.* 6*d.* G. W. Potter

And a further sum of 15*l.* 15*s.* 4*d.* to Doctor Matthias Hoffman, for his services as Health Officer, in boarding the French Ships of War LaBelle Poule and Cassard, and Her Majesty's Ship of War Seringapatam, and attendance upon persons of the same Vessels, in cases of Small Pox.

15*l.* 15*s.* 4*d.* Dr. Hoffman

And a further sum of 27*l.* 15*s.* at the disposal of His Excellency the Lieutenant-Governor, to pay the Overseers of the Poor for the Township of Argyle, pursuant to the Report of the Committee.

27*l.* 15*s.* Overseers of Poor Argyle

And a further sum of 4*l.* 10*s.* to Jonathan Borden, as a remuneration for services performed by him in vaccinating sundry poor persons and Indians in the Township of Londonderry, in the year One Thousand Eight Hundred and Forty-one.

4*l.* 10*s.* J. Borden

And such further sum as will be sufficient to defray the following expenses incurred in the support of Transient Paupers, pursuant to the Report of the Committee on that subject, that is to say: To the Overseers of the Poor for the Township of Pictou 6*l.* 5*d.*; to the Overseers of the Poor for the Township of Egerton 12*l.*; to the Overseers of the Poor for the Township of Newport 4*l.* 18*s.* 16*d.*; to the Overseers of the Poor for the District of River Philip 13*l.* 4*s.* 6*d.*; to the Overseers of the Poor for the District of Piquash 13*l.* 5*s.*; to the Overseers of the Poor for the Township of Argyle 15*l.* 15*s.*; to the

Transient Paupers

the Overseers of the Poor for the Township of Guysborough 3*l.* 8*s.* 6*d.*; to the Overseers of the Poor for the Township of Dorchester 8*l.* 7*s.* 7*d.*; to the Overseers of the Poor for the Township of Annapolis 12*l.* 16*s.* 7*d.*; to the Overseers of the Poor for the Township of Liverpool 4*l.* 4*s.* 3*d.*; to the Overseers of the Poor for the Township of Windsor (to be paid to Doctor Pyke) 1*l.* 15*s.*; to the Overseers of the Poor for the Township of Barrington 11*l.* 1*s.* 9*d.*; to the Overseers of the Poor for the Township of Yarmouth 44*l.* and 7*d.*

6*l.* 10*s.* Overseers of Poor Parrsborough

And a further sum of 6*l.* 10*s.* to the Overseers of the Poor for the Township of Parrsborough, to reimburse them certain expenses incurred in the support of a Transient Pauper, agreeably to the Report of the Committee.

20*l.* M. Terfry

And a further sum of 20*l.* to Mark Terfry, for expenses incurred by him in assistance afforded to a Traveller in a state of mental derangement.

609*l.* 3*s.* 1*d.* Shipwrecked Seamen

And a further sum of 609*l.* 3*s.* 1*d.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray certain expenses incurred in the relief of Shipwrecked Seamen and distressed Settlers, pursuant to the Report of the Committee on that subject.

406*l.* 17*s.* 9*d.* Excess of Duties

And a further sum of 406*l.* 17*s.* 9*d.* at the disposal of His Excellency the Lieutenant-Governor, to repay the respective parties enumerated in the Schedule annexed to the Report of the Select Committee of the House of Assembly on Trade and Manufactures, the excess of certain Duties paid by such parties at the rate in such Schedule mentioned.

5*l.* J. H. Freeman

And a further sum of 5*l.* to John H. Freeman, Esquire, for payment of expenses incurred by him, and as compensation for his services in making a seizure at Liverpool, pursuant to the Report of the Committee.

12*l.* W. Gardner

And a further sum of 12*l.* to Warren Gardner, being a return of Duties on Liquors lost at Sea, agreeably to the Report of the Committee.

9*l.* John G. Nelson

And a further sum of 9*l.* to John G. Nelson, being a return of Duties on Liquors consumed by Fire, agreeably to the Report of the Committee.

18*l.* 5*s.* John Stiles

And a further sum of 18*l.* 5*s.* to John Stiles, being a return of Duties on Printing Apparatus, agreeably to the Report of the Committee.

6*l.* 10*s.* A. W. Godfrey

And a further sum of 6*l.* 10*s.* to Arthur W. Godfrey, being a return of Duties on Printing Apparatus, agreeably to the Report of the Committee.

300*l.* G. Eastwood

And a further sum of 300*l.* at the disposal of His Excellency the Lieutenant-Governor, to be drawn and paid to George Eastwood, whenever it shall be satisfactorily made appear to His Excellency that the said George Eastwood has established a Woollen Cloth Manufactory on the Sackville River, at the head of Bedford Basin, and that the same is completed and in full operation for Carding, Spinning, Weaving, Fulling, Dressing, and Coloring Cloths, and that at least one hundred yards of Pilot or other Broad Cloth have been manufactured therein.

200*l.* Mrs. Fairbanks

And a further sum of 200*l.* to Mrs. Fairbanks, the widow of the Honorable Charles R. Fairbanks, late Master of the Rolls, towards the assistance and support of herself and children, being a proportion of the Salary of that Officer for the year in which he died.

46*l.* 10*s.* Hon. G. Smith

And a further sum of 46*l.* 10*s.* to the Honorable George Smith, in conformity with the Report of the Committee, for services performed by directions of the Lieutenant-Governor.

15*l.* 2*d.* Hon. G. Smith

And a further sum of 15*l.* and 2*d.* to the Honorable George Smith, for repairs on the Store House for Arms and Ammunitions, and on the Keeper's House at Pictou.

62*l.* Expenses Criminal Prosecution

And a further sum of 62*l.* at the disposal of His Excellency the Lieutenant-Governor, to pay to Charles W. Wallace, 14*l.*; to Edward Duckett, 14*l.*; and to Arthur Brymer, 35*l.*, for defraying their expenses in attending a Criminal Prosecution at Arichat.

2*l.* 5*s.* 10*d.* J. C. Betts

And a further sum of 2*l.* 5*s.* 10*d.* to James C. Betts, expenses of a Prosecution incurred by him, agreeably to the Report of the Committee on his Petition.

25*l.* Block House Lunenburg

And a further sum, not exceeding 25*l.*, at the disposal of His Excellency the Lieutenant-Governor, for the purpose of repairing the Block House on the Block House Hill, so called, near the Town of Lunenburg.

26*l.* P. Flynn & al.

And a further sum of 26*l.* to pay to Patrick Flynn 20*l.*; to Edward Van Horn, 3*l.*; and to Caleb G. Seely, 3*l.*, amount of Treasury Notes destroyed by the Shipwreck of the Schooner "Rival Packet."

25*l.* Joey H. Metzler

And a further sum of 25*l.* to Joey H. Metzler, being amount of Province Notes destroyed by Fire, agreeably to the prayer of his Petition.

And a further sum of 10*l.* to Mark Killam, Road Commissioner, Yarmouth, being amount of money lost in transmission to him by Mail from the Treasury, agreeably to the prayer of his Petition. 10*l.* M. Killam

And a further sum of 10*l.* to John McKay, Esquire, Commissioner for building the New Glasgow Bridge, to defray his expenses in attending a Committee of the House of Assembly, during the present Session. 10*l.* J. McKay

And a further sum of 2*l.* 5*s.* to William P. Moffatt, to repay expenses incurred by him in the exploration of the Canal Line between Bay of Verte and Bay of Fundy. 2*l.* 5*s.* W. P. Moffatt

And a further sum of 20*l.* to Francis Hooper, in pursuance of the Report of the Committee on his Petition. 20*l.* F. Hooper

And a further sum of 10*l.* to Stephen Knowlton, to aid him in the erection of an Oat Mill and Kiln at Advocate Harbor, agreeably to the Report of the Committee on Agriculture—to be drawn under the same restrictions and regulations as grants for similar purposes have heretofore been drawn. 10*l.* S. Knowlton

And a further sum of 50*l.* to Peter Hume, to compensate him in part for loss of Mills by Fire, agreeably to the prayer of his Petition, and the Report of the Committee thereon. 50*l.* P. Hume

And a further sum of 299*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied in the purchase of a Horse from the United States of the breed known by the name of the Bell Founder Morgan Horse. 299*l.* Purchase of Horse

And a further sum of 30*l.* at the disposal of His Excellency the Lieutenant-Governor, to assist the Indians in finishing their Chapel at Bras d'or Lake, in Cape-Breton. 30*l.* Indian Chapel

And a further sum of 264*l.* and 9*d.* at the disposal of His Excellency the Lieutenant-Governor to defray the over-expenditure for maintaining the Revenue Cutters last year. 264*l.* & 9*d.* Revenue Cutters

And a further sum of 1800*l.* at the disposal of His Excellency the Lieutenant-Governor to continue the service of the three Revenue Cutters on the Coast of Nova-Scotia, as heretofore. 1800*l.* Revenue Cutters

And a further sum of 60*l.* at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, for the purpose of continuing the Revenue Boat at the entrance of the Annapolis River during the present year, under the direction of the Collector of Customs at Digby. 60*l.* Revenue Boat Annapolis

And a further sum of 60*l.* at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to continue a suitable Revenue Boat at Sydney, Cape-Breton. 60*l.* Revenue Boat Sydney C. B.

And a further sum of 60*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of placing a Revenue Boat in the Basin of Mines for the present year, under the direction of the Excise Officer at Windsor. 60*l.* Revenue Boat Basin of Mines

And a further sum of 30*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat and Tide Waiters, or Boat-men, at Pictou, to aid in the protection of the Revenue—to be under the direction of the Collector of Excise at that Port. 30*l.* Revenue Boat Pictou

And a further sum of 217*l.* 17*s.* 4*d.* to James B. Hadley, Collector of Light Duty in the Gut of Canso, for repaying his expenses, and remunerating him for his services in the year of our Lord One Thousand Eight Hundred and Forty-one, agreeably to the Report of the Committee on his Petition. 217*l.* 17*s.* 4*d.* J. B. Hadley

And a further sum of 661*l.* 18*s.* 5*d.* to the Commissioners of Public Buildings, to defray the expenses incurred by them during the last year. 661*l.* 18*s.* 5*d.* Comrs. Public Buildings

And a further sum of 794*l.* 9*s.* 7*d.* to Messrs. John Howe and Son, to pay the balance of their Account for the last year for Printing for Government and the Legislature, including Richard Nugent's Account for Twenty Pounds. 794*l.* 9*s.* 7*d.* J. Howe & Son

And a further sum of 783*l.* 7*s.* 1*d.* to defray the expenses of the Legislative Council in the last Session of the General Assembly; and the further sum of 708*l.* 4*s.* 8*d.* for the same purpose, for the present year. 1491*l.* 11*s.* 8*d.* Expenses of Council

And the further sum of 15*l.* to Daniel Durland, to enable him to keep a Public House to accommodate Travellers between Queen's and Annapolis, which House is about twelve miles from any Settlement each way in the County of Annapolis. 15*l.* D. Durland

And a further sum of 15*l.* to Reuben Nickerson, to enable him to keep up his Establishment for the accommodation of Travellers on the Road from Shelburne to Barrington. 15*l.* R. Nickerson

And

- 300*l.* Indians And a further sum of 300*l.* at the disposal of His Excellency the Lieutenant-Governor, for the benefit of the Indians for the present year—to be expended agreeably to the Act of the present Session.
- 50*l.* Rev. O. S. Weeks And a further sum of 50*l.* to the Reverend Otto S. Weeks, pursuant to the Report of the Committee on Education.
- 52*l.* 10*s.* T. O'Brien And a further sum of 52*l.* 10*s.* to Timothy O'Brien, pursuant to the Report of the Committee on Education.
- 45*l.* W. Ayre And a further sum of 45*l.* to William Ayre, pursuant to the Report of the Committee on Education.
- 444*l.* Ac. dia College And a further sum of 444*l.* for the support of Acadia College, annually, for the next three years, on its being certified to His Excellency the Lieutenant-Governor that in each year twelve Youths of exemplary conduct and poor parentage have been educated at that Institution, if so many shall apply—one half of them to be nominated by the Lieutenant-Governor.
- 444*l.* St. Mary's College And a further sum of 444*l.* for the support of Saint Mary's College, annually, for the next three years, on its being certified to His Excellency the Lieutenant-Governor that in each year twelve Youths of exemplary conduct and poor parentage have been educated in that Institution, if so many shall apply—one half of them to be nominated by the Lieutenant-Governor.
- 400*l.* Dalhousie College And a further sum of 400*l.* annually, for the support of Dalhousie College, for two years, from the first January, in the year of our Lord One Thousand Eight Hundred and Forty-three, on its being certified to His Excellency the Lieutenant-Governor that in each year twelve Youths of exemplary conduct and poor parentage have been educated in that Institution, if so many shall apply—one half of them to be nominated by the Lieutenant-Governor.
- 40*l.* African School And a further sum of 40*l.* as the Salary of the Female Teacher of the African School at Halifax, for the present year.
- 100*l.* Rev. R. F. Uniacke And a further sum of 100*l.* to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support the School for Poor Children in the North Suburbs of the Town of Halifax.
- 100*l.* Hon. H. Bell And a further sum of 100*l.* to the Honourable Hugh Bell and others, to support a School in connection with the Methodist Church at Halifax.
- 25*l.* School in Poor House And a further sum of 25*l.* to the Commissioners of the Poor in Halifax, to defray the expenses of continuing the School in the Poor House for the present year for the benefit of Orphans and Poor Children in that Establishment.
- 50*l.* Infant School And a further sum of 50*l.* to the Ladies, Managers of the Infant School at Halifax, in aid of that Institution for the present year.
- 25*l.* Infant School Pictou And a further sum of 25*l.* in aid of the Infant School at Pictou, pursuant to the Report of the Committee on Education.
- 12*l.* 8*s.* 8*d.* & 15*l.* B. Murdoch And a further sum of 12*l.* 8*s.* 8*d.* expended for Postage, and 15*l.* for Printing Regulations and Abstracts for the information of Commissioners and Teachers of Schools to, Beames Murdoch, Esq., Secretary of the Central Board of Education.
- 500*l.* Comms. Public Buildings And a further sum, not exceeding 500*l.*, to the Commissioners of Public Buildings, to enable them to provide Furniture for the Public Rooms of Government House, agreeably to the Report of the Committee.
- 12*l.* 10*s.* H. G. Hill And a further sum of 12*l.* 10*s.* to Henry G. Hill for Plans of the Province Building, prepared by order of the Committee of the House of Assembly.
- 100*l.* Reporters And a further sum of 100*l.* to the Reporters of the Debates and Proceedings of the Legislature, for their services during the present Session, in the following proportions, that is to say: 40*l.* to John S. Thompson; 40*l.* to John H. Crosskill, and 20*l.* to John Chamberlain.
- 50*l.* Dispensary And a further sum of 50*l.* to Doctors Grigor and Sterling, in aid of the Halifax Dispensary for the present year, provided they keep, during the year, a sufficient quantity of Vaccine Matter.
- 3*l.* 10*s.* each Clerks of Peace And such further sum to the Secretary of the Province as will enable him to pay 3*l.* 10*s.* to each of the Clerks of the Peace within this Province to whom His Excellency directed Road Commissions and Bonds in the year of our Lord One Thousand Eight Hundred and Forty-one.

And a further sum of 10*l.* to John James Sawyer, Esq., High Sheriff of the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly. 10*l.* J. Sawyer

And a further sum not exceeding 60*l.* to the Clerk of the House of Assembly, to defray the expense of Stationary and Binding of the Journals and Laws for the House of Assembly, during the present Session. 60*l.* Stationary &c.

And a further sum of 10*l.* each to the two Chairmen of the Committee on Bills and of Supply, for their services during the present Session. 10*l.* Chairmen

And a further sum of 100*l.* each to the Clerk and Clerk Assistant of the House of Assembly, for their extra services during the present Session. 100*l.* each Clerks

And a further sum, not exceeding 220*l.*, to defray the expense of extra Messengers, and other services and articles for the House of Assembly, and for Fuel, according to estimate—the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker. 220*l.* Contingencies

And a further sum of 15*l.* at the disposal of the Honorable the Speaker, to procure various Works and Publications necessary for conducting the business of the House of Assembly. 15*l.* Books

II. *And be it enacted*, That the Annual sum of 200*l.*, for the next three years, be granted and paid to James Whitney, to enable him to run a Steam Boat at least once a week during that period, between Annapolis, Digby and Saint John, New Brunswick, on condition of his running a good and sufficient Steam Boat all the year round, during each year, found with good and sufficient Boats between Saint John and Digby, the voyage at all times to be extended to Annapolis when practical: Provided the said James Whitney do carry all the Mails without any additional expense—the said sum to be drawn quarterly on the Certificate of the Deputy Post Master at Digby, that the duty has been faithfully performed: and provided also, that in case the said James Whitney shall not undertake to run a Steam Boat the whole year, that then, and in such case, the sum hereby granted shall not be paid, but there shall be granted and paid to the said James Whitney the sum of 100*l.* for carrying the Mails in the same manner, and on the same terms, and subject to the like stipulations as last year. 200*l.* J. Whitney

And whereas, the Trustees of the Sydney Academy have raised the sum of 200*l.*, and contracted for the erection of an Academy or School House in the Town of Sydney: Preamble

III. *Be it enacted*, That His Excellency the Lieutenant-Governor be authorised to grant a Warrant for the payment of the sum of 200*l.* granted for that object, in the year of our Lord One Thousand Eight Hundred and Thirty-one, and not yet drawn from the Treasury, on its being certified to His Excellency the Lieutenant-Governor's satisfaction, that the said Trustees have expended 200*l.* in promoting the above object. 200*l.* Sydney Academy

IV. *And be it enacted*, That it shall and may be lawful for the Trustees appointed for an Academy in the County of Inverness, to apply the sum of 100*l.* allowed for said Academy in the present year, in aid of the subscription for erecting a suitable Building at Port Hood—such subscription to amount to 100*l.* 100*l.* Academy Port Hood

V. *And be it enacted*, That the sum of 10*l.*, granted in the Session of the year of our Lord One Thousand Eight Hundred and Thirty-nine, to repair the Road from Oliver Doucett's to Benonia Dugat's, in the County of Digby, and remaining undrawn, be appropriated and expended on the Cross Road on Jesse Oaks' line, in the Township of Clare. 10*l.* Road in Clare

VI. *And be it enacted*, That the sum of 5*l.*, granted in the last Session for repairing the Road from Murray's, on the Main Post Road, to Pictou County Line, and also the sum of 5*l.* granted during the same Session for repairing the Road from Bailie's Brook to the County Line, Mountain Road, making in all 10*l.*, now remaining in the Treasury undrawn, be appropriated and expended in repairing the Road from Angus M'Kinnon's, Bailie's Brook, to the County Line, and also, repairing the Bridge at the Gusset. 10*l.* Road in Pictou

And whereas, Alpheus Morse, Commissioner for expending the sum of 5*l.* on the Road from John Morse's to Black River, in the year of our Lord One Thousand Eight Hundred and Thirty-three, has not been paid, and that sum has been left in the Provincial Chest: Preamble

VII. *Be it enacted*, That the sum of 5*l.* be granted and paid to Alpheus Morse, Commissioner for the expending that sum from John Morse's to Black River, for that purpose. 5*l.* A. Morse

VIII. *And be it enacted*, That the Collector of Impost at the Port of Halifax shall, and he

Duties on Live
Stock, &c. ap-
plied to use of
Poor

he is hereby authorized, empowered, and directed to keep a distinct account of all Duties by him collected upon the importation from the United States of America of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the third year of Her present Majesty's Reign, entitled, An Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; and that the said Duties upon the above specified Articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Transient Poor—provided the amount so paid do not exceed 1000*l*.

Members' pay

IX. *And be it enacted*, That the sum of 1*l*. per day be granted and paid to each and every Member of the House of Assembly for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker, also the travelling charges as heretofore—provided that no Member shall receive pay for more than forty day's attendance.

X. *And be it enacted*, That the ninth, twelfth, sixteenth, and eighteenth Clauses or Sections of the Act, made and passed in the forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of this Province; also, the eleventh, twelfth, and thirteenth Sections of the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Clauses or Sections is hereby continued in force in as full and ample a manner as if herein repeated word for word, until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

CAP. II.

An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks.

(Passed the 19th day of March, 1842.)

Act 4, Wm. 4.
continued with
exceptions

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, and every matter, clause and thing, in the said Act contained, save and except the second and thirty-first Clauses or Sections of the said Act; and also, save and except so far as the same is or may be altered or amended by this Act, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Goods ware-
housed and
Bonds given
at the Custom
House and
Bonds given
them as entry
outwards—
other Bonds to
be dispensed
with and the
Shipping Per-
mit to be grant-
ed

II. *And be it enacted*, That whenever any Goods shall have been Warehoused at the Custom-House, and Bonds given therefor, and the Bond for the Warehousing of the said Goods required under the fifth Section of the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, shall have been dispensed with under the second Section of the Act, passed in this present Session of the General Assembly, entitled, An Act to continue and amend the Act for regulating the Importation of Goods, then, and in such case, if upon entry outwards of any such Goods it shall be made appear by the Certificate of the proper Officer

or Officers of Customs, that such Goods have been duly entered outwards, and Bonds given at the Custom House for the exportation thereof, as required by the provisions of any Statute of the Imperial Parliament, then, and in every such case, the Bond required by the seventh Section of the Act hereby continued and amended, shall be dispensed with, and the Shipping Permit shall be granted for such Goods, and shall specify that security for the due exportation thereof hath been certified to have been given at the Custom-House.

CAP. III.

An Act to continue the several Acts for the prevention of Smuggling.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the prevention of Smuggling, which Act will continue in force and be in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, and every matter, clause and thing, in the said Act contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fifth year of the Reign of His said late Majesty King William the Fourth, to continue and amend the said first mentioned Act, and which said last mentioned Act will also continue in force, and be in operation, until the Thirty-first day of March, in this same year of our Lord One Thousand Eight Hundred and Forty-two, and every matter, clause and thing, in the said last mentioned Act contained, shall remain thenceforth in operation, and the said Acts (except as aforesaid) are hereby respectively further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Acts 4 & 5,
Wm. 4, con-
tinued

CAP. IV.

An Act to continue and amend the Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, save and except so far as the same is or may be altered or amended by this Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued from the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Act 3, Vic.
continued ex-
cept as altered
by this Act

II. *And be it enacted*, That instead of any Duties by the said Act imposed upon the articles of Butter and Lard, there shall, from and after the passing of this Act, be imposed, substituted, levied, charged and paid, upon all Butter and Lard hereafter brought or imported into this Province, whether the same shall be of British growth, production or manufacture, or Foreign growth, production or manufacture, a Colonial Duty of One Half-penny for each and every pound of the weight thereof; and that instead of the Duty by the said

Duty on But-
ter and Lard

On Foreign Brown Sugar

said Act imposed on Brown or Muscovado Sugar, of Foreign growth, production or manufacture, there shall hereafter be substituted, imposed, levied, charged and paid, upon all such Brown or Muscovado Sugar of Foreign growth, production or manufacture, imported or brought into this Province, a Colonial Duty of Seven Shillings for and upon each and every hundred weight thereof; and that instead of the Duties by the said Act imposed, and thereby made payable on such Salted Pork, imported or brought into this Province, as is hereinafter mentioned, there shall hereafter be levied, imposed, charged and paid, on all Salted Pork imported or brought into this Province from the British Possessions in America, except New Brunswick and Prince Edward Island, a Colonial Duty of Four Shillings for and upon each and every hundred weight thereof; and that instead of the Duty by the said Act imposed upon Teas of all kinds, there shall hereafter be substituted, imposed, charged and paid, upon all Teas hereafter imported or brought into this Province, the following Duties, that is to say: on all Teas, usually denominated Souchong, Congo, Pekoe, Bohea, Souchong, and all other Black Teas, a Colonial Duty of Three Farthings for and upon each and every pound thereof; and on all Green Teas, that is to say: Gunpowder, Hyson, Young Hyson, Twankay, and all other Teas commonly known as Green Teas, a Colonial Duty of One Penny Half-penny for and upon each and every pound thereof.

On Pork imported from British Possessions in America except New Brunswick and P. E. Island

On Teas

The Duty on Butter and Lard how to be ascertained, levied, &c.

III. *And be it enacted*, That the said Colonial Duty hereby substituted, levied, imposed and charged, upon the said articles of Butter and Lard and Teas, respectively, shall be ascertained, levied, secured, collected, paid, recovered and applied, under and according to the same directions, provisions, regulations and penalties, and by the same ways and means respectively as if such articles of Butter and Lard and Teas had been and were respectively inserted in the Table of Duties annexed to the said Act hereby amended and continued; and as if such Colonial Duty hereby so charged, substituted, levied and imposed, had been originally inserted against the said respective articles in the first and second columns of the said Table of Duties.

Duty on Brown Sugar how to be ascertained, levied, &c.

IV. *And be it enacted*, That the said Colonial Duty hereby substituted, levied, imposed and charged, upon the said article of Brown or Muscovado Sugar, of Foreign growth, production or manufacture, shall be ascertained, levied, secured, collected, paid, recovered and applied, under and according to the same directions, provisions, regulations and penalties, respectively, as if such Colonial Duty hereby substituted, levied, charged and imposed, had been originally inserted against the article of Brown or Muscovado Sugar, in the second column of the said Table of Duties to the said Act annexed.

Meaning of words "Brown or Muscovado Sugar"

V. *And be it enacted*, That the words "Brown or Muscovado Sugar," as used in this Act, or the Act hereby continued and amended, shall be taken to include and comprehend all Sugars of every description, save and except Refined Sugar, and Sugar of the Maple.

Duty on Pork how to be ascertained, levied, &c.

VI. *And be it enacted*, That the said Colonial Duty hereby substituted, levied, imposed and charged, upon the said article of Salted Pork, imported or brought into this Province as aforesaid, shall be ascertained, levied, secured, collected, paid, recovered and applied, under and according to the same directions, provisions, regulations and penalties, respectively, as if the said article of Salted Pork, so imported as aforesaid, had been originally, specifically, and particularly inserted in the said Table of Duties to the said Act annexed; and the said Colonial Duty hereby substituted, levied, charged and imposed, had been originally inserted against the said article of Salted Pork, so imported as aforesaid, in the first column of the said Table of Duties to the said Act annexed.

Continuation of this Act

VII. *And be it enacted*, That this Act shall continue and be in force from the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

CAP. V.

An Act to continue the Act for the General Regulation of the Colonial Duties.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the General Regulation of the Colonial Duties, which Act will continue in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, and every matter, clause and thing, in the said Act contained, save and except the third Clause or Section thereof, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Act 4, Wm. 4.
continued

CAP. VI.

An Act to continue and amend the Act for the Warehousing of Goods.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, and every matter, clause and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Act 4, Wm. 4.
except as amended by
this Act continued

II. *And be it enacted*, That in every case, during the continuance of the said Act, where Goods charged with Colonial Duties, and also with Imperial Duties, being of Foreign growth, produce or manufacture, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by any Act of the Imperial Parliament; and also, in every case where Goods charged with Colonial Duties, being of British growth, produce or manufacture, shall be warehoused in a King's Warehouse, and the Owner or Importer of such Goods shall have given Bond at the Custom House for the due Warehousing of the said Goods respectively, as prescribed by the said regulations, then, and in every such case, the Bond for the Colonial Duties thereon by the twenty-first Clause or Section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the Bond entered into at the Custom House shall be deemed the security for the due Warehousing of the said Goods; but it shall not be lawful for any Collector or other Officer of Her Majesty's Customs to permit any Goods so Warehoused to be taken out of Warehouse for Home Consumption, or for the Fisheries, until a Permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom House, and there filed, setting forth that the Colonial Duties to which such Goods are or may be subject have been fully paid or secured; and if any such Goods shall be removed, or taken from such King's Warehouse before such Permit shall be granted and filed at the Custom House, the same Goods shall be forfeited, and the Owner thereof, and the person or persons by whom the same shall be removed from Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

For Goods
warehoused
Bond given at
the Custom
House sufficient

An Act to continue and amend the Act for regulating the Importation of Goods.

(Passed the 19th day of March, 1842.)

Act 4, Wm. 4,
continued with
exceptions

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods—which Act will continue in operation until the thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-two, and also, every matter, clause and thing, in the said Act contained, save and except the fourth and forty-sixth Clauses or Sections of the said Act; and also, save and except so far as the said Act is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the thirty-first day of March, which will be in the year One Thousand Eight Hundred and Forty-three, and no longer.

Goods entered
for Warehouse
and Bond given
at the Custom
House
other Bond to
be dispensed
with and the
Landing Per-
mit to be
granted

II. *And be it enacted,* That whenever, during the continuance of the said Act, the Importer of any Goods shall think proper to make entry thereof for Warehouse, as provided by the fifth Section of the said Act, and it shall appear by the Certificate of the proper Officer or Officers of the Customs that the same Goods have been duly entered at the Custom House to be Warehoused, and Bond given therefor, as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for Warehousing the said Goods, required by the said fifth Section to be intered into by the Importer, shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify that security for the due Warehousing thereof hath been certified to have been given at the Custom House.

Colonial Du-
ties not ex-
ceeding £10
to be paid
down before
Permit be
granted

III. *And be it enacted,* That, if on the first entry of any Goods, subject to Colonial Impost Duties, or on entry thereof from the Warehouse for Home use, the Colonial Impost Duties thereon to be ascertained as in and by the said Act hereby continued and amended is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or person making the entry thereof, before any Permit shall be granted for the Goods contained in such entry; but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond, with two sufficient sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by Instalments, and in manner following, that is to say: one fourth part of said Duties in Six Months—another fourth part thereof in Nine Months—and the remaining half part thereof in One Year, from the date of such Bond respectively; and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue; and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Board to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any Instalment thereof.

Colonial Du-
ties exceeding
£10 how se-
cured

Proviso

Provided always, That when Goods have been Warehoused above one year, then the Colonial Duty, if exceeding Ten Pounds, shall be payable one half in Three Months, and the other half in Six Months, from the date of the entry from Warehouse; and the Bond shall be made accordingly.

Six days only
allowed for
entry of Goods
after arrival

IV. *And be it enacted,* That instead of the period of twenty days allowed by the twenty-seventh Clause of the said Act hereby amended, for the entry inwards of Goods, after the arrival of the importing Ship, there shall be allowed for such entry six days only after such arrival; and if due entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said Clause is directed, in the same manner as if the said period of six days had been inserted in such Clause, instead of twenty days, as therein mentioned.

CAP. VIII.

An Act for regulating the Currency of the Province.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Gold Coin of the United Kingdom, called a Sovereign, being of full weight, and the Foreign Gold Coin, called the Doubloon, being of not less weight than Four Hundred and Fifteen Grains, each containing not less than Three Hundred and Sixty Grains of Pure Gold, shall and may respectively be demanded, offered and received, paid, and legally tendered to the Provincial Treasurer or other Public Officers, or by or to any Body Politic or Corporate, person or persons whomsoever, in payment, satisfaction or discharge, of any debts, sums of money, duties, obligations, liabilities, or demands whatsoever, already contracted, or hereafter to be contracted, at and after the rates respectively following, that is to say—for all such debts, sums of money, duties, obligations, liabilities or demands, when contracted or payable in Currency, the Sovereign at the rate of One Pound Five Shillings, and the Doubloon at the rate of Four Pounds; and when contracted or payable in Sterling, the Sovereign at the rate of One Pound, and the Doubloon at the rate of Three Pounds Four Shillings.

The Sovereign and Doubloon made a legal tender

Rates

II. *And be it enacted*, That the Peruvian, Columbian, Mexican, and Old Spanish Silver Dollar, being of the full weight of Four Hundred and Sixteen Grains, and containing not less than Three Hundred and Seventy-three Grains of Pure Silver, shall and may in like manner be respectively demanded, offered and received, paid, and legally tendered in payment, at and after the rate of Four Shillings and Two-pence Sterling, and Five Shillings and Two-pence Half-penny Currency.

Dollars

Rate

III. *And be it enacted*, That all British Silver Coin shall and may, in like manner, be respectively demanded, offered and received, paid, and legally tendered in payment, satisfaction and discharge of any debts, sums of money, duties, obligations, liabilities or demands whatsoever, whether contracted or payable in Currency or Sterling, at and after the same rate as the Sovereign, and in the same proportion as such respective British Silver Coins bear to the Sovereign: *Provided* that no Person, Officer, Body Politic or Corporate, shall be compelled to receive, at any one time, a greater amount than Forty Shillings Sterling, or Fifty Shillings Currency, in British Silver Money.

British Silver

Rate

Proviso

IV. *And be it enacted*, That the Pence and Half-pence legally current in the United Kingdom, and the Copper Coin procured by the authority of the Legislature, for the use of, and issued from, the Treasury of the Province, shall be current, paid and received, as Penny and Half-penny Pieces Currency: *Provided always*, that no person shall be obliged to receive, at one time, payment of more than Twelve-pence Currency in Copper Money: *And provided also*, that in payment, no account shall be taken of, or payment be required for, any fractional part remaining due, less than One Half-penny.

Copper Coin

Proviso

V. *Provided always, and be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be signified hereto.

Suspending Clause

CAP. IX.

An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, *An Act for granting Duties on Licenses for the sale of Spirituous Liquors*, which will continue in force until the Thirty-first day of March, in this year of Our Lord One Thousand

Act 7, Wm. 4, & 2, Vic. continued except as altered hereby

Thousand Eight Hundred and Forty-two, except so far as altered or amended by the Act hereinafter mentioned, or by this Act; also, the Act, passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, which will also remain and continue in force until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-two, except as hereinafter altered or amended, shall be further continued, and the said Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively further continued from the said Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-two, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Persons holding Shop Licenses may sell not less than one quart of Wine

Not to extend to Physicians for Medicinal purposes

H. And be it enacted, That any person holding a Shop License shall and may sell any quantity of Wine or Wines, not less than one quart at one and the same time—any thing in any Act or Acts contained to the contrary notwithstanding.

III. And be it enacted, That nothing contained in this present, or any previous Acts, hereby continued, shall extend, or be construed to extend, so as to prevent any Physician or Apothecary, if authorised so to do by the General Sessions, from selling for Medicinal purposes any Wine or Spirits in any such County wherein the Grand Jury shall think it inexpedient to recommend any persons for Tavern Licenses.

CAP. X.

An Act to alter the the Sittings of the General Sessions of the Peace for the several Counties therein mentioned.

(Passed the 19th day of March, 1842.)

Times of holding the Courts of Sessions in certain Counties altered

Yarmouth

Pictou

Hants

King's

Annapolis

All Suits, &c. to be returnable at the times the Courts are hereby directed to be held

BE it enacted, by the Lieutenant Governor, Council and Assembly, That, from and after the Publication of this Act, the Courts of General Sessions of the Peace for the several Counties hereinafter mentioned, instead of the times now by Law established for holding the same, shall be held at the times following, that is to say:—

County of Yarmouth, at Tusket Village, on the last Tuesday of April, and at Yarmouth on the third Tuesday of September.

County of Pictou, on the first Tuesday of July and first Tuesday of February.

County of Hants, on the first Tuesday of October.

King's County, on the last Tuesday of October.

County of Annapolis, on the first Tuesday of May and second Tuesday of November.

II. And be it enacted, That all Writs, Process, Recognizances, Complaints or other Proceedings, whatsoever, which are now or shall be made returnable, or which ought to be returned to the Court of General Sessions of the Peace in the several respective Counties hereinbefore mentioned, at the next Term of Sitting of any of the said respective Courts, shall be returned, and held and deemed to be returnable, on the respective days herein and hereby appointed for the next Term or Sitting of the said Court of General Sessions of the Peace in the said several Counties respectively; and all Parties, Witnesses, Officers or Persons, who are summoned or bound to appear, or who ought to appear at the said several Courts, or any of them, respectively, at the next Terms or Sittings thereof respectively, in any of the said Counties, shall be held and obliged to appear at such Courts at the days and times in which such Terms or Sittings are hereby respectively directed to be held.

CAP. XI.

An Act to revive the Act to amend the Act to regulate the Assize of Bread.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to amend the Act to regulate the Assize of Bread, and every matter, clause and thing, therein contained, shall be revived, and the same are hereby revived, and declared to be in full force and effect—any thing in the Act passed in the seventh year of His said late Majesty's Reign, entitled, An Act to revive as to the Town of Halifax the Act to regulate the Assize of Bread, to the contrary notwithstanding.

Act 5, Wm. 4.
revived

II. *And be it enacted*, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

Continuation
cont'd in 1849

CAP. XII.

An Act for establishing a Public Cemetery in the Town of Yarmouth, and for other purposes.*(Passed the 19th day of March, 1842.)*

WHEREAS, in the year of Our Lord One Thousand Seven Hundred and Sixty-seven, a Grant of the Township of Yarmouth was made in One Hundred and Fifty Shares or Rights of Six Hundred and Sixty-six Acres each—four of which Shares or Rights were reserved to be disposed of by the Lieutenant-Governor or Commander in Chief for the time being, for the public uses; *And whereas*, upon one of the said Shares or Lots, so reserved, on the East side of the Harbor of Yarmouth, (now within the limits of the Town proper of Yarmouth), the Inhabitants erected a place of Public Worship, which was occupied for some years by the Presbyterians, and has subsequently been principally used by, and is now in the occupation of, the Baptists; and a portion of such Lot has also, from the first settlement of said Township, been used by the Inhabitants, generally, as a Public Burial Ground—there being no other Burial Ground within the limits of the said Town, except one belonging to the Church of England; *And whereas*, in or about the year of Our Lord One Thousand Eight Hundred and Thirteen, a Grant was made by the Government of this Province of the greater part of said Lot for a Church of England Glebe, leaving another part thereof in the possession of one Tristram Studley, and the remainder of said Lot being about five Acres, was, in and by said Grant, directed to be reserved for the use of the Dissenters, in whose occupation it had been from the earliest settlement of the Township, as aforesaid; *And whereas*, there are no persons properly authorised to take charge of the said Burial Ground, and in consequence thereof the Fences enclosing the same are constantly out of repair, and the Graves and Tombstones trampled upon, and injured by Cattle running at large over them, and it is therefore desirable that such Burial Ground should be declared a Public Cemetery, and that Trustees should be appointed to take charge thereof:

Preamble

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That the said Burial Ground shall, and the same is hereby declared to be a Public Cemetery or Burial Ground for the use of the Inhabitants of the said Township of Yarmouth, without any distinction, under and subject nevertheless to the restrictions and regulations hereinafter contained.

Public Cemetery

II. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission, during pleasure, three fit and proper persons, Inhabitants of the said Town of Yarmouth, to be Trustees for the said Cemetery or Burial

Trustees to be appointed

Burial Ground; and upon the death, removal, or refusal to act, of any one or more of the said Trustees, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice aforesaid, to appoint and commission some fit and proper person, being an Inhabitant of said Town, to supply every such vacancy; and such appointment to renew whenever necessary, so that the said Trustees may always continue to be three in number.

The Lot on which the Meeting House stands to be vested in the Proprietors thereof

Public Streets laid off

The Trustees to take charge of the remainder for the purposes of this Act and to lay off a Street

Extent of Street

Trustees to make Bye-laws for regulating the Cemetery

Trustees to enclose and ornament the Cemetery

Cemetery to be public

III. *And be it enacted*, That the Ground on which the hereinbefore mentioned Meeting House stands, together with the space around the same, included within the following limits, that is to say: to extend thirty feet North, and thirty feet South of said Meeting House, and back one hundred and twenty feet East, from the Main Road, shall be, and the same is hereby absolutely vested in the Proprietors of the said Meeting House for the time being.

IV. *And be it enacted*, That such parts of the said Lot, so reserved, as lie respectively to the Northward and Southward of the space hereinbefore vested in the Proprietors of the said Meeting House, and to extend back one hundred and twenty feet East from the Main Road, shall, and the same are hereby respectively declared to be Public Streets, and shall and may hereafter be used as such.

V. *And be it enacted*, That the said Trustees hereinbefore appointed shall, and they are hereby authorized and empowered to take charge of all the residue and remainder of such part of the said Lot, so reserved for the use of the Dissenters as aforesaid, and to lay out a Street across the front of the Lot, near the Harbor, and to sell and dispose of the Water Lots thereto belonging, to the best advantage, and to make and execute a Deed or Deeds to the Purchaser or Purchasers thereof of the whole Estate therein, in fee simple—which Deed or Deeds shall be deemed, held and taken, to be a good, legal, and valid conveyance or conveyances to the said Purchaser or Purchasers, in fee simple; and the Monies arising from such Sales shall be applied by the said Trustees for the repairing the Fences around the said Cemetery, and keeping the same in proper order.

VI. *Provided always, and be it enacted*, That the said Street, so to be laid out across the front of said Lot, shall not, in any part thereof, extend farther to the Eastward, than would be contained within a straight line drawn between a point on the Northern side of said Lot, not more than one hundred feet distant from the solid bank of the Harbor, on that side of said Lot, and a point on the Southern side of said Lot, distant in like manner not more than one hundred feet from the solid bank of the Harbor, at that side of the Lot.

VII. *And be it enacted*, That the said Trustees for the time being, or a majority of them, shall and may, from time to time, and at all times, as they may deem requisite, have full power and authority to make and ordain all such Bye-laws, Rules, Regulations or Ordinances, as they may deem proper, for the due care, regulation, ornamenting and protection, of the said Cemetery—(the same not being repugnant to the provisions of this Act)—and such Bye-laws, Rules, Regulations or Ordinances, upon receiving the assent of the General Sessions of the Peace in and for the County of Yarmouth, shall be valid, binding and effectual; and all Penalties, Fines or Forfeitures, therein expressed, or made payable, shall and may be recovered by the said Trustees, in their own names, against the party or parties, as Debts of the like amount are by Law recoverable, and shall be in such manner levied, recovered and received, with costs, if awarded.

VIII. *And be it enacted*, That the said Trustees may, and they are hereby authorized and empowered, to enclose the said Cemetery, and to erect a good and substantial Wall, Railing or Fence, around the same, and to take such other measures as they may deem necessary, for the preservation and protection thereof; and to prepare, design, lay out, and plant with trees, or otherwise to adorn and embellish the said Ground so enclosed, and to preserve, uphold, repair, and maintain the same; and the said Wall, Railing or Fence, from time to time, as they shall deem proper.

IX. *And be it enacted*, That the said Cemetery shall be open and free for the interment of the dead, of all classes and denominations of the Inhabitants of, or Persons coming to, or being within the Township of Yarmouth, and according to such rites and ceremonies as the friends of the deceased shall think proper, without any charge or fee to be paid therefor, to and for the use of such Cemetery—save and except a fee to be fixed by the said Trustees, not exceeding Two Shillings for each interment, to be paid to such Trustees, and to be by them applied to and for the use of such Cemetery:

X. *And be it enacted*, That the said Trustees for the time being shall and may sue for and recover, in their own names, any sum or sums of Money that may be due and owing from the Purchaser or Purchasers at such Sale or Sales of the said Water Lots, as here-
 inbefore mentioned, or for any fee or fees for any interment or interments which may have been fixed and agreed on by said Trustees as aforesaid, in the same manner as Debts of the like amount may be ordinarily sued for and recovered.

Trustees may Sue

CAP. XIII.

An Act to Incorporate the Aylesford Pier Company.

(Passed the 19th day of March, 1842.)

WHEREAS, the erection of a Pier or Wharf near the French Cross, in the Town-
 ship of Aylesford, would be highly advantageous to the Inhabitants of the said Township, and it is expedient to encourage the building of such Pier or Wharf; *And whereas*, the several persons hereinafter named, with divers others, have agreed to form themselves into a Company for the above purpose :

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That Amos B. Pat-
 terson, Fairfield Smith, George Fitch, Jonathan Crane, Isaac Orpin, Benjamin B. Shef-
 field, Elisha D. Harris, Alexander Patterson, Thomas Welton, James L. Van Buskirk, Wil-
 liam Morton, Nelson Farnsworth, and such other person or persons as shall, from time to
 time, become Proprietors of Shares in the Corporation hereby established, their Succes-
 sors and Assigns, shall be, and they are hereby erected into a Company, and declared to
 be a Body Politic and Corporate, in deed and in name, by the name of "The Aylesford
 Pier Company," and by that name shall and may have succession and a common seal, and
 by that name shall and may sue and be sued, plead and be impleaded, answer and be an-
 swered unto, in any Court or Courts of Law or Equity, or place whatsoever; and be able
 and capable in Law to have, hold, purchase, take, receive, possess and enjoy, Houses,
 Stores, Lands and Tenements, and Real Estate whatsoever, Materials, Goods, Chattels,
 and all other things, real, personal or mixed; and also, to give, grant, let, assign or convey,
 the same, or any part thereof, and to do and execute all other things in and about the same,
 as shall and may be thought necessary and proper, for the benefit and advantage of the
 said Corporation; and also, that the said Company, or the major part of them, shall, from
 time to time, and at all times, have full power, authority and license, to constitute, ordain,
 make and establish, change, vary and alter, such Bye-laws, Rules and Ordinances, as may
 be thought necessary, for the good rule and government of the said Corporation: *Provided*,
 such Bye-laws, Rules and Ordinances, be not contradictory or repugnant to the Laws and
 Statutes of the Province, or those in force within the same: *And provided also*, that such
 Bye-laws, Rules and Ordinances, shall not be of any force or effect until the same shall
 have been submitted to, and approved by, the Lieutenant-Governor or Commander in Chief
 for the time being—nor until the same shall have been registered in the office of the Re-
 gistrar of Deeds for the County of King's.

Amos B. Pat-
terson & others
to be a body
politic

Name & Seal

May sue and
be sued, &c.

May hold Real
Estate

May make
Bye-laws

Proviso

II. *Provided always, and be it enacted*, That the said Company shall not have, take, hold,
 possess and enjoy, at any one time, Lands, Tenements or Hereditaments, of greater value
 than Two Thousand Pounds.

Not to hold
Lands of great-
er value than
£2000

III. *And be it enacted*, That the said Company, and its affairs and business, shall be un-
 der the management and direction of a President and such other Officers as shall or may
 be named or designated by the Bye-laws of the said Company; and the Capital of the
 said Company shall be limited to the sum of Two Thousand Pounds, to be divided into
 Shares of Five Pounds each; and such Shares shall be assignable and transferrable in such
 manner, and upon such terms, as by the said Bye-laws may be also provided and directed.

President and
Officers

Capital

IV. *And be it enacted*, That it shall and may be lawful for the said Company, when
 formed, to build and erect a Public Pier or Wharf near the French Cross, in the said
 Township of Aylesford, upon any Land, or piece of Land covered with water, to which
 the

May erect a
Public Pier
near the French
Cross

And Erect
Buildings

the said Corporation is or may be entitled, and to put up and erect such Stores and Buildings thereon, or contiguous thereto, on any Land to which the said Corporation is or may be entitled, as they may deem necessary and proper, for the accommodation of the Public—which said Pier or Wharf, Stores and Buildings, shall be open and free for the use of all Ships and Vessels and persons whomsoever, subject to such rates of dockage, wharfage and storage, as shall be fixed and established by the said Company, by and with the consent, sanction and approbation, of the Court of General Sessions of the Peace for the County of King's.

Shares to be
held Personal
Property

V. *And be it enacted*, That for and notwithstanding any Real Estate which the said Company may hold at any time, the Shares and Interests of the Shareholders of and in the Capital Stock and Funds of the said Company, shall be held and deemed to be Personal Property to all intents and purposes whatsoever.

Lands &c. liable
to be taken
in Execution

VI. *And be it enacted*, That all such Lands and Real Estate, Stores and Buildings, or so much thereof as may be necessary to satisfy the same, may be taken under any Writ of Execution issuing upon a Judgment obtained against the said Corporation, and sold in the same manner as Goods and Chattels may be taken and sold; and the Sheriff shall, immediately after such Sale, make and execute a Deed to the Purchaser or Purchasers—which Deed shall convey and transfer all the Estate and Interest of the said Corporation in the Lands, Stores or Buildings, so taken, sold and conveyed.

Not to deal in
lending Money
&c. or Insur-
ance

VII. *Provided always, and be it enacted*, That nothing herein contained shall be held, or construed to give to the said Company, the privilege of dealing in the lending of money, by way of discount, or otherwise, or engaging in any Banking operations whatsoever, or to become Underwriter or Underwriters upon any Insurance on any Ship or Vessel, or Marine Risk, or upon any loss by Fire, or upon any Life or Lives.

Names of
Members to be
registered

VIII. *And be it enacted*, That the names of all the Members of the said Corporation, and the number of Shares owned by them respectively, shall be registered in the Office of the Registrar of Deeds in the County of King's; and no transfer of any Share in said Corporation shall be final and effectual until the Certificate thereof shall have been registered in the said Office, to the end it may be publicly known who are the persons composing the said Corporation.

Holders of
Shares not dis-
charged from
any liability

IX. *Provided always, and be it enacted*, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to relieve or discharge the said Corporation, or any of the present or future Proprietors, or other Holders of Shares in the said Company, from any responsibility, contract, duty, or obligation whatsoever, to which, by Law, such Proprietors or Holders of Shares now are, or at any time hereafter may be, or would have been subject or liable, had not this Act been passed, as between such Company and any other party or parties whomsoever, in any manner or way howsoever; and every Proprietor or Holder of such Shares in the said Company, his or her Lands, Goods and Chattels, shall be liable, under any Execution that may be issued against the said Corporation, in the same manner, and to the same extent, as if this Act had not been passed.

Value of Share

X. *And be it enacted*, That in every case when any person shall have, before the passing of this Act, actually contributed to the said Pier or Wharf the sum of Five Pounds or upwards, the said person shall be deemed a Shareholder in the said Corporation, and be entitled to one Share for every Five Pounds of the amount by him so actually contributed as aforesaid, and also, to one vote for every such Share.

Preamble

And whereas, during the last Session of the General Assembly, the sum of One Hundred Pounds was granted to aid the Inhabitants of the said Township of Aylesford in the erection of a Breakwater at the French Cross aforesaid, in the said Township, to be drawn when it should be satisfactorily made to appear to His Excellency the Lieutenant-Governor that the sum of Two Hundred Pounds had been raised by private contributions, and expended on said work, and that the use of the Pier had been secured to the public; *And whereas*, it is proper that the Company hereby Incorporated should be authorized to draw the said sum of money, so granted as aforesaid, upon complying with the requisites of the grant:

Amount to be
granted to the
Company

XI. *Be it enacted*, That the said sum of One Hundred Pounds, so granted as aforesaid, shall and may be drawn when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor that the sum of Two Hundred Pounds has been raised by the said Company hereby Incorporated, and expended on the said Pier or Wharf, near the
French

French Cross, in Aylesford, and that the use of the said Pier or Wharf has been secured to the public, under and subject to the provisions of this Act.

XII. *And be it enacted*, That this Act shall continue and be in force for thirteen years, and from thence to the end of the then next Session of the General Assembly. Continuation

CAP. XIV.

An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, which will continue in force, and remain in operation, until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-two, except as altered or amended by the Act hereinafter mentioned; also, the Act passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty-three, and no longer.

Act 7, Wm. 4,
& 2, Vic. con-
tinued

CAP. XV.

An Act to continue and amend the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and to repeal certain Acts relative thereto.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, save and except so far as the same may be altered or amended by this Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Wm. 4,
except as here-
by altered
continued

II. *And be it enacted*, That the Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to alter, amend, and continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton; and also, the Act passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Acts to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby repealed.

Acts 7, Wm.
4, & 2 Vic.
repealed

III. *And be it enacted*, That on every Vessel entering the Port of Sydney, spoken by a Licensed Pilot outside of Low Point and Cranberry Head, when his services are not accepted,

Pilotage when services not accepted

Pilot's boarding to be facilitated

Proviso

Pilotage outward when services refused

Pilot conducting vessel in port to be preferred outward

Signal for Pilot

No Licensed Pilot offering

Proviso

Table of Fees

cepted, the Licensed Pilot who first has hailed her shall be entitled to one third of the Pilotage fixed in the Table to this Act annexed, if the Vessel be owned in this Province, and one half on other Vessels; and that the Master or Commander of any Vessel approaching Sydney, when hailed by any Licensed Pilot, such Pilot being within a reasonable distance with his flag flying, shall shorten sail, haul to, or use other means, as circumstances will admit, to facilitate such Pilot's boarding, under a penalty of Two Pounds: *Provided always*, that Vessels owned within this Province, and employed in the Coasting Trade, or Fisheries, (except Whalers) and all Vessels employed or engaged in a Coasting Voyage from Sydney aforesaid to any other Port or Place within this Province, or from any such Port or Place to the Port of Sydney aforesaid; and all Vessels under sixty tons burthen coming from Prince Edward Island, Newfoundland or New Brunswick, and all Vessels entering, not spoken outside of Low Point and Cranberry Head, and all Ships of War belonging to Her Majesty, shall be exempted from Pilotage, unless a Pilot is voluntarily taken on board: *And provided also*, that nothing in this Act contained shall be construed into any obligation on the part of any Master to take a Pilot either into or out of the Harbor of Sydney; but in case of any Master acting as his own Pilot into the Harbor, then, and in that case, the Pilot first tendering his services shall be entitled to the proportion of Pilotage as aforesaid.

IV. *And be it enacted*, That in any case where a Licensed Pilot shall offer his services to take charge of any Ship or Vessel about to proceed from and out of the Port of Sydney, where some Licensed Pilot shall not have been previously engaged, or have offered his services, and been declined, such Pilot, if his services shall be refused, shall be entitled to demand and receive the same proportion of Pilotage as by Law the said Pilot would have been entitled to demand and receive, if on the entrance of such Ship or Vessel into the Port of Sydney, the same had been spoken and first hailed by such Pilot outside of Low Point and Cranberry Head.

V. *Provided always, and be it enacted*, That any Licensed Pilot who shall have taken charge of, and conducted any Ship or Vessel into the said Port of Sydney, and shall offer his services to pilot such Ship or Vessel out of such Port of Sydney, and shall be ready and willing, when such Ship or Vessel shall be ready for sea, to take such charge of such Ship or Vessel out of the Port of Sydney, and then tender his services as Pilot, shall be entitled to preference to any other Licensed Pilot; and in case his services shall not be accepted, shall be entitled to demand and receive the like proportion of Pilotage as herein before mentioned.

VI. *And be it enacted*, That whenever any Ship or Vessel shall require a Pilot from and out of the Port of Sydney aforesaid, the Master of such Ship or Vessel, so requiring such Pilot, shall make the same known by hoisting an Union Jack, if a British Ship or Vessel; and if a Foreign Ship or Vessel, such Flag as is usually worn by such Foreign Ship or Vessel, at the Fore-top-gallant-mast-head of such Ship or Vessel for at least twelve hours during day-light, before the time of sailing of such Ship or Vessel; and in case no Licensed Pilot shall offer his services during that time, the said Master shall then be at liberty to employ such person as he may think fit, although such person may not be a Licensed Pilot.

VII. *Provided always, and be it enacted*, That if any Licensed Pilot shall, within the time herein before specified, tender his services to take charge of any such Ship or Vessel out of the said Port of Sydney, any person, not being a Licensed Pilot, who may have taken charge of such Ship or Vessel as Pilot, shall surrender the charge thereof to such Licensed Pilot, under the penalty of Three Pounds, to be sued for and recovered, and applied as is prescribed and provided by the tenth Clause of the Act hereby continued.

VIII. *And be it enacted*, That instead of the Schedule of Table of Fees annexed to the Act hereby continued, the following Schedule or Table of Fees shall be substituted, that is to say:

Table of Rates of Pilotage of Vessels into and out of the Harbor of Sydney.

For Vessels under 100 Tons—to Sydney Town £1 7 6—Plant's Bar £1.

From 100 to 150 Tons—Sydney Town £1 12 6—Plant's Bar £1 5.

From 150 to 200 Tons—Sydney Town £1 17 6—Plant's Bar £1 10.

From 200 to 250 Tons—Sydney Town £2 5—Plant's Bar £1 15.

For

For Vessels from 250 to 300 Tons—Sydney Town £2 10—Plant's Bar £2.

From 300 to 350 Tons—Sydney Town £2 15—Plant's Bar £2 5.

From 300 to 400 Tons—Sydney Town £3—Plant's Bar £2 10.

And Five Shillings for every fifty tons additional of the burthen of every Vessel above four hundred tons to Plant's Bar, and Ten Shillings for every such fifty tons additional to Sydney Town.

IX. *And be it enacted*, That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly. Continuation

CAP. XVI.

An Act to provide for the Instruction and Permanent Settlement of the Indians.

(Passed the 19th day of March, 1842.)

WHEREAS, it is proper to provide for the Education and Civilization of the Aboriginal Inhabitants of this Province, and for the preservation and productive application for their use of the Lands in different parts of the Province, set apart as Indian Reservations: for these objects therefor— Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor to appoint, from time to time, during pleasure, a fit and proper person to be Commissioner for Indian affairs, who, upon entering on the office, shall give security for the faithful performance of its duties, to the satisfaction of the Governor and Her Majesty's Executive Council. A Commissioner for Indian affairs to be appointed To give security

II. *And be it enacted*, That it shall be lawful for the Governor, by and with the advice of Her Majesty's Executive Council, from time to time, to issue instructions to the said Commissioner for his guidance, in performing the duties of his said office, and to revoke, alter, and modify the same, as may be thought proper. Instructions to be given to the Commissioner

III. *And be it enacted*, That under and in subordination to such instructions, it shall be the duty of the said Commissioner for the time being, to take the supervision and management of all Lands that now are, or may hereafter be, set apart as Indian Reservations, or for the use of the Indians—to ascertain and define their boundaries—to discover and report to the Governor all cases of intrusion—and of the transfer or sale of the said Lands—or of their use or possession by the Indians; and generally, to protect the said Lands from encroachment and alienation, and preserve them for the use of the Indians. Commissioner to supervise the Lands reserved for Indians, &c. &c.

IV. *And be it enacted*, That in cases where there have been, or hereafter may be, erected or made valuable buildings or improvements on such Lands, it shall be in the power of the Governor, by and with the advice of Her Majesty's Executive Council, to make agreements with the persons who shall have made the same, or those claiming under them, either by way of satisfaction and compensation for the value of the Lands so improved, with so much adjacent Land as may be necessary, or by way of rent or allowance for the use of such Lands, for such term of years, and under such considerations, as may be expressed in the agreements—and all such agreements shall inure by way of sale or demise, as may be therein expressed, and shall convey a legal title to the parties accordingly; and all monies received in compensation or satisfaction as aforesaid, shall be laid out either in the purchase of other Lands for the use of the Indians, or in some other manner, for their permanent benefit, as shall seem most advisable to the Governor, by and with such advice as aforesaid. Where there are buildings and improvements on Indian Lands compensation may be made to parties making them

V. *And be it enacted*, That in all cases of intrusion, encroachment, or unauthorized settlement or improvement upon any such Lands as aforesaid, it shall be lawful to proceed by information, in the name of Her Majesty, before Her Majesty's Supreme Court at Halifax, or in the County where the Lands may lie, notwithstanding the legal title by Grant or otherwise, may not be vested in Her Majesty. In cases of intrusion, &c. on Indian Lands proceedings may be taken against the intruder

VI. *And be it enacted*, That it shall be the duty of such Commissioner, under such Instructions, to put himself in communication with the Chiefs of the different Tribes of the Micmac The Commissioner to communicate with the Micmac

Municate with the Chiefs of the different Tribes of Micmacs

Micmac Race throughout the Province, to explain to them the wishes of the Government, and to invite them to co-operate in the permanent settlement and instruction of their people; that it shall be his duty, subject to such Instructions as aforesaid, to parcel out to each head of a family a portion of the Reservations, with such limited power of alienation to Indians only as the said Instructions may, from time to time, authorize; and also, to aid them in the purchase of Implements and Stock, with such moderate assistance from the Funds placed at his disposal, as they may seem, from time to time, by their industry and sobriety, to deserve, to aid in the erection of a dwelling for each Chief—a School-House and a Place of Worship—and generally, to take such measures as, in his discretion, subject always to such Instructions as may seem necessary, to carry out the objects of this Act.

The Commissioner to make arrangements for the education of Indians

VII. *And be it enacted*, That such Commissioner shall have power to make arrangements with the Trustees or Teachers of any Schools or Academies throughout the Province, for the Board and Tuition of such number of Indian Children as may be desirous of acquiring Education; and, whenever necessary, the expenses shall be paid out of the funds placed at his disposal.

A fund to be formed for the purpose of this Act by subscription and legislative grant

VIII. *And be it enacted*, That in order to form a permanent fund, applicable to the purposes of this Act, the Commissioner shall be authorized to raise subscription—to apply for contributions from Charitable Institutions, either in this Province, or elsewhere—and to draw from the Treasury, by Warrant from the Governor, issued from time to time, and in such portions, as to the Governor shall seem requisite and proper—such sum or sums of money as may, from time to time, be granted by the Legislature for that purpose.

The Commissioner to furnish a report to be laid before the Legislature

IX. *And be it enacted*, That the said Commissioner shall, at the close of every year, furnish the Governor, to be laid before the two Branches of the Legislature, a detailed report of his proceedings, and an account of his receipts and expenditures, together with the names of each Chief for the time being—the number of heads of Families settled, and children educated, and generally, such other information as may enable the Governor and the Legislature to judge of the value and correctness of his proceedings.

The meaning of certain words used in this Act

X. *And be it enacted*, That the word Governor, whenever used in this Act, shall be deemed, held and taken, to mean, include and apply, to the Governor, Lieutenant-Governor, or other officer or person administering the Government of this Province, for the time being; and that, whenever in this Act, with reference to any person or matter, the singular and plural number shall be expressed, such expression shall be understood to include and mean several persons or matters as well as one person or matter, and one person or matter as well as several persons and matters, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

CAP. XVII.

An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of Her Majesty.

(Passed the 19th day of March, 1842.)

Persons in the public service embezzling to be guilty of Felony

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, if any person employed in the Public Service of Her Majesty, and entrusted, by virtue of such employment, with the receipt, custody, management or control, of any Chattel, Money, or valuable security, shall embezzle the same, or any part thereof, or in any manner fraudulently apply or dispose of the same, or any part thereof, to his own use or benefit, or for any purpose whatsoever, except for the Public Service, every such offender shall be deemed to have stolen the same, and shall be deemed guilty of Felony, and, on being thereof convicted in due form of Law, shall be liable to be imprisoned, or to be imprisoned and kept to hard labor for any time, not exceeding five years, in the Common Gaol, Bridewell, or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction which may hereafter be established in any part of this Province, and to be kept in solitary confinement

ment for any portion or portions of such imprisonment, or of such imprisonment with hard labor, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

II. *And be it enacted*, That every tally, order, or other security whatsoever, entitling or evidencing the title of any Person or Body Corporate to any Share or Interest in any Public Stock or Fund, whether of this Province or of the United Kingdom, or of Great Britain or Ireland, or of any Foreign State, or to any Share or Interest in any Fund of any Body Corporate, Company or Society, or to any deposit in any Savings' Bank, or any other Bank, and every Debenture, Deed, Bond, Bill, Note, Warrant, Order, or other Security whatsoever, for Money or for payment of Money, whether of this Province or of the United Kingdom, or of any Foreign State; and every Warrant or Order for the delivery or transfer of any Goods or valuable thing shall, throughout this Act, be deemed for every purpose, to be included under, and denoted by, the words valuable security; and that if any person, so employed and entrusted as aforesaid, shall embezzle or fraudulently apply or dispose of any such valuable security as aforesaid, he shall be deemed to have stolen the same within the intent and meaning of this Act, and shall be punishable thereby in the same manner, as if he had stolen any Chattel of like value, with the share, interest or deposit, to which such security may relate, or with the money due on such security, or secured thereby, and remaining unsatisfied, or with the value of the Goods or other valuable thing mentioned in such security.

Valuable securities

III. *And be it enacted*, That it shall be lawful to charge in the Indictment to be preferred against any offender under this Act, and to proceed against him for any number of distinct acts of embezzlement, or of fraudulent application or disposition as aforesaid, not exceeding three, which may have been committed by him within the space of six Calendar Months from the first to the last of such acts; and in every such Indictment where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular Coin or valuable security; and such allegation, so far as it regards the description of the Property shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed, shall not be proved, or if he shall be proved to have embezzled any piece of coin, or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him, in order that some part of the value thereof should be returned to the party delivering the same, and although such part shall have been returned accordingly.

Three acts may be charged in the same Indictment

How laid and proved

IV. *And be it enacted*, That in every such case of embezzlement or fraudulent application or disposition as aforesaid, of any chattel, money or valuable security, it shall be lawful, in the order of committal by the Justices of the Peace before whom the offender shall be charged, and in the Indictment to be preferred against such offender, to lay the property of any such chattel, money or valuable security, as aforesaid, in the Queen's Majesty.

Property to be described as the Queen's

V. *And be it enacted*, That every offender against this Act may be dealt with, indicted, tried and punished, either in the County or place in which he shall be apprehended, or in the County or place where he shall have committed the offence.

Venue

CAP. XVIII.

An Act to prevent delay in the Administration of Justice in cases of Misdemeanor.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That when any person or persons shall be prosecuted in the Supreme Court for any Misdemeanor, either by Information or Indictment there found or removed into such Court, and shall appear

No imparlance allowed to Defendants in cases of Misdemeanor

pear in person, or by Attorney, in Term time, to answer thereto, such Defendant or Defendants, on being charged therewith, shall not be permitted to imparl to a following Term; but shall plead or demur thereto; and the Trial, where a Trial shall be required, may thereupon proceed in the same Term in the time and manner in such behalf respectively, as may be directed or required by the order, rules or practice, of the Court; and in default of such plea or demurrer, Judgment for want of a plea may be entered against the Defendant or Defendants in default.

Provide

Provided always, That the said Court, or any Judge thereof, on sufficient cause shewn, may allow further time for such Defendant or Defendants to plead or demur to such Indictment or information, or to go to Trial thereon.

CAP. XIX.

An Act additional to the Act for amending the Law relative to Offences against the Person.

(Passed the 19th day of March, 1842.)

On the trial of a Felony including an Assault the Jury may acquit of the Felony and find guilty of the Assault

And the Court may award imprisonment

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That on the Trial of any Person for any Felony whatever, where the crime charged shall include an Assault against the Person, it shall be lawful for the Jury to acquit of the Felony, and to find a verdict of guilty of Assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have power to sentence the person so found guilty of an Assault, to be imprisoned, or to be imprisoned and kept to hard labor for any time not exceeding three years, in the Common Gaol, Bridewell or House of Correction, in the County where such Trial shall be had, or in any Public Penitentiary, Bridewell or House of Correction, which may hereafter be established in any part of this Province, and to be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labor—such solitary confinement not to exceed one month at any one time, and not to exceed three months in any one year, as to the Court, in its discretion, shall seem meet.

CAP. XX.

An Act to amend the Law relating to Forgery.

(Passed the 19th day of March, 1842.)

Counterfeiting the Great Seal, &c. or uttering the same knowing them to be counterfeit

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Signmanual, Her Majesty's Great Seal of the Province of Nova-Scotia, or the Privy Seal, or the Seal at Arms of the said Province, or of the Lieutenant-Governor thereof, every such offender shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding five years.

Forging or altering Exchequer Bills, &c. and altering the same

II. *And be it enacted,* That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer Bill or Exchequer Debenture, or any indorsement on, or assignment of, any Exchequer Bill or Exchequer Debenture, or any Bond, under the Common Seal of the United Company of Merchants of England, trading to the East Indies, commonly called an East India Bond; or any indorsement on, or assignment of, any East India Bond, or any Note or Bill of Exchange of the Governor and Company of the Bank of England, commonly called a Bank Note, a Bank Bill of Exchange, or a Bank Post Bill, or any indorsement on, or assignment of, any Bank Note, Bank Bill of Exchange, or Bank Post Bill, any Note issued from the Treasury of this Province, commonly called a Province or Treasury Note, or any other undertaking

undertaking or security for the payment of Money, out of the Public Funds of this Province, any Bank Note of any Incorporated Company, or of any person or persons, legally issuable in Nova-Scotia, or elsewhere, any Bank Check, or any Will, Testament, Codicil or Testamentary Writing, or any Bill of Exchange, or any Promissory Note for the payment of Money, or any indorsement on, or assignment of, any Bill of Exchange or Promissory Note for the payment of Money, or any acceptance of any Bill of Exchange, or any undertaking, warrant or order, for the payment of Money, with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

III. *And be it enacted*, That if any person shall wilfully make any transfer of any share or interest of or in any Stock, Annuity or other Public Fund, which now is, or hereafter may be, payable or transferable at the Treasury, or Office of the Treasurer of this Province, in the name of any person, not being the true and lawful owner of such share or interest, with intent to defraud any person whatsoever, every such offender shall be guilty of Felony, and, being thereof convicted, shall be liable to be imprisoned for any term not exceeding four years.

Forging transfer of Annuity, Stocks, &c.

IV. *And be it enacted*, That if any person shall forge or alter, or shall utter, knowing the same to be forged or altered, any transfer of any share or interest of or in any Stock, Annuity or other Public Fund, which now is or hereafter shall be transferable or payable at the Bank of England, or at the South Sea House, or at the Treasury, or Office of the Treasurer of this Province, or of or in the Capital Stock of any Body Corporate, Company or Society, which now is, or hereafter may be, established by Charter or Act of Parliament, or Act of the General Assembly of this Province; or shall forge or alter, or shall utter, knowing the same to be forged or altered, any Power of Attorney, or other authority, to transfer any share or interest of or in any such Stock, Annuity, Public Fund or Capital Stock, as is hereinbefore mentioned, or to receive any dividend payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend payable in respect thereof, by virtue of any such forged or altered Power of Attorney, or other authority, knowing the same to be forged or altered, with intent in any of the several cases aforesaid to defraud any person whatsoever; or if any person shall falsely and deceitfully personate any owner of any such share, interest or dividend, as aforesaid, and thereby transfer, or caused to be transferred, any share or interest belonging to such owner, or thereby receive any money due to such owner, as if such person were the true and lawful owner, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Forging transfer of any Public Stock

V. *And be it enacted*, That if any person shall falsely and deceitfully personate any owner of any share or interest of or in any Stock, Annuity or other Public Fund, which now is, or hereafter may be, transferable or payable at the Bank of England, or at the South Sea House, or at the Treasury, or Office of the Treasurer of this Province; or any owner of any share or interest of or in the Capital Stock of any Body Corporate, Company or Society, which now is, or hereafter may be, established by Charter or Act of Parliament, or Act of the General Assembly of this Province; or any owner of any dividend payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such owner, as if such offender were the true and lawful owner, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Persons falsely personating owners of Stock guilty of Felony

VI. *And be it enacted*, That if any person shall forge the name or handwriting of any person, as, or purporting to be, a witness attesting the execution of any Power of Attorney, or other Authority, to transfer any share or interest of or in any such Stock, Annuity, Public Fund or Capital Stock, as is hereinbefore mentioned, to receive any dividend payable in respect of any such share or interest; or shall utter any such Power of Attorney, or other authority, with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Forging Power of Attorney Felony

Forging Deed
or Acknow-
ledgment
Felony

VII. *And be it enacted*, That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Deed, or the acknowledgment by a married woman of any Deed, or the Certificate of a Justice of the Peace, or Registrar of Deeds, that any Deed has been duly proved by the subscribing witness thereto, or any Bond or Writing Obligatory, or any Acquittance or Receipt either for Money or Goods, or any accountable Receipt either for Money or Goods, or for any Note, Bill, or other security for payment of Money, or any Warrant, Order or Request, for the delivery or transfer of Goods, or for the delivery of any Note, Bill, or other security for payment of Money, with intent to defraud any person whatsoever, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

False acknow-
ledgments
Felony

VIII. *And be it enacted*, That if any person shall, before any Court, Judge, or other person lawfully authorized to take any recognizance or bail, acknowledge any recognizance or bail in the name of any other person, not privy or consenting to the same, whether such recognizance or bail in either case be or be not filed; or if any person shall, in the name of any other person, not privy or consenting to the same, acknowledge any fine, recovery, *cognovit actionem*, or Judgment, or any Deed to be recorded, or shall make any acknowledgment in the name of any married woman of the relinquishment of her interest in Land, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Forging Cer-
tificates Felony

IX. *And be it enacted*, That if any person shall forge or alter, or shall utter or put off, knowing the same to be forged or altered, any Certificate, purporting to be under the Seal of any Court of Law or Equity in this Province, or made by the proper Officer thereof of the truth and correctness of any Record, Order, Deposition, Affidavit, Writing or Proceeding, remaining or filed in any Suit in such Court, or any other Certificate, which, by any Act or Acts of this Province is made evidence in any Court or Courts, every such offender shall be guilty of Felony, and, being convicted thereof, shall be imprisoned for any term not exceeding four years.

Purchasing
forged Notes
Felony

X. *And be it enacted*, That if any person shall, without lawful excuse, the proof whereof shall lie upon the party accused, purchase or receive from any other person, or have in his custody or possession any forged Province or Treasury Note, Bank Note, Bank Bill of Exchange, or Bank Post Bill, or blank Province or Treasury Note, or blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, knowing the same respectively to be forged, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Altering Re-
gisters Felony

XI. *And be it enacted*, That if any person shall knowingly and wilfully insert, or cause or permit to be inserted, in any Register of Baptisms, Marriages or Burials, which hath been or shall be made or kept by the Rector, Vicar, Curate, or officiating Minister of any Parish, District, Parish or Chapelry, or of any Town, Township, Settlement or District, or of any place, not being a Parish in this Province, or by any Town Clerk or other person authorised by Law to make and keep such Registers, any false entry of any matter relating to any Baptism, Marriage or Burial, or shall forge or alter, in any such Register, any entry of any matter relating to any Baptism, Marriage or Burial, or shall utter any writing as and for a Copy of an entry in any such Register of any matter relating to any Baptism, Marriage or Burial, knowing such writing to be false, forged or altered; or if any person shall utter any entry in any such Register of any matter relating to any Baptism, Marriage or Burial, knowing such entry to be false, forged or altered, or shall utter any copy of such entry, knowing such entry to be false, forged or altered, or shall wilfully destroy, deface or injure, or cause or permit to be destroyed, defaced or injured, any such Register, or any part thereof, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any License of Marriage, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

XII. *Provided always, and be it enacted*, That no Rector, Vicar, Curate or officiating Minister, of any Parish, District, Parish or Chapelry, or of any Town, Township, Settlement, District, or of any place not being a Parish, who shall discover any error in the form or substance of the entry in the Register of any Baptism, Marriage or Burial, respectively,
by

by him solemnized, shall be liable to any punishment under this Act, if he shall, within one Calendar Month after the discovery of such error, in the presence of the Parent or Parents of the Child Baptized, or of the parties married, or in the presence of two persons who shall have attended at any Burial, or in the case of the death or absence of the respective parties aforesaid, then in the presence of the Churchwardens, or of any one Justice of the Peace, of the County, Town or Place, correct the entry, which shall have been found erroneous, according to the truth of the case, by entry in the margin of the Register wherein such erroneous entry shall have been made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin, and add to such signature the day of the month and year when such correction shall be made; and such correction and signature shall be attested by the parties in whose presence the same are directed to be made as aforesaid.

XIII. *And be it enacted*, That if any person shall commit any offence against this Act, or shall commit any offence of forging or altering any matter whatsoever, or offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence, in any such case, shall be indictable at Common Law, or by virtue of any Statute or Statutes made or to be made, the offence of every such offender may be dealt with, indicted, tried and punished, and laid and charged to have been committed in any County or place in which he shall be apprehended, or be in custody, as if his offence had been actually committed in that County or Place; and every accessory to any such offence, if the same be a Felony, and every person aiding, abetting or counselling, the commission of any such offence, if the same be a misdemeanour, may be dealt with, indicted, tried and punished, and his offence laid and charged to have been committed in any County or Place in which the principal offender may be tried.

Offences
where to be
tried

XIV. *And be it enacted*, That in the case of every Felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to every Felony punishable under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

Accessories
punishable

XV. *And be it declared and enacted*, That where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling house, or other building, lodging, apartment, field or other place, open or enclosed, whether belonging to, or occupied by, himself or not, and whether such matter shall be so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession, within the meaning of this Act; and where the committing any offence, with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person" shall throughout this Act, be deemed to include Her Majesty, or any Foreign Prince or State, or any Body Corporate, or any Company or Society of persons not Incorporated, or any person or number of persons whatsoever, who may be intended to be defrauded by such offence, whether such Body Corporate, Company, Society, person, or number of persons shall reside or carry on business in this Province, or elsewhere, in any Place or Country, whether under the dominion of Her Majesty or not; and it shall be sufficient in any Indictment, to name one person only of such Company, Society, or number of Persons, and to allege the offence to have been committed with intent to defraud the person so named, and another or others, as the case may be.

Signification of
Terms

XVI. *Provided always, and be it declared and enacted*, That where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any Person shall in this Province forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever Place or Country out of this Province, whether under the dominion of Her Majesty or not, such writing or matter may purport to be made, or may have been made, and in whatever Language or Languages the same or any part thereof may be expressed, every such person and every person aiding, abetting or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable

Proviso

thereby in the same manner as if the writing or matter had purported to be made or had been made in this Province; and if any person shall in this Province forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Bill of Exchange, or any Promissory Note for the payment of Money, or any Indorsement on, or assignment of, any Bill of Exchange or Promissory Note for the payment of Money, or any acceptance of any Bill of Exchange, or any Undertaking, Warrant or Order for the payment of Money, or any Deed, Bond or Writing obligatory, for the payment of Money, whether such Deed, Bond or Writing obligatory, shall be made only for the payment of Money, or for the payment of Money, together with some other purpose, in whatever Place or Country out of this Province, whether under the dominion of Her Majesty or not, the Money payable or secured by such Bill, Note, Undertaking, Warrant, Order, Deed, Bond or Writing obligatory, may be, or may purport to be, payable, and in whatever Language or Languages the same respectively, or any part thereof, may be expressed; and whether such Bill, Note, Undertaking, Warrant or Order, be or be not under Seal, every such person, and every person aiding, abetting or counselling, such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the Money had been payable, or had purported to be payable in this Province.

As to competency of witness

XVII. *And be it declared and enacted*, That on any Prosecution by Indictment or Information under this Act, against any person for forging any Instrument or other matter whatsoever, or for uttering or disposing of any Instrument or other matter whatsoever, knowing the same to be forged, or for being accessory before the fact, or after the fact, to any such offence, or for aiding, abetting or counselling the commission of any such offence, if the same be a misdemeanor, no person shall be deemed to be an incompetent Witness in support of any such Prosecution, by reason of any interest which such person may have, or be supposed to have, in respect of such Instrument or other matter.

Place of punishment

XVIII. *And be it enacted*, That when any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned with or without hard labour in the Common Gaol, Bridgewell or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell or House of Correction, which may be hereafter established in any part of this Province; and also, to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, with or without hard labour, such solitary confinement not exceeding one month at one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

Former Acts repealed

XIX. *And be it enacted*, That the eighth Clause or Section of the Act, passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for punishing Criminal Offenders, shall continue in force until and throughout the last day of March, in the present year, and shall from and after that day be repealed, except as to offences committed before or on the last day of March, which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect, except as hereinbefore excepted, on the first day of April, in this present year.

CAP. XXI.

An Act to amend the Law against Offences relating to the Coin.

(Passed the 19th day of March, 1842.)

Counterfeiting Current Coin Felony

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person shall falsely make or counterfeit any Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or for any of the Queen's current Copper Coin, or for any Foreign Gold or Silver Coin current in this Province, or for any Copper Coin current therein, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding

ing four years; and every such offence shall be deemed to be complete, although the Coin so made or counterfeited shall not be in a fit state to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Offence complete though Coin not finished

II. *And be it enacted*, That if any person shall gild or silver, or shall with any wash or materials capable of producing the colour of Gold or of Silver, wash, colour, or case over any Coin whatsoever, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or Foreign Gold or Silver Coin current in this Province; or if any person shall gild or silver, or shall with any wash or materials capable of producing the colour of Gold or of Silver, wash, colour, or case over any piece of Silver or Copper, or of coarse Gold, or of coarse Silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined into false and counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province; or if any person shall gild, or shall with any wash or materials capable of producing the colour of Gold, wash, colour, or case over any of the Queen's current Silver Coin, or any Foreign Silver Coin current in this Province, or file or in any manner alter such Coin, with intent to make the same resemble or pass for any of the Queen's current Gold Coin, or any Foreign Gold Coin current in this Province; or if any person shall gild or silver, or shall with any wash or materials capable of producing the colour of Gold or of Silver, wash, colour, or case over any Copper Coin current in this Province, or file or in any manner alter such Coin, with intent to make the same resemble or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Coloring counterfeit Coin to make them pass for Gold or Silver Coin

Or coloring Coin to make it pass for a higher Coin

III. *And be it enacted*, That if any person shall impair, diminish or lighten, any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, with intent to make the same so impaired, diminished or lightened, pass for the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Impairing Gold or Silver Coin

IV. *And be it enacted*, That if any person shall buy, sell, receive, pay or put off, or offer to buy, sell, receive, pay or put off, any false or counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, at or for a lower rate or value than the same, by its denomination imports, or was coined or counterfeited for; or if any person shall import into this Province any false or counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, knowing the same to be false or counterfeit, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Buying or selling Counterfeit Coin, or importing it into the Province

V. *And be it enacted*, That if any person shall tender, utter or put off, any false or counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, knowing the same to be false or counterfeit, or shall have in his custody or possession three or more pieces of false or counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, knowing the same to be false or counterfeit, and with intent to utter and put off the same, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Uttering Counterfeit Coin

Being possessed of three or more pieces of Counterfeit Coin

VI. *And be it enacted*, That if any person shall knowingly, and without lawful authority, (the proof of which authority shall lie on the party accused,) make or mend, or begin or proceed to make or amend, or buy or sell, or shall, knowingly, and without lawful excuse, (the proof of which excuse shall lie on the party accused,) have in his custody or possession

Making, mending, or having Coining Tools

sion

sion any instrument, tool or engine, adapted and intended for counterfeiting of any of the Queen's current Gold or Silver Coin, or of any Foreign Gold or Silver Coin current in this Province, or of any Copper Coin current therein, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

Coin suspected to be diminished, &c. may be cut

Who shall bear the loss

VII. *And be it enacted*, That when any Gold or Silver Coin shall be tendered to any person, who shall suspect any piece or pieces thereof to be diminished otherwise than by reasonable wearing, or to be Counterfeit, it shall be lawful for such person to cut, break, or deface such piece or pieces; and if any piece so broken, defaced or cut, shall appear to be diminished otherwise than by reasonable wearing, or to be Counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight, and appear to be lawful Coin, the person cutting, breaking, or defacing the same, is hereby required to receive the same at the rate it was coined for; and if any dispute shall arise whether the piece so cut, broken or defaced, be diminished in manner aforesaid, or counterfeited, it shall be heard and fully determined in a summary manner, by any Justice of the Peace, who is hereby empowered to examine, upon oath, as well the parties as any other person, in order to the decision of such dispute.

Provision for the discovery of Counterfeit Coin and Tools

VIII. *And be it enacted*, That if any person shall find or discover in any place whatever, or in the possession of any person having the same, without lawful excuse, any false or Counterfeit Coin resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, or any Instrument, Tool or Engine, whatsoever, adapted or intended for the counterfeiting of any such Coin, it shall be lawful for the person so finding or discovering, and he is hereby required to seize the same, and to carry the same forthwith before some Justice of the Peace; and when it shall be proved on the oath of a credible witness, before any Justice of the Peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin current in this Province, or any Copper Coin current therein, or has in his custody or possession any such Counterfeit Coin, or any Instrument, Tool or Engine, whatever, adapted and intended for the counterfeiting of any such Coin, it shall be lawful for such Justice, by Warrant under his hand, to cause any place whatsoever belonging to, or in the occupation or under the controul of, such suspected person, to be searched, either in the day or in the night; and if any such Counterfeit Coin, or any such Instrument, Tool or Engine, shall be found in any place so searched, to cause the same to be seized and carried forthwith before the said Justice, or some other Justice of the Peace; and whenever any such Counterfeit Coin, or any Instrument, Tool or Engine, as aforesaid, shall in any case whatever be seized and carried before a Justice of the Peace, he shall cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence against this Act; and all Counterfeit Coin, and all Instruments, Tools and Engines, adapted and intended for the counterfeiting of Coin, after they shall have been produced in evidence, or when they shall have been seized, and shall not be required to be produced in evidence, shall forthwith be delivered up to the Secretary of the Province, or to any person authorized by him to receive the same.

Offences where to be tried

IX. *And be it enacted*, That where two or more persons acting in concert in different Counties or Jurisdictions shall commit any offence against this Act, all or any of the said offenders may be dealt with, indicted, tried and punished, and their offence laid and charged to have been committed in any one of the said Counties or Jurisdictions, in the same manner as if the offence had been actually and wholly committed within such one County or Jurisdiction.

What sufficient proof of Coin being Counterfeit

X. *And be it declared, and enacted*, That where, upon the trial of any person charged with any offence against this Act, it shall be necessary to prove that any Coin produced in evidence against such person is false or counterfeit, it shall be sufficient to prove the same to be false or counterfeit by the evidence of any credible witness.

The Court may order hard labor or solitary confinement

XI. *And be it enacted*, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, with or without hard labour, in the Common

Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell or House of Correction, which may be hereafter established in any part of this Province; and also, to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour—such solitary confinement not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

XII. *And be it declared and enacted*, That where the Queen's current Gold or Silver Coin, or the Queen's current Copper Coin, or Foreign Gold or Silver Coin current in this Province, or Copper Coin current therein, shall be mentioned in any part of this Act, the same shall be deemed to include and denote any Gold or Silver Coin, or any Copper Coin current in this Province; and that any of the Queen's current Coin, or Foreign Coin current in this Province, which shall have been gilt, silvered, washed, coloured or cased over, or in any manner altered so as to resemble, or be apparently intended to resemble, or pass for any of the Queen's current Coin, or any Foreign Coin current in this Province, of a higher denomination, shall be deemed and taken to be counterfeit Coin, within the intent and meaning of those parts of this Act wherein mention is made of false or counterfeit Coin, resembling, or apparently intended to resemble, or pass for any of the Queen's current Gold or Silver Coin, or any Foreign Gold or Silver Coin, current in this Province; and that where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling house or other building, lodging, apartment, field or other place, open or inclosed, whether belonging to, or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of another, every such person shall be deemed and taken to have such matter in his custody or possession, within the meaning of this Act.

Interpretation of certain words used in this Act.

XIII. *And be it enacted*, That no person, against whom any Bill of Indictment shall be found at any Court, for any Misdemeanor against this Act, shall be entitled to traverse the same to any subsequent Court, but the Court before whom the Bill of Indictment shall be returned as found shall forthwith proceed to try the person against whom the same is found, unless such person, or the prosecutor shall shew good cause to be allowed by the Court for the postponement of the Trial.

Indictment not to be traversed except for cause shewn

And for the protection of persons acting in the execution of this Act :

XIV. *Be it enacted*, That all Actions and Prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such Action, and of the cause thereof, shall be given to the Defendant one calendar month at least before the commencement of the Action; and in any such Action the Defendant may plead the general issue, and give this Act, and the special matter in evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action, if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of money shall have been paid into Court after such Action brought by or in behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become non-suit, or discontinue any such Action after issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, in every such case the Defendant shall recover his full costs as between Attorney and Client, and have the like remedy for the same as any Defendant hath by Law in other cases; and though a verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have costs against the Defendant, unless the Judge, before whom the Trial shall be had, certify his approbation of the Action, and of the verdict obtained thereupon.

Venue in actions against persons acting under this Act
Notice of action

General Issue

Tender of amends

XV. *And be it enacted*, That the sixth and seventh Clauses or Sections of the Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, entitled, An Act for punishing Criminal Offenders, shall be continued in force until and throughout the last day of March, in the present year, and shall from and after that day be repealed, except as to offences committed before or on the last day of March, which shall

Term of continuance

shall be dealt with, and punished, as if this Act had not been passed ; and this Act shall commence and take effect, except as herein before excepted, on the first day of April, in this present year.

*See Acts 6 vol. c. 25 for 1843 p. 35
+ Vol. c. 35 for 1843 p. 49
Acts of 1844 p. 49*

CAP. XXII.

An Act relating to the Courts of Probate, and to the Settlement and Distribution of the Estates of Deceased Persons.

(Passed the 19th day of March, 1842.)

Penalty on Executor not proving a Will or declaring his refusal to act

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any Executor of the Will of any person deceased, knowing of his being named as such, shall not, within thirty days next after the decease of the Testator, cause such Will to be proved and recorded in the office of the Registrar of Probate of the same County where the deceased person last dwelt, or present the said Will, and declare his refusal of the Executorship, every person so neglecting his trust and duty in that behalf, (without just excuse made and accepted for such delay,) shall forfeit the sum of Five Pounds for every Month, from and after the expiration of the said thirty days, until he shall cause Probate of such Will to be made, or present the same as aforesaid ; every such forfeiture to be had and recovered by Action of Debt in the Supreme Court, at the suit of any one or more persons, having an interest in the Estate of the deceased, as Creditor, Legatee, Heir or next of kin, and to his or their use, or otherwise, by information of Her Majesty's Attorney General, for the public uses of the Province, and the support of the Government thereof.—And, upon any refusal of the Executor, the Judge shall commit Administration of the Estate of the deceased, with the Will annexed, unto the widow, or next of kin to the deceased ; or both as he shall think fit, and upon their refusal, to one or more of the principal creditors, or to such other persons as he shall think fit, and shall take security from such Administrator, as hereafter prescribed.

How to be recovered

Upon refusal of Executors, Administration with the Will annexed may be granted

Penalty for suppressing a Will

II. *And be it enacted,* That if any person shall be found guilty of suppressing any Will, such person shall be subject and liable to the same penalty, to be recovered by the same ways and means as by this Act prescribed for any person neglecting to prove or present any Will.

Legatee may sue for his Legacy at Common Law

III. *And be it enacted,* That every Legatee may recover the amount and value of his legacy, annuity or bequest, at the Common Law, from the Administrator with the Will annexed, or Executor, either by action for money had and received, or otherwise.

Executor, being residuary Legatee, may sue his Co-Executor at Common Law

IV. *And be it enacted,* That any Executor, being a residuary Legatee, may bring and maintain his action at the Common Law, as for money had and received, or otherwise, against his Co-Executor ; and may, in like manner, sue for and recover his equal and rateable part thereof ; and that any other residuary Legatee shall have the like remedy against an Executor.

Not necessary in Suits to name an Executor refusing to act

V. *And be it enacted,* That when two or more persons are named Executors in a Will, and any of them shall neglect or refuse to act as such, and Probate shall be granted to the other or others of them, it shall not be necessary to name the Executor so having neglected or refused, in any Action or Suit relating to the Estate.

Court of Chancery to exact security from Executor

VI. *And be it enacted,* That it shall be lawful for the Court of Chancery, if the said Court shall think it right and proper so to do, upon summary applications duly made therefor, and full, ample, and conclusive proof also made, that any Executor is wasting the Estate, to order the said Executor to give security for the due performance of his duty, and if he shall not obey any order to be by the said Court of Chancery for that purpose made, the said Court shall cancel the authority of such Executor, and thereupon the proper Court of Probate shall appoint another Executor, who shall be as fully authorized to proceed with the settlement of the Estate, as the Executor, whose authority has been cancelled by the Court of Chancery as aforesaid,

See Acts of 1843 vol. 35

Court of Probate to appoint another Executor

VII. *And be it enacted,* That every Executor having proved the Will wherein he is appointed, and every Administrator within the space of three Months after Probate of such Will, or the granting of Administration respectively, or in such further time as the Court of Probate on the Petition of such Executor or Administrator shall see meet to allow, shall exhibit and file in the Registrar's Office, upon oath, a full and true Inventory of the Real Estate, and all the Goods, Chattels, Rights and Credits, of the deceased, which are by Law to be administered, and which shall have come to his possession or knowledge.

Inventory to be filed by Executor and Administrator

VIII. *And be it enacted,* That if any Real Estate, Goods, Chattels, Rights or Credits, of the deceased, shall come to the possession or knowledge of an Executor or Administrator, after he shall have filed an Inventory as aforesaid, he shall exhibit and file in the Registrar's Office a further Inventory of the same, upon oath, within a reasonable time after the same shall have come to his possession or knowledge.

A further Inventory may be filed

IX. *And be it enacted,* That any Executor neglecting his duty in filing such Inventory shall forfeit the sum of Five Pounds every Month after the time when the same ought to have been filed, and he shall have been duly cited by the Judge of Probate to exhibit and file the same, until the same shall be exhibited and filed as aforesaid; every such forfeiture to be had and recovered by action of debt in the Supreme Court, at the suit of any one or more persons having an interest in the Estate of the deceased as Creditor, Legatee, Heir or next of kin, and to his or their use.

Penalty for not filing Inventory

How to be recovered

X. *And be it enacted,* That in making such Inventory, the following articles shall be omitted, and shall not be considered as assets, nor be administered as such, notwithstanding the Estate of the deceased should be insolvent, to wit:

Articles not to be included in the Inventory or considered as assets

First—All the articles of apparel or ornament of the widow, according to the degree and estate of her husband; and also the apparel of the minor children, if there be any.

Secondly—The wearing apparel of the deceased, not exceeding Ten Pounds in value, which shall be distributed, at the discretion of the Executor or Administrator, among the family of the deceased.

Thirdly—Such provisions and other articles as shall be necessary for the reasonable sustenance of the widow, if any, and also of the family of the deceased for ninety days after his death; together with such further necessaries as the Judge of Probate shall order to be allowed to the widow for the use of herself and the minor children, if any, under her care.

XI. *And be it enacted,* That the Judge of Probate, on granting Letters of Administration, or Letters Testamentary, and as often afterwards as may become necessary or advisable, shall, by a Warrant of Appraisement, appoint two or more disinterested persons to estimate and appraise all the Real and Personal Estate of the Testator or Intestate; and such appraisers shall be entitled to receive a reasonable compensation for their services for the time they may be actually employed, not exceeding Ten Shillings for each person per day.

Appraisers to be appointed

XII. *And be it enacted,* That when Appraisers are so appointed, the Inventory shall be made by the Executor or Administrator, with the aid of such Appraisers; and when Property shall be in different and distinct places, two or more Inventories may be made, and every such Warrant of Appraisement shall be returned and filed in the Registry of Probate with the Inventory. *with care in those that cannot be filed by him or her*

When property in different places two or more Inventories may be made

XIII. *And be it enacted,* That before proceeding to the execution of their duty, the Appraisers shall take an oath, to be administered either by the Judge or Registrar of Probate, or some Justice of the Peace, that they will truly and impartially appraise the Real and Personal Estate which may be exhibited to them, according to the best of their knowledge and ability; the taking of which oath shall be certified on the Warrant of Appraisement by the person administering the same.

Oath to be taken by Appraisers

XIV. *And be it enacted,* That the naming of any person Executor in a Will, shall not hereafter operate as a discharge of any just claim which the Testator had against such person, but such claim shall be included among the credits and effects of such deceased person in the Inventory, and such Executor shall be liable for the same, as for so much money, assets of the Estate in his hands at the time such debt or demand shall be due and payable, and shall apply and distribute the same as part of the Personal Estate of the deceased.

A debt due by an Executor not discharged

XV. *And be it enacted,* That on the decease of any person, Letters Testamentary or Letters of Administration of his Estate shall be granted by the Judge of Probate of the County

County

Letters Testam-
entary or
Administration
by whom to be
granted

County where the deceased last dwelt, and by none other; and on the decease of any person without this Province, leaving any Estate to be administered within the same, Administration thereof shall be granted by the Judge of Probate of any County in which there is any Estate to be administered; and the Letters of Administration, or Letters Testamentary which shall be first lawfully granted in either case, shall extend to all the Estate of the deceased within the Province, and shall exclude the jurisdiction of the Probate Court in every other County. *Provided always*, that if Administration of the Estate of any person so dying intestate without this Province, shall have been lawfully granted in the place where the deceased was last domiciled out of this Province as aforesaid, and the Executor and Administrator to whom the same was there granted, shall apply to have Administration of such part of the Estate as may be in this Province, such Executor or Administrator shall be preferably entitled thereto, and the Administration to him granted by any Judge of Probate in this Province, shall supersede any other Administration that may have been previously granted thereof.

Administration
of Intestate
Estate to
whom to be
granted

XVI. *And be it enacted*, That Administration of the Estate of an Intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled thereto, in the following order, to wit:

First—His widow or next of kin, or both, as the Judge of Probate shall think fit, and if they do not voluntarily either take or renounce the Administration, they shall, if resident within the County, be cited by the Judge for that purpose.

Secondly—If the persons so entitled to Administration refuse or neglect, without any sufficient cause, for thirty days after the death of the Intestate, to take Administration of his Estate, the Judge of Probate shall commit it to one or more of the principal Creditors, competent and willing to undertake the trust, or to such other persons as he shall think fit.

Thirdly—If the deceased were a married woman, Administration of her Estate shall in all cases be granted to her husband, if willing to undertake the trust, unless she shall, by force of a marriage settlement, or other lawful power have made some Testamentary disposition of her separate Estate, or some other provision, which shall render it necessary or proper to appoint some other person to administer her Estate.

Bond to be
given by Ad-
ministrator

XVII. *And be it enacted*, That every Administrator, whether of an Intestate Estate or otherwise, shall, before entering on the execution of his trust, give sufficient bond, with two able sureties, in such sum as the Judge of Probate shall order, payable to the said Judge, or his successors, in the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect.

Rules of des-
cent of Real
Estate

XVIII. *And be it enacted*, That when any person shall die seized of any Lands, Tenements or Hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, not having lawfully devised the same, they shall descend, subject to his debts, and the charges of his funeral, and of the necessary attendance on the deceased in his last illness, and to the expenses of settling the Estate, and otherwise, as herein prescribed, such debts, funeral and other expenses, however, being first chargeable upon the Estate, and subject also to the dower of his widow, if any; and the Judge of Probate shall make distribution thereof in manner following, viz:

First—To and amongst his children, in equal shares, and in case of the decease of any of his children, to such as shall legally represent them,—such representatives to take the share of the deceased parent in equal proportions; and if there be no child of the Intestate living at the time of his death, his Estate shall descend to, and be by the said Judge distributed amongst, all his other lineal descendants; and if all the said descendants are in the same degree of kindred, they shall share the Estate equally—otherwise they shall take according to the right of representation.

Secondly—If the Intestate shall leave no issue, one half of his Real Estate shall go to his father, and the other half to his widow, in lieu of dower, and if no widow, the whole to the father.

Thirdly—If he shall leave no issue, nor father, one half his Real Estate, if there be a widow, and if not, the whole shall be distributed in equal shares to his mother, brothers and sisters, and the children of any deceased brother or sister, by right of representation: and when the Intestate shall leave no issue, and no widow, father, mother, brother nor sister, nor the children of any brother or sister, his Estate shall go and be allotted in equal shares

Funeral charges
of
See common
law Statute 251
is & was con-
formable to
Statute 11. Geo. 4. c. 69

shares to his next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors; those who claim through the nearest ancestors shall be preferred to those claiming through an ancestor who is more remote; but in no case shall representatives be admitted among collaterals, after brother's and sister's children: *And provided also,*

Fourthly—That if any person shall die, leaving several children, or leaving one child, and the issue of one or more others, and any such surviving child die under age, and not having been married, all the Estate that came to the deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent and to the issue of any such other children who shall have died, by right of representation.

Fifthly—If, at the death of such child, who shall die under age, and not having been married, all the other children of his said parent shall be also dead, and any of them shall have left issue, the Estate that came to such child by inheritance from his said parent shall descend to all the issue of the other children of the same parent; and if all the said issue are in the same degree of kindred to the said child, they shall have the said Estate equally, otherwise they shall take according to the right of representation.

Sixthly.—The degrees of kindred shall be computed according to the rules of the Civil Law; and the kindred of the half blood shall inherit equally with those of the whole blood, in the same degree.

Seventhly—If the Intestate shall have no kindred, his Estate shall go to the widow to her own use.

XIX. *And be it enacted,* That when any person shall die possessed of any Personal Estate, or of any right or interest therein, not lawfully disposed of by his Will, the same shall be applied and distributed as follows:

Rules of descent of Personal Estate

First—The widow, if any, shall be allowed all her articles of apparel and ornament, according to the degree and Estate of her husband, and such provisions and other necessaries for the use of herself and the family under her care, as shall be allowed and ordered, in pursuance of the eleventh section: and such allowance shall be made, as well when the widow waives the provision made for her in the Will of her husband, as when he dies Intestate.

H. Lenth

Secondly—The Personal Estate remaining, after such allowance shall be applied to the payment of the debts of the deceased, the charges of his funeral, and the necessary attendance on the deceased in his last illness, and the expenses of settling his Estate, being first paid and deducted—such debts to be paid in the order and manner hereinafter prescribed.

Funeral Expenses &c

Thirdly—The residue, if any, of the Personal Estate, shall be distributed among the same persons who would be entitled to the Real Estate under this Act, and in the same proportion, excepting that if the Intestate leave a widow and issue, the widow shall be entitled to one third of the said residue to her own use.

XX. *And be it enacted,* That every Executor and Administrator, previous to the payment of debts or distribution of the Estate of the deceased, shall, by advertisement in the Royal Gazette Newspaper, for the space of six months, call on all persons who have any demands on the Estate of the deceased, to exhibit such demands within the space of one year from the date of said advertisement, which demands, when exhibited, shall be attested to before the Judge or Registrar of Probate, or a Justice of the Peace, agreeably to the form of the Schedule hereunto annexed, or in words to the like effect.

Notice of the distribution of Estate to be given

XXI. *And be it enacted,* That it shall and may be lawful for every Executor or Administrator, at the expiration of eighteen months from the date of the Letters Testamentary, or Letters of Administration, advertisement having been duly made as hereinbefore provided, to pay all such legal and just debts, dues and demands, as shall then be exhibited, so far as the Real or Personal Estate of the deceased in his hands will enable him; and after the payment of such debts, dues and demands, if there shall remain any overplus, to make such further distribution of the same as by this Act, or by the Will of the deceased, is directed.

Debts to be paid after notice

XXII. *And be it enacted,* That in the settlement and distribution of the Insolvent Estate of any deceased person, the whole of the Real and Personal Estate shall be equally distributed, divided and paid, to and among the several Creditors, who shall have rendered their

Distribution of Insolvent Estate of deceased person to be made

their accounts, duly attested, within one year as hereinbefore provided, in proportion to their several and respective debts, without partiality or preference, except for rent, and the wages of domestic and farm servants, (such rent and wages to be paid in full, if not more than twelve months in arrear, and if more, to stand for any excess on the same footing with other claims); and no Executor or Administrator, being a Creditor of the deceased, shall be allowed to retain out of the Estate or Effects, which may have come into his hands, more than his equal or rateable share or proportion thereof in payment or satisfaction of his own debt: *Provided always*, that nothing herein contained shall extend to affect the Widow's Dower in Real Estate, or to prevent any Creditor who may not have exhibited his attested account within one year, as hereinbefore provided, from recovering his demands against the Estate of any deceased person to such amount as may, after the settlement of any Estate as aforesaid, remain in the hands of any Executor or Administrator for distribution: *Provided also*, that nothing herein contained shall affect, or be construed as affecting debts due to the Crown, or on mortgage of Real or Personal Estate, or on judgments registered in the lifetime of the deceased person, so far as the value of the property so mortgaged, or lands bound by such judgment, shall extend, and no more leaving the mortgagee or judgment Creditor at liberty to claim as any other Creditor for any balance that may remain due to him after the value of such property or lands shall have been realised: *Provided also*, that nothing herein contained shall affect or be construed as affecting mortgages duly executed and recorded, and judgments docketted and duly recorded before the passing of this Act.

Provision in case of a posthumous child

Proviso

XXIII. *And be it enacted*, That when any child shall happen to be born after the death of the father, without having any provision made in his Will, such posthumous child shall have right and interest in the Estate of the father, real and personal, in like manner as if he had died Intestate; and the same shall accordingly be assigned and set out as herein directed for the distribution of the Estates of Intestates: *Provided always*, that, in case of a Will, all and every the Devisee or Devisees, Legatee or Legatees, named in the same, shall, in order to the apportionment of the right and interest of such posthumous child, abate proportionably of their respective devises and bequests; and the share of such posthumous child shall be set out and assigned by the Court of Probate, in such manner as shall affect as little as possible the disposition of property, Real and Personal, made by the Testator in his Will.

Children advanced in the life time of the Intestate

XXIV. *And be it enacted*, That any Estate, Real or Personal, that may have been given by the Intestate, in his life time, as an advancement to any child or grand-child, shall be considered as a part of the Intestate Estate, as far as regards the division and distribution thereof among his children and heirs, and shall be taken by such child or grand child towards his share of the Intestate Estate.

Where the advancement exceeds the child's share

XXV. *And be it enacted*, That if the amount of such advancement shall exceed the share of the child or grand child so advanced, he shall be excluded from any further portion in the division and distribution of the Estate, but he shall not be required to refund any of such advancement; and if the amount so received, shall be less than his share, he shall be entitled to as much more as will give him his full share of the Estate of the deceased.

Advancement in Real Estate considered as part of the Real Estate to be divided

XXVI. *And be it enacted*, That if any such advancement shall be made in Real Estate, the value thereof shall, for the purposes of the preceding Section, be considered as part of the Real Estate to be divided; and if in either case it shall exceed the share of Real or of Personal Estate respectively that would have come to the child or grand-child, so advanced, he shall not refund any part of it, but shall receive so much less out of the other part of the Estate as will make his whole share equal to those of the other heirs who are in the same degree with him.

Gifts and Grants expressed to be such

XXVII. *And be it enacted*, That all gifts and grants shall be deemed to have been made in advancement, if they are expressed in the gift or grant to be so made, or if charged in writing by the Intestate as an advancement, or acknowledged in writing, or upon examination before Judge of Probate on oath, as such, by the child or grand-child, and not otherwise: *Provided*, that all actions or suits, now pending, shall be decided as if this enactment had not been made.

XXVIII. *And be it enacted*, That if the value of the Estate so advanced, shall be expressed

See case Doe v. [unclear] 2. New. Reports at p. 18 - Statute of 18-19 Ch. 27 where the advancement exceeds the child's share

See Statute 12 Geo. 3. c. 27 s. 27

pressed in the conveyance or in the charge or valuation thereof made by the Intestate, it shall be considered as of that value in the division and distribution of the Estate, otherwise it shall be estimated according to its value when given.

Valuation of the Intestate to be taken

XXIX. *And be it enacted,* That if any child or grand-child so advanced, shall die before the Intestate, leaving issue, the advancement shall be taken into consideration in the division and distribution of the Estate, and the amount thereof shall be allowed accordingly by the representatives of the child or grand-child so advanced, as so much received towards their share of the Estate, in like manner as if the advancement had been made directly to them.

Advancement taken as made to the issue of person advanced

XXX. *And be it enacted,* That nothing in this Act contained shall affect the title of a husband as tenant by the curtesy, nor that of a widow as tenant in dower.

Title of husband and widow not affected

XXXI. *And be it enacted,* That the Lands and Tenements wherewith any widow shall be endowed, shall, after the decease of such widow, be divided in like manner, as by this Act is directed: *Provided always,* that all lands set off as dower, before this Act shall come into operation, shall, after the decease of the widow, be divided as heretofore.

Division of widow's dower
Proviso

XXXII. *And be it enacted,* That all such Estate, Real or Personal, as is not comprised in any Will, or is not plainly devised or given by the same, shall be distributed in the same manner as Intestate Estates.

Estate not devised distributed as Intestates

XXXIII. *And be it enacted,* That in case the Personal Assets of any Estate of a deceased person, remaining after the allowances hereinbefore prescribed, shall be found insufficient for the payment of any Debts or Legacies, it shall and may be lawful for the Executor or Administrator to apply to the Judge of Probate for the County wherein the Will was proved or Administration granted, for the appointment of Commissioners to enquire into such insufficiency, and to examine and settle the claims of Creditors, and the value of the Estate, both Real and Personal, and to report thereon to said Judge of Probate—which Commissioners, or such of them as shall act, before proceeding to execute the duties of such their office, shall be sworn by the said Judge, or the Registrar of Probate for the County where such examination shall be had, or by one of Her Majesty's Justices of the Peace, to the faithful discharge of the duties of such their office; and if, upon the report of such Commissioners, the said Judge of Probate shall deem it necessary to make sale of the Real Estate of such deceased person, or any part thereof, for the payment of such Debts or Legacies, he shall grant licence for the Sale of such Real Estate, or such part thereof as may be necessary and most convenient for that purpose—the Executor or Administrator having first given, in the manner hereafter directed, security to account for the proceeds of such Sale, according to law; and before any such Sale be made, the Executor or Administrator shall give thirty days public notice thereof, by advertisement in the Royal Gazette, at Halifax, and by posting up notifications thereof in the Township or Settlement where such Lands may lie; and the Deed of Conveyance made by the Executor or Administrator, pursuant to such Sale, shall have the effect of transferring and conveying to the purchaser the whole right and interest which such deceased person may have had in and to such Lands at the time of his decease, subject, however, to the legal claim of the widow for dower, if such there be; and every such Sale shall be made by Public Auction; and if, at the time appointed for the Sale, the Executor or Administrator shall deem it for the interest of all persons concerned therein that the Sale should be postponed, he may adjourn it for any time, not exceeding thirty days, and shall proceed to give notice of such adjourned Sale, by posting up advertisements thereof; and any Sale made pursuant to such adjournment, shall be of the same force and effect as if made under the original advertisement and notices; and an affidavit of any Executor or Administrator of the Gazette notice, having been duly given, and the notices posted up, as hereby required, made before the Judge of Probate, and filed in his office within one year after the Sale, shall be admitted as evidence of the time, place and manner, of such advertisement and notices.

Mode of proceeding where the Personal Estate is insufficient to pay the debts

See Sec 57 Vol 1 of the Act

Handwritten notes and signatures

Direction for sale

XXXIV. *Provided always, and be it enacted,* That no such Licence shall be in force for more than one year after the granting thereof: *Provided also,* that when any part of the Real Estate of any Testator shall descend to his heirs, by reason of its not being devised or disposed of by his Will, and his Personal Estate shall be insufficient for the payment of debts, legacies and expences, the undevise'd Real Estate shall be first chargeable and liable

Proviso

to be sold in exoneration, as far as it will go, of the Real Estate that is devised, unless it shall appear from the Will that a different arrangement of his assets for the payment of his debts or legacies was made by the Testator, in which case they shall be applied for that purpose, in conformity with the provisions of the Will.

Judge of Probate authorized to direct the Estate to be mortgaged or leased

XXXV. *And be it enacted*, That if it shall be made to appear to the said Judge of Probate that it will be for the advantage of the Heirs or Devisees of any Testator or Intestate, and will not be injurious to Creditors to mortgage or lease the Real Estate, or any part thereof, in lieu of selling the same, for the purpose of raising money to pay debts, or legacies, the said Judge of Probate may direct the same, or any part thereof, as may be most expedient, to be so mortgaged or leased, as may be most suitable to the exigencies of the case, for any term not exceeding twenty-one years, and may grant licence accordingly; and any lease, mortgage, or other instrument, made and executed by any Executor or Administrator, pursuant to such licence, shall be legal and valid, and shall have full force and effect, according to the terms thereof, as if made by an owner of the Land in fee simple: *Provided always*, that before the granting of any such licence, the like security shall be given as is provided by this Act in regard to the selling of Real Estate.

Proviso

Certified copy of Licence to be registered

XXXVI. *And be it enacted*, That every licence to sell, mortgage or lease, Real Estate, under this Act, shall be entered in a book to be kept for the purpose, by the Judge of Probate granting the same, and a copy thereof duly certified by him, or by the Registrar of Probate, shall be registered in the office of the Registrar of Deeds for the County or District in which said Real Estate may lie; and such certified copy, or a copy thereof from the Registry, certified under the hand of the Registrar of Deeds for such County or District, shall be evidence of such licence in all Courts, without further proof, or such other proof may be adduced thereof as is by Law allowed.

Bond to be given

XXXVII. *And be it enacted*, That the security to be given by any Executor or Administrator before the granting of any Licence for selling, mortgaging, or leasing the Real Estate as hereinbefore provided, shall be by sufficient bond, to be entered into by such Executor or Administrator, with two able sureties, to be approved of by the Judge of Probate, in such penalty as may be deemed to be double the amount to be raised by such sale, mortgaging or leasing; and such bond shall be agreeable to the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect.

And whereas, It is necessary for carrying into effect this Act, that the Courts of Probate should be invested with more defined and extensive powers than they have heretofore exercised:

Practice

Power of Judge of Probate

XXXVIII. *Be it therefore enacted*, That hereafter all Judges of Probate shall have power and authority to grant and issue such Process or Processes as may be usual or needful for the discharge of the trust reposed in them; and all Sheriffs and other ministerial officers are required duly to serve and execute all legal Warrants or other Process to them directed by any Judge of Probate; and contempt of authority in any cause or hearing before any Judge or Probate, shall and may be punished in like manner as such contempt of authority in the Supreme Court may or can by Law be punished.

Judge of Probate interested in Estate

Judge of Probate of next County to act

XXXIX. *And be it enacted*, That whenever any Judge of Probate shall be interested in any Estate as Heir or Legatee, Creditor or Debtor, to an extent of Two Hundred Pounds or upwards, or within the degree of kindred by which, according to the Laws of this Province, he might by any possibility be heir to the Estate of any person deceased within the County of such Judge, or any part thereof, such Estate shall be settled in the Probate Court of the next adjoining County to which the Executor or Administrator may apply; and the Will, if any, of such deceased person may be there proved, or administration granted, as the case may require; and all other proceedings had thereon in such adjoining County as if such deceased person had belonged to, or died within the same; and whenever due application shall be made in writing to the Judge of Probate of such adjoining County, for the Probate of a Will, or the granting Letters of Administration in virtue of this Act, he shall, after giving due public notice thereof, proceed thereon, and settle such Estates as fully, and to all intents as he might any other Estate within his proper jurisdiction: *Provided always*, that when such Estate shall be so settled, the Judge of Probate in such adjoining County shall transmit to the Court of Probate of the County where the

the deceased last dwelt, a certified copy, under his hand and the seal of his Court, of his proceedings in the settlement of such Estate, which proceedings shall be entered and recorded in the Books of Registry of the Court of Probate for the County wherein the deceased died: *Provided always*, that nothing herein contained shall take away the right of appeal hereinafter provided for.

Provide

XL. *And be it enacted*, That no Judge or Registrar of Probate shall be directly or indirectly employed, or professionally concerned, as Counsel, Attorney, Solicitor, Proctor or Advocate, for any party in any matter pending or to be brought before the Court of which he is the Judge or Registrar.

Judge or Registrar not to act as Counsel &c.

XLI. *And be it enacted*, That, from and after the time when this Act shall come into operation, there shall be appointed and commissioned by the Governor in Council, in the several Counties of this Province, suitable persons to be Registrars of Wills, Administrations, Accounts, and all other writings which shall be made, granted, or decreed upon by the Judges of Probate in their respective Counties—which Registrar shall be sworn before a Judge of the Supreme Court, or Judge of Probate, to the faithful performance of the duties of his office, and have the care and custody of all files, papers and books, to the Registrar, it shall and may be lawful for the Judge of Probate to nominate and appoint some meet person to officiate as a Registrar, to be sworn as aforesaid, until the standing Registrar shall be able to attend his duty, or until a new one shall be duly appointed.

Appointment of Registrar

XLII. *And be it enacted*, That when a Will shall be offered for Probate to any Judge of Probate in this Province, and the witnesses live out of the Province, or more than thirty miles distant, or by reason of age or indisposition of body, are unable to appear and give evidence in Court, the deposition of such witnesses in writing, taken before any person or persons duly authorized by *dedimus potestatem* by such Judge of Probate, shall have the same force and effect as though the witness was present and testified in open Court.

Depositions of witnesses to be taken in writing in certain cases

XLIII. *And be it enacted*, That the Judge of Probate in any County where Probate or Administration has been granted, shall have power to order a division of the Real Estate of the Testator or Intestate, in whatever County or District of the Province such Real Estate may be situate; and that such division shall be made by five sufficient and disinterested Freeholders, to be for that purpose appointed by the Judge, and sworn, or by any three of them concurring therein: *Provided always*, that when any Estate in houses and lands cannot be divided among all the children without great prejudice to the whole, the said Judge may, on evidence of the same, order the whole unto the eldest son, or, upon his refusal, to any other of the sons successively, he paying unto the other children of the deceased their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisement thereof to be made by five sufficient and disinterested Freeholders upon oath, to be appointed and sworn as aforesaid, or by any three of them concurring therein, or giving good security to pay the same in some convenient time, as the said Judge shall limit, making reasonable allowance in the mean time, not exceeding Six Pounds, by the Hundred, in the year.

Judge of Probate empowered to order division or sale of Real Estate

XLIV. *And be it enacted*, That Judges of Probate may commit or dispose of the custody, care, or guardianship of children or minors, according to the provisions of the Act passed in the 32d year of the Reign of His late Majesty King George the Second, entitled "An Act directing the guardianship of Minors," to any person or persons, whether Protestants or not.

Custody of Minors given to Judge of Probate

XLV. *And be it enacted*, That the said Courts of Probate shall have power to issue Subpœnas to compel the attendance of any witnesses, or the production of any paper material to any enquiry pending in any such Courts; (which Subpœna shall be according to the Schedule to this Act annexed, or in words to the like effect), and shall also have power to punish disobedience to any such Subpœna, and to punish witnesses for refusing to testify after appearing, in the same manner and to the same extent as Courts of Record in similar cases.

To issue Subpœnas

XLVI. *And be it enacted*, That the testimony taken by any Judge of Probate in relation to the proof of any Will, or in any controversy before him relating to any matter of which he has cognizance, shall be reduced to writing, and shall be entered into a book to be kept for that purpose.

Testimony to be taken in writing

Judge to allow
and tax costs

XLVII. *And be it enacted*, That any Judge of Probate shall have power to award and tax such costs as are allowed by this Act to be paid by any party against whom a decision may be made in any matter contested before such Court of Probate, and if against the Executor or Administrator, to be paid out of his own Estate, or out of the Estate of the deceased, as may be just and proper—which taxation and order shall have the like effect as a Judgment in a Court of Record, upon which Execution may be awarded by such Judge of Probate, agreeably to the form in the Schedule hereto annexed, or in words to the like effect: *Provided always*, that any such taxation and order may be reviewed by the Supreme Court or Court of Chancery, or any Judge thereof at Chambers, upon notice given to the party in whose favor such taxation and order may be made, without any appeal being entered and perfected, and such order made therein as to such Court or Judge shall seem just and proper.

Proviso

5 per cent.
may be allow-
ed to Execu-
tors or Admi-
nistrators

XLVIII. *And be it enacted*, That in the settlement of any Estate, the Court of Chancery or Judge of Probate may allow to Executors or Administrators, over and above all such actual and necessary expenses as may appear just and reasonable, a reasonable commission, not exceeding five per cent. on the amount received by them; and further, to apportion such commission among the Executors or Administrators of any Estate, as may appear just and proper, according to the labour bestowed, or responsibility incurred by them respectively.

Unless com-
pensated by
Will

XLIX. *And be it enacted*, That when any provision shall be made by any Will for specific compensation to an Executor, the same shall be deemed a full satisfaction for his services, in lieu of the aforesaid allowance, or his share thereof, unless such Executor, by deed duly executed and filed in the Court of Chancery or Court of Probate, shall renounce all claim to such specific legacy.

Executors or
Administrators
to produce
vouchers

L. *And be it enacted*, That on making his account, every Executor or Administrator shall produce vouchers for all Debts and Legacies paid, and for all funeral charges, and just and necessary expenses; and that such Executor or Administrator may be examined upon oath by a Master in Chancery, under an order of that Court, or by the Judge of Probates, touching any property or effects of the deceased, which have come to his hands or knowledge, and the disposition thereof; and that such Executor or Administrator may be allowed any item of expenditure, not exceeding Forty Shillings, for which no voucher is produced, if such expenditure be supported by his own oath, positively, to the fact of payment, specifying when and to whom the same was paid, and such oath being uncontradicted.

Proceedings in
case of insol-
vency of Estate

LI. *And be it enacted*, That it shall be lawful for any Executor or Administrator, as soon as may be, after examination into the affairs of the Estate of the deceased, to make oath before the Judge of Probate who has granted Administration thereof, that he verily believes the same to be insolvent; and thereupon, if the said Judge shall think fit, it shall be lawful, by an order for that purpose to be by him made, to declare the said Estate insolvent; and thereupon, it shall be lawful for any such Executor or Administrator, against whom legal proceedings may be instituted for any cause of action accruing in right of the deceased, to plead such order in bar of such proceedings; and thereupon, judgment shall be given in favour of such Executor or Administrator: *Provided*, that on the Petition of any Creditor of a person interested in any such insolvent Estate, it shall be lawful for the said Judge to proceed to adjust the claims of all parties interested therein, and to settle the said Estate: *Provided also*, that in all cases whatever, wherein the Judge of Probate shall decide against any Creditor, in respect of any controverted claims or cause of action alleged by him against any Executor or Administrator, such Creditor shall have a right to appear to the Supreme Court in like manner, as in and by this Act is provided, in respect to other cases of appeal from the decisions of such Judge.

Proviso

Judge of Pro-
bate to issue
Citation

LII. *And be it enacted*, That if, upon being required by the Judge of Probate to render an account, an Executor or Administrator desires to have the same finally settled, he may apply to the Judge for a Citation, which such Judge shall issue, requiring the Creditors and next of kin of the deceased, and the Legatees, if any, to appear before him on some day therein to be specified, and to attend the settlement of such account—which Citation shall be served personally on all those to whom it shall be directed, living in the County of the Judge at least fifteen days before the return thereof, and upon those living out of the Coun-
ty,

ty, or who or whose residence may be unknown either personally, fifteen days previously, or by publishing the same in the Royal Gazette at least four weeks before the return thereof.

LIII. *And be it enacted,* That any Creditors, Legatees, or other person interested in the Estate of the deceased as next of kin or otherwise, may attend the settlement of such Account, and contest the same; and they or any of them, as well as the Executor or Administrator, shall have process, to be issued by such Judge of Probate, to compel the attendance of witnesses.

Compel attendance of witnesses

LIV. *And be it enacted,* That the hearing of the allegations and proofs of the respective parties may be adjourned from time to time as shall be necessary; and the Judge of Probate may, at his discretion, appoint one or more Auditors to examine the Accounts before him, and to make report thereon under oath, subject to his confirmation, and may make a reasonable allowance to such Auditors, to be paid out of the Estate of the deceased.

To appoint Auditors

LV. *And be it enacted,* That the final settlement of such Account, and the allowance thereof by the Judge of Probate, or upon appeal, shall be deemed conclusive evidence against all Creditors, Legatees, next of kin of the deceased, and all persons in any way interested in the Estate upon whom the said Citation shall have been served, either personally, or by publication, as herein directed, of the following facts:

Settlements and allowance by Judge to be deemed evidence

1. That the charges made in such Account for Monies paid to Creditors, to Legatees, to the next of kin, and for necessary expenses, are correct.

Of correctness of accounts, &c.

2. That such Executor or Administrator has been charged all the interest for Monies received by him, and embraced in his account, for which he was legally accountable.

3. That the Monies stated in such Account as collected, were all that were collectable on the Debts stated in such Account at the time of the settlement thereof.

LVI. *And be it enacted,* That no appeal shall be allowed from the decree of the Judge of Probate for the final settlement of such Account, unless the same shall be entered within three months after such decree shall have been recorded.

Appeal must be within three months

LVII. *And be it enacted,* That whenever the authority of an Executor or Administrator shall cease or be revoked, or superseded for any reason, he may be cited to account before a Judge of Probate, at the instance of the person succeeding to the Administration of the same Estate, in like manner as hereinbefore provided for a Creditor.

Executor may be cited by the one succeeding

LVIII. *And be it enacted,* That any person aggrieved by any order, sentence, decree or denial, of any Judge of Probate, may appeal therefrom to the Court of Chancery, or to the Supreme Court at its next sitting, in the same County, which Court, or any of them, wherein such appeal may be entered, shall have power to confirm, alter, or reverse such order, sentence, decree or denial, after hearing the same, at such time and place as they shall direct: *Provided,* that the appeal be filed in the Registry of such Court of Probate within thirty days after the making of such order, sentence, decree or denial; and that the party appealing do, at the same time with the appeal, file in the Registry of such Court of Probate a bond to the Judge of such Court, with two sufficient sureties, in the penal sum of Sixty Pounds, conditioned for the payment of such costs as shall be awarded against him by the said Courts, or any of them, upon such appeal; and such appeal, when so perfected by the filing of such bond therewith, shall suspend all proceedings upon the decision appealed from, until the appeal be determined.

Appeal from Judge of Probate

See the 17th
in the

LIX. *And be it enacted,* That upon such appeal being perfected, and upon the Fees allowed for the services in this Section being paid, the Judge of such Court of Probate shall immediately transmit to such Court wherein the appeal is to be heard and determined, a copy of such appeal, and of all such Papers, Documents and Testimony, as shall be ordered by such Court, or any Judge thereof at Chambers, on the subject of such appeal, duly certified under the Seal of the said Court of Probate, with a statement of the decision made by him.

Judge of Probate to transmit copy of papers

LX. *And be it enacted,* That the said Court of Chancery or Supreme Court, on due proof of an appeal from the decision of a Court of Probate having been perfected, and of the neglect or unreasonable delay of the Judge of such Court of Probate to transmit such appeal, with the copies as above directed; and the said Fees having been paid or tendered, may proceed to enforce such return by attachment as for a contempt of such Court: and the said Court of Chancery or Supreme Court or any Judge thereof at Chambers,

On neglect of Judge of Probate to transmit appeal, Court of Chancery to enforce an appeal

bers,

bers, may at any time within six months after the time hereinbefore limited for filing and perfecting such an appeal in the Court of Probate upon special cause shewn, and upon such terms as it may appear just to prescribe, allow an appeal, in which case the same proceedings shall be had as if the appeal had been originally entered in the Court of Probate.

Court of Chan-
cery or Sup-
Court to award
costs

LXI. *And be it enacted*, That it shall be in the discretion of the said Court of Chancery, or Supreme Court, in cases of appeal, to award costs, to be paid personally by the parties against whom such costs shall be awarded, or out of the Estate which may be the subject of appeal, as the said Courts may direct; and payment of such costs may be enforced against appellants by process of Attachment or Execution, or a suit upon the Bond hereinbefore directed to be given for that purpose, and against other parties by process of Attachment or Execution: *Provided*, that no Attachment or Execution shall issue until proof be made by Affidavit of a personal demand of such costs, and of a refusal or neglect to pay the same; and that no suit on such Bond shall in any case be commenced without the order of the said Court of appeal.

A feigned issue
may be ordered

LXII. *And be it enacted*, That, if upon the hearing of any appeal, any question of fact shall arise, which, in the opinion of the said Court of Chancery or Supreme Court, cannot be satisfactorily determined without a trial by Jury, such Court shall have authority to order a feigned issue to be made up, and to prescribe the manner of making up such issue, so as to present the question in dispute, and to direct the County in which the same shall be tried; and the said Court shall have power to grant new trials of such issues; and the final determination of such issue shall be conclusive as to the facts therein controverted; and it shall be in the discretion of the Court by whom such issue is ordered, to order and direct by whom and in what manner the costs and expenses attending any such issue shall be paid.

Court of Chan-
cery may refer
to the Supreme
Court

LXIII. *And be it enacted*, That if any such matter pending before the said Court of Chancery, any question of Law shall arise upon which such Court shall wish to have the opinion of the Supreme Court, such Court shall have authority to order a case to be stated for the opinion of the Supreme Court, and to prescribe the manner of stating such case; and the Judges of the Supreme Court, after the case has been argued and considered by them, shall certify their opinion thereupon to the said Court of Chancery; and the said Court of Chancery shall have the like discretion as to the costs and expenses attending such cases as before provided, with regard to feigned issues, when ordered by such Court.

Judges of the
Supreme Court
and Master of
the Rolls to
frame Rules

LXIV. *And be it enacted*, That the Judges of the Supreme Court and Master of the Rolls, or any three of them, shall make and frame such Rules and Orders for regulating the practice of the Courts of Probate throughout the Province, as shall appear to them necessary and proper, for establishing a simple and uniform course of proceeding—all which rules shall be laid before the Legislative Council and House of Assembly at the next Session of General Assembly, within the first five days of the said Session; and if the said Council and House of Assembly, or either of them, shall not, within six weeks from the day such Rules and Regulations shall be so laid before them, signify their disapproval thereof, then the said Rules and Regulations, or such of them as shall not be so disapproved of, shall be and become binding on such Courts as the Rules thereof.

Fees

LXV. *And be it enacted*, That the Fees to be hereafter received for services and proceedings in the Courts of Probate shall be according to the Table to this Act annexed, and that no other or greater Fees shall be taxed or allowed therein: *Provided always*, that where the Estate does not exceed One Hundred Pounds, and there shall be no contest, the Fees of the Judge shall be Twenty Shillings and no more; and where the Estate does not exceed Two Hundred Pounds, and there shall be no contest, his Fees shall be Thirty Shillings and no more; and in such cases the same Fees shall be payable to the Registrar, and no more.

Forms

LXVI. *And be it enacted*, That the forms of Bonds, Warrants of Appraisements, Citations, Subpœnas, Executions and Attachments, shall be according to the forms in the Schedule to this Act annexed, or in words to the like effect.

Signification of
terms used

LXVII. *And be it enacted*, That the words and expressions hereinafter mentioned, which, in their ordinary signification, have a more confined or a different meaning, shall, in this Act,

Act, except when the nature of the provision or the context shall exclude such construction, be interpreted as follows, that is to say :—The word “Governor” shall extend to signify the Governor, the Lieutenant-Governor or Commander in Chief, or other person administering the Government of the Province for the time being ; the word “Will” shall include and extend to a Testament and Codicil, and an appointment by Will or by writing, in the nature of a Will, in exercise of a power, and also to a disposition by Will or Testament, or devise of the custody and tuition of any child, and to any other Testamentary disposition ; and the words “Real Estate” shall extend to and include all Real Estate, Messuages, Hereditaments, and all Estates Real or Incorporeal, or otherwise, which by Law devolve upon the heir ; and the words “Personal Estate” shall extend to and include all Personal Estate, Leasehold Estates, and other Chattels real, monies, shares of Government, and other stocks or funds, securities for money, debts, choses in action, rights, credits, goods, and all property whatsoever, which by Law devolves upon the Executor or Administrator, and to any share or interest therein ; and the words “Judge of Probate” shall extend to and include all Surrogates and Judges of the Probate of Wills, and for granting Letters of Administration, in and through this Province ; and the word “Issue” shall extend to and include all the lawful lineal descendants of the Ancestor ; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing ; and every word importing the masculine gender only, shall extend and be applied to a female, as well as a male ; and the word “Month” shall be taken in all cases to mean a calendar month.

LXVIII. *And be it enacted*, That the Act, made and passed in the thirty-second year of the reign of His late Majesty King George the Second, entitled, “An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates,” and every matter, clause and thing, therein contained, now in force ; also, the ninth section or clause of the Act, also made and passed in the thirty-second year of His said late Majesty’s Reign, entitled, “An Act directing Guardianship of Minors” ; also, the Act, made and passed in the thirty-fourth year of His said late Majesty’s Reign, entitled, “An Act in amendment of an Act, made and passed in General Assembly, at the Session begun and holden at Halifax on the second of October, 1758, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates” ; also, the Act, made and passed in the thirtieth year of the Reign of His late Majesty King George the Third, entitled, “An Act in amendment of an Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to enable Executors and Administrators the more speedily to settle the Estate of the deceased” ; also, the Act, made and passed in the fifty-second year of His said late Majesty’s Reign, entitled, “An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates” ; also, the Act, made and passed in the tenth year of the Reign of His late Majesty King George the Fourth, entitled, “An Act in amendment of the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates” ; also, the Act, made and passed in the tenth year of His said late Majesty’s Reign, entitled, “An Act in amendment of an Act, made and passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates ; and an Act, passed in the thirty-fourth year of His said late Majesty’s Reign in amendment of the said Act” ; also, the Act, made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, “An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates,” and every matter, clause and thing, in the said several Acts contained, shall be and the same are hereby respectively repealed, save and except that all proceedings heretofore had under and by virtue of the said Acts, or any of them ; and all Licenses granted to any Executor or Administrator for the sale of Land, made before the passing of this Act, and all proceedings to be had thereunder, and all settlements and distributions of Estates, and other proceedings, declared to be good and valid, in and by the last mentioned Act, made and passed in the fourth year of the reign of His late Majesty King

32 Geo II

34 Geo II

30 Geo III

52 Geo III

10 Geo IV

Repealing of former Acts

King William the Fourth, shall be and remain valid and effectual to all intents and purposes, in the same manner, and to the same extent, as if this Act had not been made and passed.

LXIX. *And be it enacted*, That this Act shall not come into operation until the first day of October next, nor until Her Majesty's assent shall have been signified thereto.

LXX. *And be it enacted*, That this Act shall be and continue in operation for five years, and from thence to the end of the then next Session of the General Assembly.

Schedule of Forms referred to in the foregoing Act.

SUBPŒNA.

SS. To

Greeting.

You are hereby required to appear before me at a Court of Probate, to be held at, within, and for said County, on the day of to testify and give evidence, what you may know, touching (here state shortly the object) hereof fail not.

Given under my hand this day of 184

B. P. Judge of Probate, County of

CITATION.

Nova-Scotia.

SS.

To the Sheriff of the County of or any Constable within the said County, Greeting.

Whereas, A. B. Executors, (or Administrator, or other person interested, as the case may be) hath prayed that may appear and (here state in short forms the object.) You are therefore required to cite the said (and all others interested, as the case may be) to appear before me at a Court of Probate, to be held at within and for the said County, on the day of next, to (here state in short form the object.) Given under my hand, and the Seal of the said Court, this day of 184

A. B. Judge of Probate.

A. F. Registrar of Probate for said County.

ATTACHMENT.

Probate Court.

County of

SS.

To the Sheriff of

Greeting.

You are hereby required to attach by his body, if found within your Bailiwick, and him safely keep, so that you may have his body before me at my office in on the day of next, coming to answer concerning a contempt by him lately committed in neglecting to appear before me, pursuant to a Subpœna issued in that behalf, (or in case it may be, for refusing to testify after appearing, for refusing to testify before me,) in a certain matter lately pending before me as Judge of Probate for said County, and have then there this Writ. Given under my hand this day of 184

A. F. Judge of Probate.

J. P. Registrar.

EXECUTION.

Probate Court.

County of

SS.

To the Sheriff of the said County of

Greeting.

You are hereby required (or in case it be an alias Execution as before) to levy of the Goods and Chattels of within your Bailiwick, the sum of for costs awarded in favor of in a certain proceeding lately had before me as Judge of Probate, in and for said County, and have that money before me at my office, in within thirty days from the date hereof, to be rendered to the said and for want of such Goods and Chattels whereon to levy, you will take the body of the said and deliver him to the Keeper of the Gaol of the said County, and the said Keeper will take the said into custody, and him safely keep until the said sum and your costs of levying

When to come into operation

Term of years to remain in force

ing this Execution be paid, and make return hereof within thirty days from the date hereof. Given under my hand this day of 184

A. L. Judge of Probate.

O. P. Registrar.

WARRANT OF APPRAISEMENT.

Nova-Scotia, County of

SS.

To A. B., &c.

Greeting.

You are hereby appointed and empowered to take an Inventory of all the Real Estate, Goods, Chattels and Credits, of which late of in the County afore-said died seized or possessed, within the Province, and according to your best skill and judgment truly appraise the same, which, when completed, you are to deliver to the Executor (or Administrator) of the said deceased, to be returned together with this Warrant, in three months from the date hereof. Given under my hand this day 184

SS.

B. P., Judge of Probate.

The above named Appraisers personally appeared before me, and made oath that they would faithfully and impartially perform the services to which they are appointed by the above Warrant.

BOND ON APPEAL.

(The Bond to be taken for Pounds, payable to the Judge of Probate, in the same manner as Administration Bonds, and conditioned as follows :)

Whereas, the above bounden hath appealed from the decision of the said Judge of Probate, made in a certain matter now pending before the said Judge. Now the condition of this Obligation is such, that if the said shall well and truly pay such costs arising from such Appeal, and to such person as the Court of Appeal may order and direct, then this Obligation to be void, otherwise to remain in full force.

Signed, Sealed, and delivered }
in presence of }

FORM OF ADMINISTRATION BOND.

Know all Men by these Presents, that we of in the Province of Nova-Scotia, are held and firmly bound unto Judge of Probate for the County of in the full sum of of good and lawful money of Nova-Scotia, to be paid to him the said or his Successors in office, for which payment well and truly to be made we bind ourselves, our and each of our Heirs, Executors and Administrators, jointly, severally and firmly, by these Presents, sealed with our Seals, dated this day of in the year of Her Majesty's reign, and in the year of Our Lord One One Thourand Eight Hundred and

The condition of this Obligation is such, that if the above bounden Admini- strator of all and singular the Estate, Goods, Chattels, and Credits of deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels, and Credits of the said deceased, which have or shall come to the hands, possession, power, or knowledge of the said or unto the hands, possession, or power of any other person or persons for him ; and the same so made do exhibit into the Registry of the Court of Probate for the County of at or before the day of next ensuing ; and the same Estate, Goods, Chattels and Credits, and all other the Goods, Chattels, and Credits of the said deceased at the time of his death, or which at any time after shall come to the hands, possession, or knowledge of the said or of any other person or persons for him, do well and truly administer; according to Law, and further do make, or cause to be made, a true and just account of his said Administra- tion, at or before the day of in the year of Our Lord One Thousand Eight Hundred and and all the rest and residue of the said Estate, Goods, Chattels and Credits, which shall be found remaining upon the said Administrator's account, the same being first examined and allowed by the Judge for the time being of the said Court, shall deliver and pay unto such person or persons respectively, as the said Judge or Judges by

by his or their decree or sentence shall limit and appoint; and if the said Administrator shall obey, abide by, and perform all such orders and decrees, as shall from time to time be made by the said Court, touching the Estate, Goods, Chattels, and Credits of the said deceased; and if it shall hereafter appear that any last Will and Testament was made by the said deceased, and the same be proved and allowed by the said Court; then, if the above bounden being thereunto required, do render and deliver the said Letters of Administration to the said Judge of Probate, or his Successor in Office, then this Obligation to be void and of none effect, or else to remain full force and virtue.

Signed, Sealed, and delivered }
in presence of }

FORM OF BOND ON SALE OF REAL ESTATE.

Know all Men by these Presents, that we (as in the Administration Bond) Whereas, License has been granted by the above named Judge of Probate to the above bounden Executor of the last Will and Testament, (or Administrator of all and singular, the Goods and Chattels, Credits and Estate, as the case may be) of the said deceased, to sell (or lease or mortgage, as the case may be) the Real Estate of the said deceased for payment of his Debts or Legacies. Now the condition of this Obligation is, such that if the said Executor (or Administrator) as aforesaid, do, and shall well and faithfully apply all Monies arising from the sale (or lease or mortgage) of any of the Real Estate of the said deceased or otherwise, from the rents and profits thereof, in payment of the Debts or Legacies of the said deceased, agreeably to Law, and shall well and truly account for the same in his Administration Account, before the Court of Probate for the County of or other Court of competent authority in that behalf, and shall pay any surplus of such Monies which shall be found remaining in his hands upon such accounting unto such person or persons as the said Court of Probate for the said County, of or the Court of competent authority in that behalf shall, by decree or sentence, pursuant to the true intent and meaning of the Act or Acts of the General Assembly of the said Province, in such case made and provided, limit and appoint, then this Obligation to be void and of no effect, otherwise to remain in full force and virtue.

Signed, Sealed, and delivered }
in presence of }

Table of Fees referred to in the foregoing Act.

FOR THE JUDGE OF PROBATE.

Every Citation, including order for the same,	£0	3	0
Every Fiat for Appraisers, or Bondsmen, or Auditors,	0	2	6
Every Order, not herein specially provided for,	0	2	6
For the Probate of a Will or Letters of Administration, where the Estate does not exceed £200,	0	16	8
Where above £200, not exceeding £1000,	1	3	4
Above £1000	2	6	8
Warrant of Appraisement	0	3	0
Every Subpœna, Attachment, Execution or other process, not otherwise provided for including order for the same,	0	1	0
Letters ad Colligendum	0	10	0
Appointment of Commissioners to examine and settle the claims of Creditors	0	5	0
Sentence or Decree in ordinary cases of granting License to sell, mortgage or lease, Real Estate—passing Accounts of Distribution, &c.	0	11	8
Sentence or Decree for Probate of a Will or Codicil, Letters of Administration, or granting License to sell, mortgage, or lease Real Estate—passing Accounts or Distribution, &c. where there is a contest	0	10	0
Transmitting Appeal, with statement of decision	0	4	4

Taking

Taking Testimony in writing—each witness, if Testimony does not exceed three Folios	£0	3	0
Every Folio above	0	1	0
Warrant to appraise or divide Real Estates, on petition of parties	0	10	0
Dedimus Potestatem, to take deposition of witnesses; and order therefor	0	15	0
Appointing or allowing Guardians to Minors, and order therefor	0	16	8
Every oath	0	1	0
Examining and taxing Costs	0	2	6

FOR THE REGISTRAR.

Filing every Petition and order of Judge thereon	0	1	0
Entry of order for Probate, or Letters of Administration, and every other Special Order not herein provided for, and copy	0	2	6
Probate of Will or Letters of Administration, where the Estate is under £200	0	16	8
Where above £200, and not exceeding £1000	1	3	4
All above £1000	2	6	8
Letters of Guardianship or ad Colligendum	0	10	0
Copy of Will and Probate, per folio of ninety words,	0	0	9
Preparing Bond of Administrator, or on Sales of Real Estate; or for payment of Costs on Appeal, or in other necessary cases,	0	6	8
Preparing Citation and Seal	0	3	0
Each copy	0	1	6
Preparing Affidavit of Service of Citation or other Process, or other necessary Affidavits	0	1	0
Every Warrant and Seal, and every Certificate of License to sell Real Estate,	0	5	0
Filing every Exhibit	0	0	4
All copies of Papers, per folio of ninety words	0	0	9
Every Certificate and Dedimus Potestatem, under Seal, including Seal	0	5	0
Entry of every Decree in Registry Book, and of every order not specially provided for, per folio of ninety words.	0	0	9
Every inspection of original Will, and attending party inspecting the same	0	2	0
Every Search in every other case	0	1	0
Preparing Subpcena and Seal	0	2	6
Every Ticket	0	0	6
Every Caveat or Appeal	0	3	4
Preparing every Execution, Attachment, or other Process, not specially provided for	0	2	0
Every Decree in ordinary cases	0	10	0
Every other Decree, where a contest	0	10	0
Every Oath	0	1	0
Taxing Costs	0	2	6

FOR PROCTOR AND ADVOCATE.

Taking instructions from Client to commence or defend proceedings in Probate Court	0	10	0
Preparing every Petition	0	3	4
Preparing every Allegation, or other Paper, necessary to be prepared by him, per folio of ninety words	0	1	0
Every additional copy thereof, per folio	0	0	6
Every necessary attendance on Judge	0	6	8
Every hearing or argument before the Judge, not less than Half a Guinea, nor more than Two Guineas, at the discretion of the Judge.			
Serving every Notice or other Paper on each person	0	1	0

Sheriffs or other Ministerial Officers' Fees.

Serving Citation or other Process (Subpcena excepted) on each person	0	2	6
Posting up same in three public places, directed by Judge	0	5	0
Serving Subpcena on each person	0	1	0
Travelling Fees the same as in Supreme Court.			

An Act to authorize the Congregation of the Baptist Meeting House at Argyle, to raise Money from the Pews of the said Meeting House for the repairing and Ornamenting thereof.

(Passed the 19th day of March, 1842.)

Preamble

WHEREAS, the Baptist Meeting House at Argyle in the County of Yarmouth, was built by a number of persons who were mutually interested therein—several of which persons are now deceased, and the rights of such persons have thereby become vested in their Heirs or Representatives respectfully; *And whereas*, the interest of several of the present owners of Pews in the said Meeting House has now become so inconsiderable that great difficulty is experienced in procuring funds for the repair, finishing, and ornamenting of said Meeting House, owing to the neglect or refusal of many of the owners of the said Pews to pay their proportion of the necessary and unavoidable expense thereof—in consequence whereof the said Meeting House is in danger of going to decay :

The congregation of Meeting House at Argyle may appoint a committee to make assessment and apportionment of pews

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly* That, from time to time, after the publication of this Act, whenever it shall be necessary to procure or raise any sum Money for the repairing, finishing, or ornamenting the said Meeting House, it shall and may be lawful for the Congregation attending at such Meeting House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation at such Meeting House, during the time such Meeting House shall be open for Divine Service, on three several Sundays previous to such Meeting, to nominate and appoint, by vote of the majority of the Members present at said Meeting, three or more fit and proper persons as a Committee, to assess and apportion the sum of Money necessary and required to be raised for the purposes aforesaid, on the said Pews respectively, of the said Meeting House, according to the relative size and value of such Pews, at a just and equitable rate; of which assessment and apportionment due notice shall be publicly given, by putting up the same in some conspicuous place in the said Meeting House on the Sunday after the same shall be made by the said Committee; and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting House, for three successive weeks, after the same shall have been made by the said Committee.

If money assessed be not paid the pew to be let at Auction

II. *And be it enacted*, That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or person so interested in every of the said Pews respectively, shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three months after such notice so given as aforesaid, then and in every such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time, (not exceeding ten years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Lessee to be put in possession of pew

III. *And be it enacted*, That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews, respectively, at the said Sale, shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such Sale; and such Lessee or Lessees shall be liable to pay such Rent or Rents as he, she or they, shall or may have agreed to pay for the same at the said Sale; and if the said Rent or Rents aforesaid, or any part thereof, shall be behind and unpaid, after the time or times which shall or may have been agreed on for the payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such Rent or Rents, or such parts thereof as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

If the rent be in arrear to be sued for

CAP. XXIV.

An Act to amend the Acts for encouragement of Schools.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That in the County of Shelburne, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, if it shall be deemed necessary, to appoint and commission two or more Boards of Commissioners, with distinct and separate Districts assigned to each Board in said County, and to allot and apportion the Money distributable or applied for said County, by the Acts whereof this Act is an amendment, to and among the said Boards, as shall or may be deemed just and proper.

Appointment
of Boards of
Commissioners
in Shelburne

CAP. XXV.

An Act for establishing a Public Burial Ground at Dartmouth.*(Passed the 19th day of March, 1842.)*

WHEREAS, by and under the provisions of an Act, passed in the last Session of the General Assembly, entitled, "An Act for regulating the Dartmouth Common," certain persons have been appointed Trustees of said Common, and the same is now under their charge and control; And whereas, there is no Public Burial Ground at Dartmouth, and there is a portion of said Common suitable therefor, which is of little value for other purposes, and it is desirable that the same should be laid off as a Public Burial Ground:

Preamble

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the said Trustees of the Dartmouth Common now appointed, or hereafter to be appointed under the provisions of the aforesaid Act, shall set off and allot all that portion of the said Common at Dartmouth, lying to the Northward of the Burial Ground occupied by the Church of England, commonly called the Old Quaker Burial Ground, included within the following limits, that is to say: beginning at the North-west corner of the Burial Ground so occupied by the Church of England, and running thence Northerly in a continuous line with the Western side line of the said Church of England Burial Ground twenty-nine degrees West two hundred and sixty-four feet; thence North fifty-nine degrees, East three hundred and forty-four feet six inches, until it comes to the Old Road leading from Water Street, in Dartmouth, to the Wind Mill; thence by said Old Road until it comes to Land owned by Thomas Boggs, Esquire, thence by said Lands of the said Thomas Boggs two hundred and fifty-five feet and six inches to the North-east corner of the said Church of England Burial Ground; thence by said Burial Ground three hundred and forty-nine feet to the place of beginning, containing two acres and one eighth of an acre, or thereabouts, which said Lot shall be held by the said Trustees in trust as and for a Public Burial place for the use of the Inhabitants of Dartmouth, except those Denominations of Christians who have Burial Grounds attached to their respective places of Worship.

Site for Burial
Ground in
Dartmouth

Trust

CAP. XXVI.

An Act respecting Teachers of Schools.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, hereafter, the Teacher of any School may recover from the Parents of any Scholar, or from the person liable for the amount, his charge for instruction of such Scholar, according to any agreement,

Teachers may
recover the
amount of
their charge
before Justices

agreement, whether written or verbal, before any Justice or Justices of the Peace, or other Court, upon evidence of such agreement, and the service performed thereunder, notwithstanding in such agreement, or any Subscription Paper, such Parent or other Person may have joined for any sum, or as a subscriber towards any sum which may exceed the ordinary jurisdiction of such Justice, Justices or Court, and notwithstanding the engagement for the said Scholar's Instruction by the year or otherwise, may exceed such jurisdiction: Provided the amount due and demanded for instruction of such Scholar, and for which such Suit is brought, do not exceed such jurisdiction.

Exemptions of Teachers

II. *And be it enacted*, That the Teachers of the several Academies established or supported under any Law of this Province, shall be exempted from the performance of Statute Labour, and from Militia Duty, in the same manner as Licensed Teachers of Common Schools are now by Law exempted.

CAP. XXVII.

An Act to extend to the Meeting House at Folly Village the provisions of an Act relating to the Meeting House at Masstown, and to amend the said Act.

(Passed the 19th day of March, 1842.)

Act 6, Wm. 4, rel. to Meeting House at Masstown extended to Folly Village

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to enable the Congregation of the Meeting House at Masstown, in Londonderry; to raise Money from the Pews of the said Meeting House, for the repairing and ornamenting thereof, and every matter, clause and thing, therein contained, shall be, and the same are hereby extended to the Presbyterian Meeting House at Folly Village, in Londonderry, and the Proprietors of the said Meeting House at Folly Village shall and may have and take the like proceedings for raising Money from the Pews of said Meeting House, for the repairing and ornamenting thereof, in as full and ample a manner as if the said Meeting House at Folly Village had been named in the said Act.

Empowered to raise money

II. *And be it enacted*, That when and so often as the Monies arising from the leasing of the said Pews in either of the said Meeting Houses, shall not amount to the Assessment on the Pews of the said Meeting Houses respectively, it shall and may be lawful for the Trustees appointed for the purpose of leasing the same to make a new assessment on the Pews of said Meeting House, or of either of them, in which there may be such deficiency, in as full and ample a manner, and with the like powers and authorities in regard thereto, as if such balance were the original amount to be assessed thereon.

CAP. XXVIII.

An Act to extend to the Town of Sydney the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.

(Passed the 19th day of March, 1842.)

The provisions of Act 7, Wm. 4, relative to Commrs. of Highways in Halifax and other places extended to Sydney

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and every matter, clause and thing therein contained, shall be extended, and the same are hereby extended to the Town of Sydney, in the County of Cape-Breton.

II. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission, during pleasure, three fit and proper persons, Inhabitants of the said Town, to be Commissioners for repairing, keeping in repair, and paving, the Streets and Highways in the said Town of Sydney; and upon the death, removal or refusal to act of any one or more of the said Commissioners, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of the Executive Council, to appoint and commission some fit and proper person, being an Inhabitant of the said Town, to supply every such vacancy, and such appointment to renew whenever necessary, so that the said Commissioners may always continue to be three in number.

Governor to
appoint Com-
missioners of
Streets

III. *And be it enacted*, That the jurisdiction, power and authority, of the Commissioners so to be appointed, shall be restricted to the Peninsula of Sydney, and extend to the southward and eastward to Fresh Water Creek, the Old Saint Peter's Road, so called, and from thence in an easterly direction to Cosset's Mill Brook, and then to be bounded by the said Brook until it meets the waters of Maloney's Creek.

Limits of Ju-
risdiction

IV. *And be it enacted*, That, from and after the first day of May next, the powers and authorities of the Surveyors of Highways within the foregoing limits shall utterly cease and determine.

CAP. XXIX.

An Act to provide a Lock-up House and Town House at Chester.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Lunenburg to present, and for the Court of General Sessions of the Peace for the said County to confirm any sum of Money which may be deemed necessary and sufficient for the erecting and completing of a suitable Building on the Public Lot in the Town of Chester, in the County of Lunenburg, to be used as a Town House, for the holding of Elections, Town Meetings, Special Sessions, and for other Town purposes, when required, and also with suitable apartments or rooms therein, which may or can be used as and for the purposes of a Lock-up House, in the said Town.

Grand Jury to
present a sum
for erecting a
Town House

II. *And be it enacted*, That any such sum so presented and confirmed, shall be assessed, levied and collected, together with and in the same manner, and by the like means, course and procedure, as now by Law provided in respect to any other Monies required to be assessed, levied and collected, for County purposes; and shall be paid over, and expended to and by such person or persons as the Grand Jury and Court of Sessions shall appoint to expend for the purposes aforesaid.

How to be
assessed, le-
vied and col-
lected

III. *And be it enacted*, That the said Town House and Lock-up House shall be placed under the charge of such person as the Grand Jury shall recommend for that purpose; and it shall and may be lawful for the said Court of Sessions, from time to time, to make all necessary regulations for the proper keeping and use of the said Town House and Lock-up House, and for the proper and safe keeping of such persons as may be confined in the said Lock-up House, as may be requisite and necessary.

Under whose
charge

*Alten's effect
Vol 3 fol 233*

An Act in addition to, and amendment of, the Act relating to Highways, Roads and Bridges.

(Passed the 19th day of March, 1842.)

*Preamble
Vol 3
Vol 6. 11*

WHEREAS, by the Act, passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled, An Act in addition to, and amendment of, the Act relating to Highways, Roads and Bridges, the mode of laying out and altering Roads is, in some cases, found to be tedious and inconvenient: for remedy whereof—

Commissioners authorized to make bargain with the person thro' whose lands the road shall

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for any Commissioner or Commissioners appointed to expend Monies for the opening of new Roads, or the altering of old Roads, when it shall be necessary to cross the Lands of any person or persons for that purpose; and when damage is claimed by the owners or proprietors thereof, to make such judicious bargain and agreement in writing as he or they shall judge most for the public benefit with the said person or persons through whose Lands the said new line of Road shall run, stating the length of the said Road, and the amount so agreed on for damages and cost of fences—to which said agreement shall be annexed a plan of the Road and Land through which the same is intended to be carried; and such agreement shall also be accompanied by a certificate signed by three Magistrates of the County where the said Lands are situate, certifying that the said agreement is reasonable and just—which said agreement, plan and certificate, shall be laid before His Excellency the Lieutenant-Governor and Her Majesty's Executive Council; and if His Excellency the Lieutenant-Governor and the Executive Council shall confirm the same, then, and in such case, the said agreement, plan and certificate, shall be returned to the office of the Deputy Prothonotary in the County or District where the said Lands are situate, who shall file the same in his office, and shall forthwith give to the person or persons entitled to compensation for the Land taken from him or them for the use of the said Road a certificate that such agreement hath been duly filed as aforesaid; and on production of such certificate to the Treasurer of the Province, he or they shall be entitled to receive the respective amounts allowed them by the said agreement; but if His Excellency the Lieutenant-Governor and the Executive Council shall not approve of the said agreement, and shall signify their dissent thereto in manner aforesaid, then, and in that case, the said Lands shall be appraised in the manner prescribed by the said Act, of which this is an amendment.

To be laid before the Governor and Council for confirmation

The provisions of this Act to extend only to those roads herein mentioned

II. *Provided always, and be it enacted,* That nothing herein contained shall extend, or be construed to affect the laying out of any new Road, or alteration of any old one, other than the Roads hereinafter enumerated and specified, that is to say: the Main Post Road from Halifax to Pictou, thence to Antigonish, Guysborough and Saint Mary's—the Great Eastern Road from Halifax to Saint Mary's—the Road from Antigonish to Auld's, at the Gut of Canso—the Road from Guysborough to the Gut of Canso—the Road from McMullin's, East side of the Gut of Canso to Saint Peter's—thence by the Bras d'Or to Sydney, and thence to the Sydney Mines, Boularderie, Baddeck, Middle River and Margaree—thence to Broad Cove, Port Hood and McMullin's, at the Gut of Canso aforesaid—the Road from Truro to Amherst, and thence to the Boundary of the Province—the Road from Truro to River Philip, by Tatamagouche—the Road from Amherst to Parrsborough—the Road from Pictou to River Philip, by Wallace—the Road from Halifax to Windsor, thence to Kentville, Annapolis and Digby—the Road from Digby to Yarmouth, Shelburne and Liverpool—the Road from Liverpool to Lunenburg, thence to Chester, and Windsor; and the Road from Chester to Halifax, by Saint Margaret's Bay.

CAP. XXXI.

An Act to enable the Inhabitants of Upper Musquedoboit to enclose and ornament the Public Burial Ground there.*(Passed the 19th day of March, 1842.)*

WHEREAS, there is a Public Burial Ground in the Settlement of Upper Musquedoboit, which is made use of by the Inhabitants without any distinction, there being no other Burial Ground in the said Settlement, and it is necessary to provide for its proper order and keeping from the general contribution of all the Inhabitants:

I. Be it therefore enacted, by the Lieutenant-Governor Council and Assembly, That, from and after the passing hereof, it shall and may be lawful for the Freeholders of the Settlement of Upper Musquedoboit, at the first Public Meeting after the passing of this Act, to vote Money for the support of the Poor, to be convened agreeably to Law, and annually, thereafter, to nominate and appoint three fit and proper persons, being Freeholders in said Settlement, as a Committee to take charge of the said Burial Ground at Upper Musquedoboit—which Committee shall remain in office until the Meeting of the Freeholders in the next ensuing year, and have the care and custody of the said Burial Ground during the period aforesaid.

II. And be it enacted, That it shall and may be lawful for the said Freeholders of the Settlement of Upper Musquedoboit, at their several Meetings to be convened and held as aforesaid, in addition to the Money required for the support of the Poor, to vote such sum or sums of Money not exceeding at one time the sum of Fifty Pounds, as they may think proper and necessary, for the fencing, ornamenting, and due order and keeping of the said Burial Ground—which Money so voted for such purpose shall be added to, and assessed, levied and collected, with and by the same means, under the same regulations and penalties, as other Monies which shall or may be voted at the same Meeting.

III. And be it enacted, That when and as such Monies voted as aforesaid, as well for the benefit of the Poor as for such Burial Ground, are collected and got in, the same shall be paid over to the Overseers of the Poor, who shall account for, and pay over to the Committee to be appointed under this Act, the proportion of such Monies voted for such Burial Ground—which proportion of Monies shall by the said Committee be expended and applied for the fencing, ornamenting, and due order and keeping of the said Burial Ground, and be faithfully accounted for to the then next annual Meeting to be convened and held as aforesaid in the said Settlement of Upper Musquedoboit.

Preamble

Freeholders to appoint a Committee to take charge of the Burial Ground

To vote money for fencing, &c.

To be paid to, and expended by, the Committee

CAP. XXXII.

An Act to authorize the Congregation of the Presbyterian Meeting House at Chebogue to raise Money from the Pews of said Meeting House for the repairing and upholding thereof.*(Passed the 19th day of March, 1842.)*

WHEREAS, the Presbyterian Meeting House at Chebogue, in the County of Yarmouth, wherein the Reverend John Ross now officiates, is in danger of going to decay, and the Proprietors thereof have no legal means of raising funds for the purpose of repairing and upholding the same, and are therefore desirous of having an Act passed, authorizing an assessment on the various Pews of the said Meeting House for the purposes aforesaid:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum of Money for the repairing or upholding of the said Meeting House,

Preamble

The Congregation to appoint a Committee to assess money on the Pews

House, it shall and may be lawful for the Congregation at such Meeting House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation at such Meeting House during the time such Meeting House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint by vote of the majority of the Members present at the said Meeting of the Congregation, three or more fit and proper persons as a Committee, to assess and apportion the sum of Money necessary and required to be raised for the purposes aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equable rate, of which assessment and apportionment due notice shall be publicly given by putting up and continuing a true and correct copy of such assessment and apportionment on the Floor of the said Meeting House, for three successive weeks, after the same shall have been made by the said Committee.

If assessment be not paid the Pews to be let

II. And be it enacted, That if, after due notice of such assessment and apportionment shall have been so given as aforesaid, some person or persons interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pews, within three months after such notices so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and Public Notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time (not exceeding ten years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Lessees to be put in possession

III. And be it enacted, That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively at the said Sale, shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such Sale; and such Lessee or Lessees shall be liable to pay such rent or rents as he, she or they, shall or may have agreed to pay for the same at the said Sale; and if the rent or rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee so to be appointed as aforesaid, to sue for and recover such rent or rents, or such part thereof, as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

The Committee to sue for rent in arrear

CAP. XXXIII.

An Act for the Summary Trial of Actions before Justices of the Peace.

(Passed the 19th day of March, 1842.)

Cont. without amendment in 1843 & 1844, & in 1845 except by order of House which Cont. in 1846 for 3 years Amended in 1846 by allowing appeals where dealings under 20/-

Debts under £10 how to be recovered and before whom

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for any Person, Body, Politic or Corporate, who shall have any debt due him or them by or from any person, except an Executor or Administrator, when sued as such, where the whole dealing or cause of Action shall not exceed the sum of Ten Pounds, to sue for and recover the same in manner following, that is to say: if the whole dealing or cause of Action shall not exceed the sum of Three Pounds, to cause the Debtor to be summoned, or by a Writ of Capias, brought before any one Justice of the Peace of any County where the Debtor shall reside; and if the whole dealing or cause of Action shall exceed Three Pounds, but does not exceed the sum of Ten Pounds, to cause the Debtor to be summoned, or by a Writ of Capias, brought before any two Justices of any County where the Debtor shall reside, and the Justice or Justices, after process issued and duly served, is and are hereby empowered to proceed to make up final Judgment between the parties, and shall allow the party Defendant to produce his Account, or other matter, in nature of a set off against the party Plaintiff in such cause, or any Receipt or other discharge for payment,

ment made either in whole or in part, then existing between the parties therein; and the said Justice or Justices shall examine and enquire into the merits of both claims, as well the Defendant's as the Plaintiff's, and by such other proof as to him or them shall seem requisite, or, upon confession of the Debtor, proceed to ascertain the debt due, and to decree payment thereof, and to award costs as he or they shall find, whether for the Plaintiff or Defendant, without Appeal, unless the whole dealing or cause of Action shall amount to Twenty Shillings: *Provided*, that when the whole dealing or cause of Action shall amount to more than Five Pounds, but does not exceed the sum of Ten Pounds, either party may demand and have a Jury to try the same in manner hereinafter prescribed: *And provided also*, that no person shall be arrested in any case for a debt due by him under Twenty Shillings, nor for any larger debt not exceeding Five Pounds, unless in addition to the Affidavit of the debt due, the party applying shall also make oath that unless a Writ of Capias be allowed the debt will be lost, nor shall any Female or Minor in any case be arrested under this Act on Mesne Process.

Appeal
Proviso

II. *And be it enacted*, That all Writs of Summons or Capias issued under this Act shall be served on the person against whom the same shall issue, by delivering a copy thereof to the Defendant, and explaining the same to him, if required, at least five days before the return day thereof; and the Officer who may have been employed to serve such process shall be bound to make due return of the same, and his doings thereon, on or before the return day thereof, and in default thereof, such Officer so offending shall, besides being liable to the party injured in an Action on the case for any damage that may have been sustained, forfeit and pay for each and every offence a sum not exceeding Twenty Shillings—one half thereof to the use of such person as shall sue for the same, and the other half for the use of the Poor of the Township wherein the original Action is to be tried—the same to be sued for and recovered like any other debt of the same amount under this Act, before any one Justice of the Peace of the County in which the offender shall reside.

Writs to be
served five
days before re-
turn day

Officers liable
to penalties.

III. *And be it enacted*, That any person arrested under this Act shall be admitted to bail by the Officer arresting such person, in the same manner as in other cases of arrest on Mesne Process.

Bail allowed

IV. *And be it enacted*, That if any person in any Suit or Action against whom Judgment shall have been so awarded under this Act as aforesaid, shall, without just cause, to be allowed of by the Justice or Justices before whom such Suit or Action shall have been tried, refuse or neglect to pay or satisfy such Decree or Judgment, whether the same shall have been decided by a Jury or otherwise, it shall and may be lawful for such Justice or Justices to issue Execution against the Goods and Chattels, and for want thereof, the body of such person, for the sum so awarded, with costs—which Execution shall be made returnable in thirty days from the day on which it shall have been issued.

Execution

V. *And be it enacted*, That if any party Plaintiff or Defendant in any Suit or Action under this Act, in which the whole dealing or cause of Action shall exceed Five Pounds, shall, two days before the day on which the Writ of Summons or Capias therein shall be returnable, notify the Justice first applied to by the Plaintiff in such Suit or Action, that it is the desire of such party to have a Jury in such Suit or Action, the said Justice shall forthwith issue a Venire directed to any Constable of the same County, not being of kin to either party in the cause, or interested in the event thereof, commanding such Constable to summon a Jury of three persons duly qualified, according to Law, to Act as Petit Jurors, of and from the Township or Settlement wherein such Action is to be tried, to be and appear before the two Justices who are to try the same at the time and place, when and where the Defendant therein is summoned or bound and required to appear.

Cause of Action over five pounds a Jury allowed

VI. *And be it enacted*, That every Juror, who shall be so summoned, and shall neglect to appear as required by the Venire as aforesaid, shall be, and be deemed and held to be, liable to a penalty of Five Shillings, which shall be levied by Warrant of Distress against the Goods and Chattels of such Juror so neglecting to appear, to be issued by the said two Justices upon the Oath of the Officer who served the said Venire, that he summoned such Juror at least twenty-four hours before the time he shall have been required to appear, unless such Juror shall make it appear to such two Justices that he had some legal and sufficient excuse for his absence.

Penalty for the non-attendance of Jurors.

Jury to be sworn, &c.

VII. *And be it enacted,* That such Jury shall be sworn by any one of the said Justices, before whom such Suit or Action is tried, in the presence of both Justices, and in open Court, well and truly to try the cause according to the evidence and allegations of the parties; and the evidence of the Witnesses produced in the said cause shall be made and delivered in the hearing and presence of the said Justices and Jury so impanelled, and having heard the directions of the said Justices, the Jury shall, if they require it, retire to some convenient room or apartment, under the charge of some Constable, or in case no Constable shall be in attendance, such other person as shall by such Justices be appointed for that purpose—which Constable or other person so to be appointed as aforesaid, shall be sworn “to keep such Jury together without meet or drink, and not to suffer any one to speak to them, nor to speak to them himself, without leave of the said Justices;” and when agreed, the said Jury shall return their verdict, whereupon Judgment shall be given for the party in whose favour such verdict shall be returned, with Costs and Execution issued thereon, in manner as hereinbefore prescribed.

Challenge

VIII. *And be it enacted,* That either party shall and may be permitted to make any legal challenge for cause to any of the said Jurors; and if any such challenge be allowed, or in any case where any Juror summoned shall not appear, the said Justices shall direct the said Jury to be filled up by any person then present, being duly qualified as aforesaid, who may not be liable to any such legal challenge, or by directing any Constable to summon *instantly* any other person, being so qualified, and not liable to such challenge.

Mode of Appeal

IX. *And be it enacted,* That in case of any appeal being made from the Judgment of any Justice or Justices in any cause under this Act, whether the same shall have been tried by Jury or otherwise, the party making the appeal, or his agent, when he himself is absent, before such appeal shall be allowed, shall make and file before such Justice or Justices an Affidavit, in writing, that he is really dissatisfied with such Judgment, and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay;” and the party so appealing, or his agent, when he himself is absent, shall at the same time enter into a Bond, with two sufficient Sureties, in a penalty of double the amount of such Judgment, with a condition thereto annexed that the party so appealing shall enter and prosecute such appeal, and abide by, and perform the Judgment of, the Court to which such appeal shall be allowed, or shall, previous to the first day of the sitting of such Court, pay the full amount of the Judgment in such cause, together with all costs thereon subsequently accruing; and such Justice, or if the action be before two Justices, then the first one applied to therein, if thereto required, shall and he is hereby directed to prepare the Affidavit and Appeal Bond hereby prescribed and required—which appeal, if applied for at any time within ten days after Judgment in such cause, such Justice or Justices shall be bound to grant, in all causes where the whole dealing or cause of Action shall amount to Twenty Shillings, returnable to the then next sitting or term of the Supreme Court in and for the County in which the trial in the said cause shall have been had, and Execution, if not then issued, shall thereafter be stayed in the said cause till the same shall be settled under the said appeal.

Regulations to be observed

X. *And be it enacted,* That the following provisions and regulations shall be strictly observed and kept in all Civil Suits commenced and prosecuted before any Justice or Justices, in the same and the like manner as if they had been separate and distinct clauses and provisions of this Act, that is to say:

First.—That every person applying to a Justice for Mesne Process shall, at or before the issuing of the same, file with such Justice a statement or particulars in writing of his demand or cause of Action, or the Promissory Note or other Instrument on which he intends to sue—which Statement, Note, or other Instrument, shall be filed by such Justice, and thereafter held and retained by him in all cases where an action shall have been brought thereon, and wherein final judgment shall have passed, and in case of appeal, shall be transmitted with the other papers in the cause as hereinafter directed; and the Defendant shall be entitled to a Copy of such Statement, Note, or other Instrument, when he shall require the same, to be furnished by such Justice; and in all cases where a set off shall form a defence either in whole or in part to the Plaintiff's demand in any cause under this Act, the party so making such defence shall in like manner file with such Justice a state-

ment

ment or particulars of the set off so intended to be made before the time appointed for the trial of the cause, of which the Plaintiff shall be entitled to a copy from such Justice in manner aforesaid; and the parties Plaintiff or Defendant in any cause under this Act shall be strictly bound on the trial thereof by their respective statements or particulars of demand or set off, and not be allowed to give evidence of any thing not therein stated.

Secondly.—That the forms in the Schedule to this Act annexed, in all proceedings to be had, done or taken, by or before any Justice or Justices of the Peace, or other officer, in all civil business under this Act, shall be adhered to as near as the circumstances of the case will admit; and that the Fees therefor, and for all other services to be done and performed by any person under this Act, shall be taxed and allowed according to the table contained in the Schedule to this Act annexed; and no Fees whatever shall be taxed or allowed for any such proceedings, or for the removal thereof by appeal, or for any service performed under this Act, other than such as are set down and specified in the table of Fees hereto annexed.

Costs to be taxed

Thirdly.—That Writs of Summons, Capias, or Venire, under this Act shall and may be directed to, and served and executed by, any of the Constables of the County wherein the party Defendant resides, and in any part of such County.

Summonses, &c. executed by Constable

Fourthly.—That whenever it shall be required by any Justice of the Peace who may have issued the same, the service of any Writ of Summons or Capias shall be proved by an Affidavit to be made by the Officer serving the same before such Justice, certifying that he has delivered a copy of such Writ to the Defendant; and if by the Defendant, at time of service required so to do; that he explained the contents thereof to such Defendant; and without an Affidavit so made, or the Defendant personally appearing to answer the Suit, the same shall not in any case be proceeded in.

Services to be proved by Affidavit

Fifthly.—That the hearing of all causes shall be commenced and had between the hours of ten of the clock in the forenoon, and six of the clock in the afternoon of the day on which the process therein is returnable, unless there shall be at one time so many causes before any Justice or Justices that he or they cannot hear and determine the same in manner as by this Act is prescribed within that time—in which case, and for any other just cause to be shewn on Affidavit to the satisfaction of the Court by either party, the Justice or Justices shall have the power to continue any cause till some further time, not exceeding eight days, of which continuance the parties Plaintiff and Defendant, or their Agent, shall be duly notified by such Justice or Justices, when the same shall be then tried within the hours above specified.

Time for trying Causes

Sixthly.—That in all causes under this Act, where the Plaintiff's demand or cause of Action is not confessed by the Defendant in person, or in writing under his hand, the same shall be established; whether the Defendant appear or not, on the oath of one credible witness, except only where the Plaintiff sues on a Promissory Note or single Bond for Money, in which case, if the Defendant do not appear, it shall be sufficient to prove the hand writing of any witness thereto, by himself, or in his absence, by any other person, and when there is no subscribing witness to prove the making thereof by the Defendant.

Cause to be established on the oath of one Witness

Seventhly.—That whenever the Defendant in any cause under this Act shall establish a set off, out of a debt due and equal to the demand proved by the Plaintiff or any other sufficient defence thereto, the Defendant shall have Judgment entered for him with costs, that if the set off be less than the Plaintiff's debt or demand, the Plaintiff shall have judgment for the residue only with Costs; and that if the set off exceeds the Plaintiff's debt or demand as proved, and the whole amount of such set off do not exceed Ten Pounds, the Defendant shall in that case have Judgment for such excess against the Plaintiff with costs, and shall be entitled to Execution therefor in the same manner as if such Defendant had been originally the Plaintiff in such Suit.

Cases of set off

Eighthly.—That whenever the Defendant shall prove that he hath tendered the amount before Suit, and shall pay the same at or before the trial into the hands of the Justice, he shall be entitled to a Judgment for his costs to be paid him out of such Money; and the Plaintiff shall only be entitled to receive any balance that may then remain in the hands of such Justice.

Costs to be paid to Deft. on proof of his tendering the amount before Trial

Ninthly.—That on the first day of the next sitting or term of the Supreme Court, to which any appeal hath been made and allowed under this Act, which shall happen after

Mode of procedure in cases of Appeal such

such appeal, the Justice, unless he shall receive notice in writing, signed by both the parties, or their Agents, to the contrary, shall return and file to and with the Prothonotary or Deputy Prothonotary of such Court all the papers and proceedings in the Cause wherein an appeal hath been so made and allowed, with a transcript of the Judgment, together with the Affidavit and Bond whereon the appeal was so allowed; and the party appellant shall cause such appeal to be entered on the Docket of sub-summary Causes in the said Court; and the Court shall proceed to examine the Witnesses, and hear the said Cause in a summary way, or shall order a Jury therein if they shall think fit; and final Judgment shall be given on such appeal, with the like costs as are now allowed in such Causes; and Execution shall be issued thereon for the amount of such Judgment with costs, or for costs only, as the case may be,—which Judgment, in case of the original Judgment being confirmed, shall include the debt and costs incurred before the Justice or Justices; and in the event of the original Judgment being reversed after the same hath been enforced, the Judgment on such appeal shall include the full amount levied under and by virtue of such original Judgment, but if the party appellant shall not enter his appeal, in such case the original Judgment shall be affirmed, at the instance of the opposite party, on the last day of Term, with costs; and Execution may be issued thereon, or the party respondent may have recourse on the Appeal Bond for recovery of the amount due him.

Party appellant failing to Appeal Judgment to be affirmed

Execution returnable in 30 days

No Execution after one Year

Constable to levy

And advertise the Goods for Sale

Sale at Auction

Sale may be adjourned for a limited time

Constable not to purchase

For want of Goods Constable to take the Body

Tenthly.—That every Execution on any Judgment under this Act, whether the same shall be the first, or an alias, or pluries, or other Execution shall be returnable in thirty days from the day on which it is issued, and may be directed to, and levied and executed by, any Constable of the County in which the person resides, against whom the same shall be issued, and in any part thereof: that no Execution shall in any case be issued by a Justice or Justices after the expiration of one year, from the time of rendering such Judgment, unless upon the return of the last previous Execution thereon, it shall appear that there is still a balance due thereon, and that due diligence had been used to levy the same—in which case, a further Execution shall be issued for such balance due at any time within two years after the rendering of such Judgment, but not after that time shall have elapsed.

Eleventhly.—That the Constable to whom any such Execution shall be delivered, shall proceed forthwith to levy the same; and unless the debts and costs be paid, shall take sufficient Goods and Chattels of the party against whom the same is issued to satisfy the same—and shall advertise the said Goods and Chattels in two or more public places in the Township or Settlement, for Sale thereof by Public Auction—and such Advertisement shall describe the Goods and Chattels taken, and shall specify the place, day and hour, of such Sale, and shall be put up at last five days before the time appointed for such Auction.

Twelfthly.—At the time and place so appointed, if the amount remain unpaid, the Officer acting therein shall expose the Goods for Sale at Auction to the highest bidder; and he shall forthwith return the Execution with his doings thereon to the Justice who issued the same, and pay the debt and costs levied, after deducting the fees of levy and sale, to the Plaintiff, or his agent duly authorised, returning the overplus, if any, to the person against whom the Execution issued, or his agent duly authorised, or in his absence to such Justice for the use of such party; and if the Goods shall remain unsold for want of buyers, the Constable may adjourn the Sale for any period not less than twenty-four hours, nor more than six days, and may in such case proceed to advertise anew, and sell the same after the return day of the Execution—that immediately after such Sale, he shall make return and payment as above specified; and whatever Goods and Chattels remain unsold after the Execution, and all lawful expences thereon is fully satisfied, shall be restored to the party from whom the same was taken.

Thirteenthly.—That no Constable shall directly or indirectly purchase any Goods or Chattels at any Sale made by him under this Act, and every such purchase shall be absolutely void.

Fourteenthly.—That for want of Goods and Chattels whereon to levy, the Constable, unless otherwise directed by the party in whose favor such Execution hath issued, shall take the body of the person against whom the same is directed, and convey him to the common Gaol, or any Lock-up House, or other legal place of confinement of the County—the keeper whereof shall keep such person in safe custody, until the debt and costs, and the costs of levy and Jailors Fees shall be paid, or he is thence discharged by due course of Law.

Fifteenthly.

Fifteenthly.—That every person so committed to Gaol, shall be entitled to the full benefit of the Acts made, or to be made, for the relief of Insolvent Debtors.

XI. *And be it enacted,* That if any Constable shall neglect to return any Execution given him to levy in the manner hereinbefore specified, for the space of ten days after the return day thereof, unless with the consent of the party in whose favor the same was issued, or refuse or neglect to pay over the Money received or levied thereon for the space of five days after he shall have received the same, or to pay over the overplus as aforesaid on demand, the party entitled thereto may maintain an action for Money had and received; and a Justice or Justices of the Peace shall have jurisdiction of such action, according to the amount thereof, although the amount claimed therein may exceed Ten Pounds.

Constable not returning Execution liable to fine

XII. *And be it enacted,* That if any Justice or other Officer shall ask, demand or receive any greater or other fees than in and by this Act are allowed for any service whatever performed in pursuance and by virtue hereof, he shall forfeit and pay a fine of Five Pounds, together with Costs, to be recovered in an action of debt, by any one who will sue for the same in the Supreme Court; and such action shall be commenced by Writ of Summons, setting forth that the Defendant therein is indebted to the Plaintiff by virtue of this Act, in the amount of the said fine, and declaring the Fees in respect whereof the same is demanded; and such action shall be heard and determined in a summary way, unless one of the parties thereto shall demand, or the Court shall think fit, to order a Jury to try the same.

Officers demanding higher fees than specified liable to fine

XIII. *And be it enacted,* That the word "Justice" used in this Act shall in all cases where two Justices are required to act, be understood to apply to and mean the Justice who shall first sign any Writ or other Paper therein; and that every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a Female as well as a Male, except when the nature of the provision or the context of the Act shall exclude such construction.

Explanation of terms used

XIV. *And be it enacted,* That this Act shall come into operation and be in force on, from and after, the first day of July, now next ensuing.

When to come into operation

XV. *And be it enacted,* That the Act, passed in the third year of the Reign of His late Majesty George the Fourth, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the sixth year of His said late Majesty's Reign; and also, the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Acts; and also, the Act, passed in the said seventh year of the Reign of His said late Majesty King William the Fourth, entitled, An Act for the Summary Trial of Actions in the Island of Cape-Breton; and also, the Act to continue and amend the said last mentioned Act, passed in the fourth year of the Reign of Her present Majesty Queen Victoria, and every clause, matter and thing, in the said several Acts contained; so far as the same relate to proceedings to be had or taken thereunder by or before Justices of the Peace, shall be, and the same are hereby repealed, on, from, and after the said first day of July, now next ensuing.

Act 3d Geo. 4th

Act 6th Geo. 4th

Act 7th Wm. 4th

Act 7th Wm. 4th

Act 4th, Victoria

XVI. *And be it enacted,* That this Act shall continue and be in force from the said first day of July, now next ensuing, for one year, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

Schedule of Forms referred to in the foregoing Act.

SUMMONS.

County of

SS.

To any of the Constables of the said County.

You are hereby required to Summon A. B. of to appear before

at on the day of at o'clock in the noon, to answer to C. D. in

the sum of and to make due return thereof on or before said day.

Witness

Hand and Seal the

day of

18

J. P.

J. P.

CAPIAS.

CAPIAS.

County of SS.

To any of the Constables of the said County, and him safely keep; so that you have him before at on the day of at o'clock, in the noon, to answer to C. D. in the sum of whereof fail not, and have then therewith Writ, with your doings thereon. Witness Hand and Seal at the day of 18

NOTE.—On the back of the Capias, and Copy thereof, to be indorsed the sum sworn to in words at length, as follows:—

By Oath for the sum of J. P.

EXECUTION.

County of SS.

To any of the Constables of the said County.

Whereas Judgment hath been awarded against C. D. of at the Suit of A. B. for the sum of and more for costs. These are therefore to command and require you to levy from off the Goods and Chattels of the said C. D. the said sums, making together by Sale of the said Goods and Chattels, after duly advertizing the same, and for want thereof, you are hereby commanded to take the body of the said C. D. and him to commit to Her Majesty's Gaol (or where there is a Lock-up House, or other place of confinement in any County nearer the residence of the party to be arrested, insert the name of it in place of Gaol) in the keeper whereof is hereby required to take the said C. D. into his custody, and him safely keep until he pay the sum above mentioned, with your fees, and Jailor's fee—or that he be discharged by the said A. B., or otherwise by due course of Law. Whereof fail not, and make due return of this Writ with your doings thereon, to within days. Witness Hand and Seal, the day of 18

L. S.

J. P.

L. S.

J. P.

SUBPŒNA.

County of SS.

To AB. CD. EF. GH. and JK.

L. S.

(According to the number.)

You and every of you are required to appear at on the day of at the hour of o'clock in the noon, to give evidence on the part of the (Plaintiff or Defendant as the case may be) in a suit now depending between A. B. Plaintiff, and C. D. Defendant, and then and there to be tried, which you are not to omit under penalty of the Law, in such cases made and provided.

Dated the day of 18

J. P.

SUBPŒNA TICKET FOR EACH WITNESS.

Between { A B. Plaintiff, and C D. Defendant.

A B. is required to give evidence in this suit on the part of the (Plaintiff or Defendant, as the case may be,) at on the day of at o'clock in the noon.

Dated the day of 18

J. P.

VENIRE.

County of SS.

To any of the Constables of the said County.

You are hereby required to Summon three persons duly qualified to sit as Jurors, who are not of kin to either of the parties, to come and be present at on the day of at o'clock in the noon, to make a Jury between Plaintiff, and Defendant.

Dated the day of 18

J. P.

NOTE.

NOTE.—All Writs of Summons, Capias, Subpœna and Venire, require but one Seal; and the same, as well as all Executions, in cases before two Justices, are to be prepared by the Justice first applied to in the suit. In all cases the Capias is to be indorsed by the Justice first applied to, who is to prepare the Affidavit also. In all suits triable before two Justices, the Summons and Capias must be signed by two Justices, and the Execution, in such case, to have two Seals, and be signed by the two Justices that issued the Mesne Process and tried the cause—in other cases the Execution to have but one Seal, and to be signed by the Justice that issued the Mesne Process and tried the cause—Writs of Subpœna and Venire, and the Subpœna Ticket, are to be signed by one Justice only—all Affidavits are to be taken before, and all oaths under this Act, to be administered by one Justice only—and in all suits before two Justices, all acts required to be done by one Justice only, are to be had and done by and before the Justice first applied to, who is to be the keeper of all Papers in the cause, and to make return of the proceedings therein, in cases of Appeal.

AFFIDAVIT OF DEBT TO OBTAIN A CAPIAS.

A. B. of _____ in the County of _____ maketh oath and saith, that C. D. is justly and truly indebted to the Deponent in the sum of _____ after giving full credit to the best of the Deponent's knowledge or belief, for all payments and offsets, and that the cause of Action does not exceed Ten Pounds.

Sworn at _____ the _____ day of _____ 18____
 Before me _____ J. P. _____ A. B.

NOTE.—The sum sworn to must, in all cases, be Twenty Shillings at least; and if under Five Pounds, then after the words "Ten Pounds," above, add "and that there is danger of losing the debt unless a Capias is allowed the Deponent."

Returns to the foregoing Writs.

TO A SUMMONS.

The within Process was duly served on the within named C. D. on the _____ day of _____ by me. _____ O. P. Constable.

If required the following Affidavit to be made by the Officer serving the Process.

O. P. of _____ in the County of _____ maketh oath that he did, on the _____ day of _____ personally serve the Defendant in the annexed Process named, with a true copy thereof, and at the same time acquainted _____ with the contents thereof.

Sworn before me at _____ the _____ day of _____ 18____
 _____ J. P. _____ O. P.

TO A CAPIAS.

The within named Defendant was arrested and served with a Copy of the within Process, on the _____ day of _____ and was admitted to bail by me _____ O. P. Constable.

Or if the Defendant do not give bail.

The within named Defendant was arrested by me, and served with a Copy of the within Process on the _____ day of _____ and is now in Custody to answer thereto. _____ O. P. Constable.

TO A VENIRE.

I have summoned the following Jurors as Jurors for the Trial of the within Cause, namely: G. H., J. K., and L. M.

_____ O. P. Constable.

TO AN EXECUTION.

I have levied the debt and costs as within directed.

_____ O. P. Constable.

For want of Goods and Chattels whereon to levy, I have taken the body of the within named C. D. and committed him to Gaol as within directed.

_____ O. P. Constable.

I have levied the sum of part of the Debt and costs within mentioned—the remainder not satisfied.

O. P. Constable
O. B. Constable

I could not find any Goods or Chattels, or the body of the within named C. D.

Oaths to be taken by Witnesses, Jurors and Constables, on Trials.

WITNESSES.

You shall truly say whether you have any interest in, or can gain or loose by the event of this Suit, and shall true answer make to all such questions as shall be put to you touching the same. So help you God.

NOTE.—This Oath only to be administered, when either party desires to examine the witness as to interest in the Suit.

The evidence you shall give to the (Court, or to the Court and Jury sworn,) touching the matter in question, shall be the truth, the whole truth, and nothing but the truth. So help you God.

JURORS.

You shall well and truly try this cause between A. B. Plaintiff, and C. D. Defendant, and a true verdict given according to the evidence. So help you God.

CONSTABLE OR OTHER PERSON APPOINTED TO ATTEND JURY.

You shall keep every one of the Jury sworn, and now about to make up their verdict, in some convenient place without meat or drink; you shall not suffer any person to speak to them, nor shall you speak to them yourself, except it be to ask if they are agreed on their verdict, without the leave of the Court. So help you Gods.

BAIL BOND ON CAPIAS.

Know all Men by these Presents, that we (names, place of residence, and profession or calling of the Defendant and his Bail) are held and firmly bound unto (name of Plaintiff in the suit; adding his place of residence, and profession or calling,) in the sum of (twice the amount sworn to, and indorsed on the Capias,) of lawful money of Nova-Scotia, to be paid to the said (name the Plaintiff,) his certain Attorney, Executors, Administrators or Assigns, for which payment, well and truly to be made, we bind ourselves, and each of us, by himself, our and every of our Heirs, Executors and Administrators, firmly by these presents.

Sealed with our Seals, and dated the day of 18. The Condition of the foregoing Obligation is such, that if the above bounden (the Defendant) shall and do appear before (name the Justice or Justices issuing the Capias) on the day of (insert the day appointed for the Trial) to answer to the suit of the above named (name the Plaintiff,) in the sum of (here insert the sum sworn to,) then the above obligation to be void; otherwise to remain in full force.

Signed, Sealed, and delivered, }
in the presence of }

L. S.
L. S.
L. S.

AFFIDAVIT TO BE MADE BY PARTY APPEALING.

In the Court before (name the Justice or Justices before whom the Trial was had) Justices of the Peace.

Between { A. B. Plaintiff,
and
C. D. Defendant.

A. B. (the party making the Appeal) of in the County of the above named (Plaintiff or Defendant, as the case may be, or if the party for whom the Appeal is prosecuted be absent, say "Agent for the above named Plaintiff or Defendant, as the case may be,) maketh oath and saith, that he is really dissatisfied with, and feels aggrieved by the

the judgment given in this cause, and that he does not appeal therefrom solely for the purpose of delay, but that justice may be done therein.

Sworn at day of 18 }
Before me J. P. }

*To be signed by the party appealing,
or in his absence, the Agent.*

BOND TO BE GIVEN ON APPEAL BEING MADE.

Know all Men by these Presents that we, A. B. C. D. and E. F. (*names of the Appellant, if he be present, or if absent, of his Agent, and the Sureties, with their places of residence and additions,*) are held and firmly bound to G. H. (*names, place of residence, and addition of the party against whom the Appeal is allowed*) in the penal sum of (*double the amount of the judgment, debt and costs,*) to be paid to the said G. H. his certain Attorney, Executors, Administrators or Assigns, for which payment well and truly to be made, we bind ourselves and each of us by himself, our and every of our Heirs, Executors and Administrators, firmly by these presents. Sealed with our Seals, and dated the day of 18

Whereas, a certain cause between the above bounden A. B. *if the party appellant be the principal in the Bond, or if he be absent, then say between (name the appellant,)* and the above named G. H. in which the said (*name the appellant*) was (*Plaintiff or Defendant, as the case may be,*) tried before (*name the Justice or Justices before whom the trial was made,*) Justice of the Peace for the County of on the day of Judgment was given in favour of the said G. H. for the sum of debt and costs, and an Appeal therein hath been demanded on behalf of the said (*name the party appealing.*) Now the Condition of the above Obligation is such, that if the said (*name the appellant*) at the next Sitting or Term of the Supreme Court for the County of (*name the County in which the cause was tried,*) shall duly enter and prosecute his said Appeal, and shall proceed therein to final judgment, and shall abide by, and fulfil the judgment of, the said Court to be given in such Appeal, or shall, previous to the first day of the Sitting of such Court, pay the full amount of judgment in such cause, together with all costs subsequently accruing thereon, then the above Obligation to be void, otherwise to remain in force.

Signed, Sealed and Delivered, }
in the presence of }

A. B. (L. S.)
C. D. (L. S.)
E. F. (L. S.)

NOTE.—The words printed in italics, and contained within Brackets in the foregoing forms; also, those represented by initials, are to be left out by the person using such forms, and their places supplied by the proper names of persons, or such other matter, as the words in italics or the initials import, or as near thereto as the circumstances of the case in hand shall admit of and require, and all blanks to be filled with time or place, or other matter must be carefully filled according to the circumstances of each particular case, particularly the time and place appointed for the trial of any cause under this Act; and whenever the letters “L. S.” appear to the said forms, it imports that the seal of the Justice or of the party signing any paper *is to be* affixed thereto.

Table of Fees referred to in the foregoing Act.

TO THE JUSTICE OR JUSTICES.

Each Summons or Capias, and Copies thereof	£0 2 0
Affidavit for a Capias and Swearing	0 0 6
Subpœna and Tickets	0 1 0
Trials and Judgment in all causes	0 1 0
Venire	0 1 0
Returning papers on appeal to the Supreme Court	0 1 0
Each Execution	0 1 0
Affidavit of Service of Summons when required, and Swearing	0 0 6
Affidavit to be taken on Appeal, and Swearing	0 0 6
Appeal Bond	0 2 6

All Fees taken in any Suits wherein the services and presence of two Justices are required, as well as for Execution therein, (except for returning the Papers on Appeal) to be

divided

divided between the two Justices acting therein, as follows: two thirds thereof to the Justice first applied to, and the remaining third to the other.

TO THE CONSTABLE.

Serving Summons and making return	£0 1 0
Serving Capias and making return	0 1 0
Bail Bond	0 1 0
Summoning a Jury	0 1 0
Summoning each additional Juror where there are not sufficient bye-standers	0 0 3
Serving Subpœna, each Witness	0 0 6
Levying Execution	0 1 0
Poundage on Execution on Sale of Goods	0 0 6
Poundage on Execution when the amount is paid in Money, for each pound	0 0 3
All travelling to be computed from residence of Justice to residence of Defendant, on Summons, Capias or Execution, and from residence of Officer to residence of Witness, on Subpœna, necessary to be done in the performance of the above duties, each mile	0 0 3
All travelling on levying Execution on the body to be computed from residence of Officer to residence of Defendant, and thence to the place of confinement, each mile	0 0 3

TO THE WITNESSES.

Each day in actual attendance	0 2 6
All travelling to be computed from residence of Witness to place of trial, and thence back again, each mile	0 0 3

NOTE.—If witness at the time of being served with Subpœna demands his fees, he shall not be bound to attend, unless fees equal to one day's attendance, and his travel as above be tendered to him at the time, or at such other reasonable time before the day of trial, as to admit of his attendance with certainty.

TO THE JURORS.

Each Juror on every trial	£0 1 0
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TO THE JAILOR OR KEEPER OF ANY LOCK-UP HOUSE.

For every person committed to Gaol under this Act	0 2 6
For every person discharged from Gaol under this Act, except Insolvent Debtors	0 2 6

CAP. XXXIV.

An Act to amend the Acts respecting the Collection of Poors' Rates of Pictou and Egerton.

(Passed the 19th day of March, 1842.)

Preamble

WHEREAS, in and by an Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the Collection of Poors' Rates of Pictou, it is provided and enacted, that the meeting of the Freeholders in the Township of Pictou, to vote money for the support of the Poor of such Township, should be thereafter held on the second Monday after the Terms of the General Sessions of the Peace held in January and July, instead of the times then by Law prescribed; and the provisions of the said Act were by an Act, passed in the last Session of the General Assembly, entitled, An Act to extend to the Township of Egerton the Act respecting the Collection of Poors' Rates of Pictou, and to amend the said Act, extended to the said Township of Egerton; *And whereas*, during the present Session of the General Assembly a Bill has been introduced providing among other things that the Sitings of the General Sessions

of the Peace in and for the County of Pictou shall hereafter be held on the First Tuesday of February and First Tuesday of July, instead of the times now by Law prescribed therefor; and in the event of the said Bill passing into a Law it will be necessary that the times of meetings of the Freeholders to vote money for the support of the Poor of the said Townships of Pictou and Egerton respectively should be altered:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That when and so soon as the said Bill, entitled, An Act to alter the Sittings of the General Sessions of the Peace in the several Counties therein mentioned, shall pass into and become a Law, the respective meetings of the Freeholders in the said Townships of Pictou and Egerton, to vote money for the support of the Poor of such Townships respectively, shall be thereafter held on the Third Monday after the Terms of the General Sessions of the Peace held in February and July, instead of the times now by Law prescribed.*

Money required for support of Poor in Pictou and Egerton, when to be voted

CAP. XXXV.

An Act to continue and amend the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

(Passed the 19th day of March, 1842.)

Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, save and except so far as the same is altered or amended by this Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued for one year, and from thence, to the end of the then next Session of the General Assembly.

Act 4th, Geo. 4th, continued

II. *Provided always, and be it enacted, That nothing in the said Act hereby continued and amended shall extend or be construed to extend to any place or places within the limits of the City of Halifax.*

Proviso

And whereas, The Riding or Driving of Animals at a fast pace over large Bridges has been found to be injurious thereto:

Preamble

III. *Be it enacted, That all and every person or persons who shall hereafter trot or gallop any Horse, Mare, Gelding, Mule or Ass, or Ox, Bull, Cow or Steer, over any Bridge or Bridges within, or partly within this Province, of greater length than twenty-five feet, shall forfeit and pay for each and every offence the sum of Ten Shillings, to be recovered and applied as directed in and by the Act hereby continued and amended.*

Not to drive fast over bridges

Penalty

CAP. XXXVI.

An Act to establish a Sessions House and Lock-up House at Bridgetown, and to repeal a certain Act therein mentioned.

(Passed the 19th day of March, 1842.)

Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled,

Act 3. Vic. repealed

An

An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

If £50 is subscribed the Grand Jury of the County of Annapolis may assess the amt. which may be further required for the erection of a Lock-up House at Bridgetown, &c. Collection of Assessment Charge of Lock-up House

II. *And be it enacted*, That, when and so soon as it shall be made to appear to the satisfaction of the Grand Jury and Court of Sessions for the said County of Annapolis, that the sum of Fifty Pounds has been subscribed and raised by the Inhabitants of said County, for and towards the erection of a Sessions House and Lock-up House at Bridgetown, in said County, it shall and may be lawful for the said Grand Jury to present, and for the said Court of Sessions to confirm, any sum of Money which they may deem necessary and sufficient, in addition to the said sum to be raised by private contribution, for the erection and safe and proper keeping of such Sessions House and Lock-up House at Bridgetown aforesaid; and it shall be lawful to assess, levy and collect, the said sum, in the same manner as now by Law provided for other sums assessed for County purposes.

III. *And be it enacted*, That the said Sessions House and Lock-up House shall be placed under the charge of such person as the Grand Jury may from time to time recommend for that purpose; and it shall and may be lawful for the said Court of Sessions, from time to time, to make all necessary regulations for the proper keeping of said Sessions House and Lock-up House, and for the custody and keeping of such persons as may be confined in such Lock-up House.

CAP. XXXVII.

An Act to enable the Inhabitants of the Township of Lunenburg to enclose the Public Burial Ground there.

(Passed the 19th day of March, 1842.)

Preamble

WHEREAS, there is a Public Burial Ground at Lunenburg, which is a General Burial Place, not belonging to any Church, or under the control of any peculiar Denomination of Christians—and it is necessary to provide for its proper order and keeping from the general contributions of such portion of the Inhabitants of the said Township as require the use thereof:

Money may be assessed at Lunenburg for the fencing and keeping in order the Burial Ground in that Township.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Freeholders of the Township of Lunenburg, at any of their Meetings, to vote money for the support of the Poor, in addition to the money required for the support of the Poor, to vote such sums of money as they may think proper and necessary for the fencing and due order and keeping of the said Burial Ground—which money so voted for such purpose, shall be added to, and assessed, levied and collected, from such of the Inhabitants of the said Township as require the use of thereof, with and by the same means, under the same regulations and penalties as other monies which shall or may be voted at the same Meeting, and when collected, shall be applied to the purposes for which the same shall have been so voted.

CAP. XXXVIII.

An Act to prevent the taking of Oysters from Tracadie, in the County of Sydney.

(Passed the 19th day of March, 1842.)

Preamble

WHEREAS, Oyster Beds have lately been discovered at Tracadie, in the County of Sydney, and the Fish have been found to be of excellent quality, and from the large quantities in consequence thereof that have been annually dug and carried away, it is feared the Beds will very soon be exhausted, unless measures be adopted to preserve them:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and

and after the passing of this Act, and during the continuance thereof, no person or persons shall be allowed to dig, take, or carry away, any of the said Oysters now or hereafter in any of the said Beds at Tracadie aforesaid.

All persons restricted from taking Oysters during continuance of this Act

H. And be it enacted, That any person or persons who shall be found to have violated the provisions of this Act, shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible witnesses, severally forfeit and pay a sum of not less than Two Pounds, and not exceeding Five Pounds, at the discretion of the said Justices, together with costs of suit; and in default of payment thereof, shall be committed to the Jail of the County where the same is tried for a period of not less than ten days, nor more than twenty days, at the discretion of the said Justices.

Penalty for violation of Act

III. And be it enacted, That all prosecutions under this Act shall be had in a summary way before the said Justices, who shall Summon the party or parties before them to answer to a charge for a violation of this Act; or if the party or parties complaining against such offender or offenders, shall make oath that he is afraid the said offender or offenders will leave the place and not attend upon a Summons to answer the said charge, it shall and may be lawful for any one of Her Majesty's Justices of the Peace to issue a Warrant, directed to any of the Constables of the County, and have the party or parties arrested and brought before him, and some other Justice of the Peace to be named in the said Warrant, to answer the said complaint; and the party or parties so arrested, in default of bail, shall be committed to the County Jail, or kept in close custody by the said Constable until the day mentioned in the said Warrant for the trial of such charge.

Prosecution of offences

IV. And be it enacted, That the party or parties so summoned or taken upon Warrant, shall have at least two full days notice before the trial of the said cause, exclusive of the days of service and trial.

Notice of Prosecution to be given

V. And be it enacted, That it shall and may be lawful for the Justices of the said County of Sydney, at any General or Special Sessions of the Peace, at which there shall be present not less than five of such Justices, to appoint five or more suitable persons in such parts of the said County as they shall think proper, whose duty it shall be to see that the several provisions of this Act shall be complied with, to prosecute offenders, and take such other legal measures as may be necessary from time to time; and who shall be sworn before one of the Justices of the Peace for the said County, to the faithful discharge of the duties of their office.

Persons to be appointed to protect the Fishery, &c.

VI. And be it enacted, That any person who shall be so appointed, and not having any legal excuse for not acting, shall have, at the expiration of thirty days after due notice of his appointment, neglected or refused to be sworn into office, and take upon him the duties of the said situation, shall forfeit and pay for the said offence the sum of Five Pounds, to be recovered by Warrant of Distress on the offender's Goods and Chattels, on conviction, in a summary manner, before any two of Her Majesty's Justices of the Peace in and for said County of Sydney.

Penalty for refusing to serve

VII. And be it enacted, That this Act shall continue and be in force for three years, and from thence to the end of the next Session of the General Assembly.

Continuation of Act

CAP. XXXIX.

An Act to revive and continue the Acts for the support and regulation of Light-Houses.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the support and regulation of Light-Houses, and every matter, clause and thing, therein contained; also, the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, to amend the said Act, and every matter, clause and thing, therein contained, shall be revived and continued, and the said several Acts are hereby

Act 4, Wm. 4, and 1, Vic. revived and continued

respectively revived and continued for one year, and from thence to the end of the then next Session of the General Assembly.

Preamble

And whereas, since the end of the last Session of the General Assembly, the Government of the Province, the several Officers thereof, the Collectors of Light Duties, and other Persons charged with the collection of the same Duties, and all persons whatsoever interested or concerned in the said Duties, whether in the payment, receipt, or expenditure thereof, have continued to act under the said several Acts hereby revived and continued, under the full impression that such Acts were and had been continued in full force; *And whereas*, to prevent any difficulty arising in consequence of the said Acts having expired for any period of time :

Acts of Officers confirmed

II. *Be it enacted*, That the collection of the said Duties, from the passing of the said several Acts hereby revived and continued, and all suits, actions, acts, matters and things, heretofore had, done or made, sued, brought or pending, and all liabilities incurred, and the payment, receipt, collection or expenditure, of any Money or Monies under, by virtue, or in respect of, the several Acts hereby revived and continued, or either of them, shall be, and the same are hereby declared to be, valid, effectual and binding, to all intents and purposes, notwithstanding that during any time or times heretofore subsequent to the passing of the same, the said Acts, or either of the said Acts, had expired or not been in force.

CAP. XL.

An Act relative to Public Exhibitions.

(Passed the 19th day of March, 1842.)

Shows, &c. not allowed without License

B*E it enacted, by the Lieutenant-Governor, Council and Assembly*, That no person or persons shall hereafter hold any Shew, Play or Public Exhibition, in any County within this Province, unless such person or persons shall previously have obtained a License therefor, in manner hereinafter directed.

Clerk of Licenses with the consent of two Justices may grant Licenses on payment of 25s. To have force only in the County where granted

II. *And be it enacted*, That the Clerk of the Licenses in any County of this Province, with the consent of at least two Justices of the Peace for such County shall, and he is hereby empowered to grant a License to any person or persons for holding any such Shew, Play or Public Exhibition, within such County, upon such person or persons paying the sum of Twenty-five Shillings for each and every day for which such License is granted, to be expressed therein—which License shall not have any force or effect, except in the County in which the same may have been so granted.

In absence of Clerk of Licenses two Justices may grant License

III. *And be it enacted*, That in the absence of the Clerk of the Licenses, or his residence at a distance of more than five miles from the place in any County in which such Shew, Play or Public Exhibition, shall be first intended to be held, it shall and may be lawful for any two Justices of the Peace for such County to grant any such License, under and subject to the payments, restrictions and regulations, aforesaid; and the said Justices shall, within at least thirty days after any such License shall have been so granted, make return thereof to the Clerk of the Licenses, and at the same time pay over the amount of Duties by them received therefor.

Fee for granting License

IV. *And be it enacted*, That the Clerk of the Licenses or Justices of the Peace granting any such License as aforesaid, shall be entitled to demand and receive for every such License a fee of Two Shillings and Six-pence to his or their own use, in addition to the Duties payable therefor.

Penalty for holding Shew without License

V. *And be it enacted*, That any person or persons holding any such Shew, Play or Public Exhibition, without previously obtaining such License as aforesaid, shall forfeit and pay a penalty of Five Pounds for each and every day such Shew, Play or Public Exhibition, shall be so held, to be imposed by any two Justices of the Peace in the County where the offence shall have been committed, either on their own view, or on the oath of any one or more credible witness or witnesses; and if such person or persons so offending shall refuse or neglect to pay the penalty so imposed, together with any costs attendant thereon, then it shall and may be lawful for such Justices to levy the same by

Warrant

Warrant of Distress on the Goods and Chattels of such person or persons so offending; and such Justices shall pay over to the Clerk of the Licenses in the County all such penalties so received by them, within thirty days at least after the receipt thereof.

VI. *And be it enacted,* That the Clerk of the Licenses in each and every County shall, within at least ten days before each and every Sitting of the General Sessions of the Peace in such County, pay over to the County Treasurer all Monies received by him under this Act, other than his fee, for granting any such License as aforesaid; and all such Monies so paid over shall be appropriated and applied by the Justices in their General Sessions of the Peace for such County, in the making, opening and repairing, the Public Roads, making or repairing Bridges, or establishing Ferries throughout the said County.

The Clerk of Licenses to pay over to the County Treasurer

Not to extend to Halifax

VII. *Provided always, and be it enacted,* That nothing herein contained shall extend, or be construed to extend, to the City of Halifax.

CAP. XLI.

An Act to make perpetual the Act to restrain the issuing Writs of Attachment in certain cases.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Fourth and Fifth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to restrain the issuing Writs of Attachment in certain cases, and every matter, clause and thing, therein contained, shall be, and the same are hereby made perpetual.

Act 4 & 5, Geo. 4, made perpetual

CAP. XLII.

An Act to make perpetual the Act to make the Stealing of Dogs, Beast and Birds, Larceny.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of Her present Majesty's Reign, entitled, An Act to make the Stealing of Dogs, Beasts and Birds, Larceny, and every matter, clause and thing, therein contained, shall be, and the same are hereby made perpetual.

Act 2, Vic. made perpetual

CAP. XLIII.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts, passed in the First and Second years respectively of the Reign of His late Majesty King William the Fourth, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 11, Geo. 4, and 1 & 2, Wm. 4, continued

CAP. XLIV.

An Act to make perpetual the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

(Passed the 19th day of March, 1842.)

Act 1, Wm. 4,
to amend 1 &
2, Geo. 4,
made perpetu-
al

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be, and the same are hereby made perpetual.

CAP. XLV.

An Act to continue the Act to regulate certain Landings in the County of Kings County.

(Passed the 19th day of March, 1842.)

Act 5, Wm.
4, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate certain Landings in the County of King's County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLVI.

An Act to continue the Act to regulate the Weighing of Beef, and the Acts in amendment thereof.

(Passed the 19th day of March, 1842.)

Acts 10, Geo.
4, and 2 & 4,
Vic. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, save and except as amended by the Acts hereinafter mentioned; also, the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, to continue and amend the Act first mentioned, and every matter, clause and thing, therein contained, save and except as altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act to regulate the Weighing of Beef, and the Act in amendment thereof, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said several Acts, except as before excepted, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XLVII.

An Act to continue the Act concerning Malicious Injuries to Property.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Malicious Injuries to Property, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm. 4.
continued

CAP. XLVIII.

An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty, entitled, An Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Vic.
continued

CAP. XLIX.

An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent damage to the Nets of Fishermen by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm. 4.
continued

CAP. L.

An Act to continue the Act relating to Marriage Licenses.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to Marriage Licenses, and every matter, clause and thing, therein contained,

Act 2, Wm. 4.
continued

contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. LI.

An Act to continue the several Acts now in force for the Inspection of Flour and Meal.

(Passed the 19th day of March, 1842.)

Acts 3, 4 & 6,
Wm. 4, con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Inspection of Flour and Meal; also, the Act, passed in the Fourth year of His said late Majesty's Reign, to amend and continue the said Act; also, the Act, passed in the Sixth year of His said late Majesty's Reign, entitled, An Act to amend and continue the Acts for the Inspection of Flour and Meal, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, are hereby respectively continued for two years, and from thence to the end of the then next Session of the General Assembly.

LII.

An Act to continue the Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors.

(Passed the 19th day of March, 1842.)

Act 3, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

CAP. LIII.

An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.

(Passed the 19th day of March, 1842.)

Act 2, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the regulation of the Fisheries at Chedabucto Bay, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

LIV.

An Act to continue the Act for regulating the Militia.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, **An Act for regulating the Militia**, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Vic.
continued

CAP. LV.

An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, **An Act relating to Passengers from Great Britain and Ireland** arriving in this Province; also, the Act, passed in the Sixth year of His said late Majesty's Reign, to continue and amend the said Act; also, the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, to amend the said Act, shall be continued, and the said several Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 & 6,
Wm. 4, and 2.
Vic. continued

CAP. LVI.

An Act to continue the Acts in amendment of the Act for the choice of Town Officers and regulating of Townships, and the Acts to alter and amend the same.*(Passed the 19th day of March, 1842.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, **An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships**, save and except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, **An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships**; also, the Act passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, **An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships**, and the Act to alter and amend the same; also, the Act passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, **An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Acts to alter and amend the same**, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively

Acts 10, Geo.
4, and 2, Wm.
4, and 2 & 3
Vic. continued

respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LVII.

An Act to continue the Acts in amendment of the Acts relating to Commissioners of Sewers.

(Passed the 19th day of March, 1842.)

Act 5, Wm. 4,
and 3, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Acts relating to Commissioners of Sewers, save and except so far as the same is altered or amended by the Act hereinafter mentioned; also the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers, and every matter, clause and thing, in the said Acts contained, except as before excepted, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

LVIII.

An Act to continue the Act to provide against the occurrence Diseases from the Bite of Animals.

(Passed the 19th day of March, 1842.)

Act 3, Wm. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to provide against the occurrence of Diseases from the Bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

CAP. LIX.

An Act to continue the Act further to amend the Act relating to Trespasses.

(Passed the 19th day of March, 1842.)

Act 6, Wm. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act further to amend the Act relating to Trespasses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXI.

An Act to continue the Acts now in force relating to Trespasses.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of the Reign of His late Majesty King George the Fourth, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, except so far as the same is or may be altered or amended by the several Acts hereinafter mentioned; also, the Act, passed in the Fourth and Fifth years of His said late Majesty's Reign to alter, amend and continue, the said Act; also, the Act, made and passed in the Ninth year of His said late Majesty's Reign to alter and continue the said Acts; also, the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth to amend and continue the said Acts; and also, the Act, made and passed in the Third year of the Reign of His said late Majesty King William the Fourth, entitled, An Act in further amendment of the Acts relating to Trespasses, and every matter, clause and thing, in the said Acts contained, except as aforesaid, shall be continued, and the same are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3, 4, 5 &
9, Geo. 4, and
2 & 3, Wm.
4, continued

CAP. LXI.

An Act to continue the Act to authorise the Congregation of the Presbyterian Meeting House at Cornwallis, to raise Money from the Pews of the said Meeting House, for the repairing and ornamenting thereof, and the Act to amend the same.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to authorise the Congregation of the Presbyterian Meeting House at Cornwallis, to raise Money from the Pews of the said Meeting House, for the repairing and ornamenting thereof, except so far as the same is altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, to continue and amend the said first mentioned Act, and every matter, clause and thing, in the said Acts contained, except as before excepted, shall be continued, and the same are hereby respectively continued for five years, and from thence to the end of the then next Session of the General Assembly.

Acts 11, Geo.
4, and 2, Wm.
4 continued

CAP. LXII.

An Act to continue the Act to authorise the Congregation of the Meeting House at Onslow to raise Money from the Pews of the said Meeting House, for the repairing and ornamenting thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to authorise the Congregation of the Meeting House at Onslow,

Act 2, Wm. 4,
continued

to raise Money from the Pews of the said Meeting House, for the repairing and ornamenting thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIII.

An Act to continue the Act for making regulations to prevent Dogs going at large, in certain cases.

(Passed the 19th day of March, 1842.)

Act 4, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for making regulations to prevent Dogs going at large, in certain cases, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXIV.

An Act to continue the Act for the regulation of the Fisheries in the County of Richmond.

(Passed the 19th day of March, 1842.)

Act 4, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the regulation of the Fisheries in the County of Richmond, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXV.

An Act to continue the Act to extend to the Township of Egerton the Act respecting the collection of Poors' Rates of Pictou, and to amend the said Act.

(Passed the 19th day of March, 1842.)

Act 4, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to extend to the Township of Egerton the Act respecting the collection of Poors' Rates of Pictou, and to amend the said Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXVI.

An Act to continue the Act to authorise the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to authorise the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm. 4, continued

CAP. LXVII.

An Act to continue the Act for regulating the Exportation of Red or Smoked Herrings.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Exportation of Red or Smoked Herrings, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm. 4, continued

CAP. LXVIII.

An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Fishery in the River Shubenacadie, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Wm. 4, continued

CAP. LXIX.

An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers and Wild Cats.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the Killing of Bears, Loup Cerviers and Wild Cats, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm. 4, continued

CAP. LXX.

An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

(Passed the 19th day of March, 1842.)

Act 51, Geo.
3, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifty-first year of the Reign of His late Majesty King George the Third, entitled, An Act to amend an Act, passed in the Twentieth year of His Majesty's Reign, entitled, An Act for establishing a Public School in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXI.

An Act to continue the Acts in force relative to the Inspection of Pickled Fish.

(Passed the 19th day of March, 1842.)

Acts 9 & 10,
Geo. 4, and 7,
Wm. 4, con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act for the more effectually enforcing the Inspection, and encouraging the Exportation of Pickled Fish, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Acts hereinafter mentioned; also, the Act, passed in the Tenth year of His said late Majesty's Reign, in amendment of the said Act, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to continue, alter and amend, the several Acts now in force relative to the Inspection of Pickled Fish, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXII.

An Act to continue the Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires.

(Passed the 19th day of March, 1842.)

Act 1, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, in the second Session of the General Assembly, entitled, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIII.

An Act to continue the Act to authorise the Sale of Coals by Weight.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to authorise the Sale of Coals by Weight, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vic. continued

CAP. LXXIV.

An Act to continue the Act to amend the Act to Incorporate sundry Persons by the name of the President, Directors and Company, of the Bank of Nova-Scotia.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to amend the Act to Incorporate sundry Persons by the name of the President, Directors and Company, of the Bank of Nova-Scotia, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 7, Wm. 4, continued

CAP. LXXV.

An Act to continue the Act relative to the assessment of Dyke Rates for the New or Wickwire Dyke in Horton.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act relative to the assessment of Dyke Rates for the New or Wickwire Dyke in Horton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby respectively continued for two years, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm. 4, continued

CAP. LXXVI.

An Act to continue the Act for the better regulation of Sable Island, in this Province.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of Her present Majesty's Reign, entitled, An Act for the better regulation of Sable Island, in this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Vic. continued

CAP. LXXVII.

An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.*(Passed the 19th day of March, 1842.)*Acts 4 & 5,
Wm. 4, and 3,
Vict. con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Acts hereinafter mentioned, or either of the said Acts; also, the Act, passed in the Fifth year of His said late Majesty's Reign, to amend the said first mentioned Act, and every matter, clause and thing, therein contained, except as altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said first mentioned Acts, and every matter, clause and thing, therein contained, shall be continued, and the said Acts, except as aforesaid, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXVIII.

An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton.*(Passed the 19th day of March, 1842.)*Act 2, Vic.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXIX.

An Act to continue the Act respecting the collection of Poors' Rates of Pictou.*(Passed the 19th day of March, 1842.)*Act 6, Wm. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the collection of Poors' Rates of Pictou, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXX.

An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, except so far as the same is altered or amended by the Acts hereinafter mentioned; and also, except the eight Clause or Section thereof, which is hereby repealed; also, the Act, passed in the Sixth year of the Reign of His said late Majesty, entitled, An Act to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes; also, the Act, passed in the First year of Her present Majesty's Reign, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, except in so far as the same may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second year of Her present Majesty's Reign, entitled, An Act to continue and further amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Act in amendment thereof, shall be continued, and the said Acts, except as before excepted, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm. 4,
repealed (with
exceptions)

CAP. LXXXI.

An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Forty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another; and also, the Acts passed in the Fifty-first and Fifty-third years of His said late Majesty's Reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 45, 51 &
53, Geo. 3.
continued

CAP. LXXXII.

An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fourth and Fifth year of the Reign of His late Majesty King George the Fourth, entitled,

Acts 4, 5 &
9, Geo. 4.

continued
(with excep-
tions)

entitled, An Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act passed, in the Ninth year of His said late Majesty's Reign, to continue, alter, and amend the said Act, and every matter, clause and thing, in the said Acts contained, except so far as the same are, or may be, altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXIII.

An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.

(Passed the 19th day of March, 1842.)

Act 3, Wm. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXIV.

An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

(Passed the 19th day of March, 1842.)

Act 3, Wm. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pugwash, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXV.

An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Weirs and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(Passed the 19th day of March, 1842.)

Act 10, Geo.
4, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth,

Fourth, entitled, An Act in addition to, and in amendment of, an Act, passed in the Third year of the Reign of His late Majesty's King George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXVI.

An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, save and except the twelfth Clause or Section thereof; and also, except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Fifth year of His said late Majesty's Reign, entitled, An Act to amend and continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts, except as before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 and 5,
Wm. 4, con-
tinued (with
exceptions)

CAP. LXXXVII.

An Act to continue the Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough, to open Roads through the same.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough, to open Roads through the same, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 4, Geo. 4,
continued

CAP. LXXXVIII.

An Act to continue the Act additional, concerning Nuisances.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act additional, concerning Nuisances, and every matter, clause and thing, therein contained,

Act 5, Wm. 4,
continued

contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXIX.

An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

(Passed the 19th day of March, 1842.)

Acts 2 and 3,
Wm. 4, con-
tinued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the Third year of His said late Majesty's Reign, to continue and amend the said Act, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XC.

An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax.

(Passed the 19th day of March, 1842.)

Act 7, Geo. 4,
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCI.

An Act to continue the Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof.

(Passed the 19th day of March, 1842.)

Act 1, Vict.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

more has been... CAP. XCH. This has been...

An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act in further amendment of, and additional to, the Acts relating to Trespasses, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vict. continued

more has been... CAP. XCH. This has been...

An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.

(Passed the 19th day of March, 1842.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm. 4, continued

more has been... CAP. XCH. This has been...

more has been... CAP. XCH. This has been...

more has been... CAP. XCH. This has been...

I N D E X

TO ACTS OF THE GENERAL ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

ANNO SECUNDO VICTORIÆ REGINÆ.

1839.

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TO ACTS OF THE GENERAL ASSEMBLY
OF THE
PROVINCE OF NOVA-SCOTIA.
ANNO TERTIO VICTORIÆ REGINÆ.
1840.

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TO ACTS OF THE GENERAL ASSEMBLY
OF THE
PROVINCE OF NOVA-SCOTIA.
ANNO QUARTO VICTORIÆ REGINÆ.

1841.

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OF THE
PROVINCE OF NOVA-SCOTIA.

Anno Quinto Victoriae Reginae.

1842.

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