

Prince Edward Island Laws, statutes, etc.
Compilations

THE

ct

A C T S

OF THE

GENERAL ASSEMBLY

OF

PRINCE EDWARD ISLAND.

FROM

THE ESTABLISHMENT OF THE LEGISLATURE, IN THE THIRTEENTH YEAR OF
THE REIGN OF HIS LATE MAJESTY KING GEORGE THE THIRD, A. D. 1773,

TO

THE FOURTH YEAR OF THE REIGN OF HIS PRESENT MAJESTY KING WILLIAM
THE FOURTH, A. D. 1834,

INCLUSIVE.

WITH A COPIOUS INDEX.



CHARLOTTE-TOWN:

PRINTED BY JAMES D. HASZARD, PRINTER TO THE KING'S MOST EXCELLENT
MAJESTY.

1834.

CAN/P
202
ACT

16° *Georgii III.*—1774.

- | | |
|---|----|
| I. An Act for regulating Fees. | 13 |
| IV. An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the Twenty-fifth day of <i>July</i> , in the year of our Lord One thousand seven hundred and seventy-five, to this present Session of Assembly. | 31 |
-

20° *Georgii III.*—1780.

- | | |
|--|----|
| V. An Act for preventing the running at large of Stone Horses or Stallions, and for the killing of Partridges at improper Seasons. | 38 |
|--|----|
-

20° *Georgii III.*—1780.

- | | |
|--|----|
| I. An Act for establishing and regulating a Militia. | 41 |
| II. An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such division into execution. | 49 |
| III. An Act for the due Observance of the Lord's Day. | 52 |
| VIII. An Act appointing the Recording of all Deeds of Sale, Conveyances and Mortgages. | 55 |
| IX. An Act to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors. | 56 |
-

21° *Georgii III.*—1781.

- | | |
|--|----|
| II. An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates. | 62 |
| IV. An Act for determining Differences by Arbitration or Umpirage. | 70 |
| XI. An Act for amending and rendering perpetual several Laws near expiring. | 73 |

TITLES OF THE ACTS.

iii

- XIV. An Act to prevent disorderly riding of Horses, and driving of Carts, Trucks and Sleds, or any other Carriage whatsoever, within *Charlotte Town*. 75
- XVII. An Act for the Limitation of Actions, and for avoiding Law-suits. 76

25° *Georgii III.*—1785.

- I. An Act to explain, alter and amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled *An Act appointing the Recording of all Deeds of Sale, Conveyances and Mortgages*. 83
- IV. An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other distilled Spirituous Liquors; and for allowing a Drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquors, exported from this Island. 90
- VI. An Act for establishing the Rate of Interest 106
- VIII. An Act for admitting Depositions, *de bene esse*, of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from this Island. 109
- X. An Act for permitting Persons of the Profession of the People called Quakers to make an Affirmation instead of taking an Oath. 111

26° *Georgii III.*—1786.

- I. An Act to alter, amend and reduce into one Act, an Act made and passed in the Twenty-first year of His present Majesty's Reign, intituled *An Act for raising a Fund to make and keep in repair the Streets and Wells of Charlotte Town*. 113
- II. An Act for the Relief of Insolvent Debtors. 123
- III. An Act for preventing Abatement and Discontinuance of Suits. 132

IV. An Act for amending Defects in Pleas, Processes, and Records.	134
VII. An Act for Reformation of Jeofails and Mislreadings, and to prevent Arrests and Reversals of Judgments, and for the better advancement of Justice.	136
IX. An Act for more especially making Lands and Tenements liable for the payment of Debts; also to enable the holders of Mortgages to sell the Premises mortgaged to them more speedily and at less expence than heretofore; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled <i>An Act making Lands and Tenements liable for the payment of Debts.</i>	141
X. An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests.	149
XI. An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled <i>An Act for establishing the Times and Places of holding the Supreme Court of Judicature.</i>	151
XIII. An Act for the Trial of Actions in a Summary Way.	153
XIV. An Act to prevent the Multiplicity of Law Suits. ...	157
XV. An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown.	158

30^o Georgii III.—1790.

I. An Act ascertaining the Toll to be taken at the different Grist Mills in this Province.	171
II. An Act to establish authenticated Copies of the Records of His Majesty's Council of this Province as legal Evidence.	173
III. An Act for continuing an Act made and passed in the Twenty-sixth year of His Majesty's Reign, intituled <i>An Act to alter, amend, and reduce into one Act, an Act made and passed in the Twenty-first year of His present Majesty's Reign, intituled 'An Act for raising a Fund to make and keep in repair the Streets and Wells of Charlotte Town.'</i>	174

TITLES OF THE ACTS.

v

- IV. An Act for repealing so much of an Act, made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests*, as relates to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors. 175
- V. An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the Occupation thereof, by virtue of Locations formerly made by the Governor and Council. 176
- VI. An Act for quieting the Minds of His Majesty's Dissenting Protestant Subjects in the Island of *Saint John*. 180
- VII. An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges for the making and repairing of the Highways, Roads and Bridges of the said Island. 181
- VIII. An Act for taking Special Bail in the Country, upon Actions depending in His Majesty's Supreme Court of this Province. 184

31^o *Georgii III.*—1790.

- I. An Act for admitting persons to swear to their own Accounts in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island. 187
- II. An Act for the more speedy Assignment and Recovery of Dower. 190
- III. An Act for providing Pounds in the several Royalties in this Province. 195
- IV. An Act to prevent the unnecessary firing off Guns, and other Firc-Arms, in the Town and Suburbs of *Charlotte Town*. . 196
- V. An Act for regulating the Fees of Magistrates and Constables in certain cases, and for amending an Act made and passed in the Sixteenth year of His Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts.'* 197

- VII. An Act for compelling persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them; and for empowering the Grand Jury to nominate Fence Viewers. 198

33° Georgii III.—1792.

- I. An Act relating to Treasons and Felonies 201

35° Georgii III.—1795.

- II. An Act for confirming Titles and quieting Possessions 216
- V. An Act to prevent the running at large of Geese within the Town of *Charlotte Town*. 218
- VII. An Act to alter and amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act for establishing the Times and Places of holding the Supreme Court of Judicature.'* ... 220
- VIII. An Act to alter and amend an Act made and passed in the Twenty-sixth year of His Majesty's Reign, intituled *An Act for more especially making Lands and Tenements liable to the payment of Debts; and also to enable the holders of Mortgages to sell the Premises mortgaged to them more speedily and at less expence than heretofore; as also to repeal an Act made in the Twenty-first year of His present Majesty's Reign, intituled 'An Act making Lands and Tenements liable to the Payment of Debts.'* 221
- X. An Act for raising a Duty on Wine, Rum, and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer. 222

36° Georgii III.—1796.

- III. An Act to render valid Conveyances of Real Estates of Married Women, by them made, or to be made, during their Coverture 226

- IV. An Act to explain and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into execution.* 228
- V. An Act to prevent disorderly persons from taking and riding or using the Horses of others, without their leave or permission. 229
- VII. An Act for appointing Commissioners of Sewers. 230

39° Georgii III.—1798.

- I. An Act for altering and changing the name of this Island from *Saint John* to that of *Prince Edward Island.* 237

41° Georgii III.—1801.

- V. An Act to explain and amend the Laws of this Island, appointing and directing the Recording of Deeds of Sale, Conveyances and Mortgages. 242

43° Georgii III.—1802.

- I. An Act for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring 245
- II. An Act for repealing an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, and for the enforcing in future a due and regular payment of the Quit Rents payable to His Majesty, His Heirs and Successors. 246
- VI. An Act for the better and more effectual Establishment of the Church of *England* in this Island. 256

47^o *Georgii III.*—1806.

- III. An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign; intituled *An Act for the better Regulation of Elections*, and to regulate Elections for Members to serve in General Assembly in future. 264

48^o *Georgii III.*—1808.

- II. An Act to amend an Act made and passed in the Twenty-sixth year of His present Majesty's Reign, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown*—and to indemnify persons claiming under Deeds executed by the Deputy or Under Sheriff of this Island. 280
- III. An Act for repealing an Act intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty. 281
- VII. An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of *Charlotte Town*. 285

49^o *Georgii III.*—1809.

- I. An Act for establishing a Meridional Line, to regulate Surveyors in this Colony. 291
- IV. An Act appointing the Recording of Letters or Powers of Attorney, in such cases as are therein mentioned. 293
- IX. An Act for raising the sum of Sixteen Hundred Pounds, for the purpose of erecting Buildings, for the meeting of the General Assembly, the Supreme Court and its Offices, and other Public Offices in *Charlotte Town*, and for building two Jails, *videlicet*, one in *Prince County* and one in *King's County* in this Island. 295

50° Georgii III.—1810.

- III. An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service. 302

52° Georgii III.—1812.

- IV. An Act to alter and amend two several Acts of the General Assembly of this Island, *videlicet*, an Act intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquors exported from this Island*: and an Act intituled *An Act for raising a Duty on Wine, Rum, and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer*. 306
- VI. An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of *Charlotte Town*, and for other purposes therein mentioned. 309

57° Georgii III.—1817.

- I. An Act to continue an Act intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned*. 323
- III. An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors. 324
- IV. An Act to regulate the Admission of Barristers, Attornies and Solicitors. 327

59° Georgii III.—1818.

- II. An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof. 330

TITLES OF THE ACTS.

III. An Act to limit the duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned.	330
IV. An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.	331
V. An Act for regulating Juries, and further declaring the Qualifications of Jurors.	332
VII. An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution.	335
VIII. An Act for the better regulation of Merchant Seamen; and to repeal part of an Act passed in the Fiftieth Year of His present Majesty's Reign, intituled <i>An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service.</i> ..	337
IX. An Act for Barring Estates Tail.	340

 1^o Georgii IV.—1820.

III. An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber; and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same. ...	346
---	-----

 5^o Georgii IV.—1825.

III. An Act to amend certain parts of an Act intituled <i>An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town</i> , by the appointment of Hog Reeves.	352
IX. An Act to prevent the using or taking away Boats, Flats or Canoes, without the consent of the Owners.	355
X. An Act to prevent the destruction of Sheep by Dogs.	356

XI. An Act to regulate the Duties and Charges of Pilots within this Island.	357
XII. An Act to regulate the Fisheries of this Island.	358
XV. An Act to prevent the running at large of Sheep in the Town of Charlotte Town.	362
XVI. An Act to provide a Remedy for Injuries arising from improper burning of Woods.	363
XVII. An Act to enable the Justices of the Peace for the Counties of King's County and Prince County to commit Debtors under the Small Debt Act, and also persons charged with Criminal Offences, to the Jail in Charlotte Town.	364
XVIII. An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.	365

6^o Georgii IV.—1825.

I. An Act to render perpetual an Act made and passed in the Fifty-seventh year of the Reign of His late Majesty, intituled <i>An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors.</i>	370
IV. An Act to repeal a certain Clause of an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled <i>An Act for admitting persons to swear to their own Accounts in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island.</i>	371
IX. An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled <i>An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned.</i>	372
XII. An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled <i>An Act to empower His Excellency the Lieutenant Governor or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to issue Notes of the value of Ten Shillings each.</i>	374

8° Georgii IV.—1827.

I.	An Act for regulating Apprentices.	..	....	....	377
VI.	An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways.	..	....	....	380
VII.	An Act to continue and amend an Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled <i>An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution.</i>				382
VIII.	An Act to authorize the formation of a Fire Engine Company for the Town of <i>Charlotte Town.</i>	....	....	....	382

9° Georgii IV.—1828.

I.	An Act to revive and continue Two certain Acts therein mentioned.	..	....	....	....	387
II.	An Act for continuing several Laws near expiring.				....	388
III.	An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same.	....	....	....	....	390
VI.	An Act to render perpetual an Act intituled <i>An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.</i>	....	....	....	....	392

10° Georgii IV.—1829.

III.	An Act to amend an Act made and passed in the Ninth Year of His present Majesty's Reign, intituled <i>An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same.</i>	....			396
IV.	An Act to enable Tenants in Tail to execute Leases, and grant Terms of Years of a long Endurance.	....	....		397

- V An Act to alter and amend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for compelling persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers.* 399
- IX. An Act for the Establishment of an Academy in *Charlotte Town.* 400
- X. An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation. 403
- XI. An Act for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the Coasts of this Island, and for punishing persons who shall steal Shipwrecked Goods, and for the Relief of persons suffering loss thereby. 408

11° *Georgii IV.*—1830.

- I. An Act to continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to regulate the Duties and Charges of Pilots within this Island.* 420
- V. An Act to require Clergymen and others authorized to solemnize Marriages, to return Certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a Record of Baptisms. 421
- VII. An Act for the Relief of His Majesty's Roman Catholic Subjects. 423
- VIII. An Act to alter, amend and suspend certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled 'An Act for the better regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.* 427
- IX. An Act for the further security and recovery of Monies due to His Majesty upon Duties of Impost and Excise—and for regulating the Offices of Treasurer and Collector of Impost. 435
- XI. An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for providing Pounds in the several Royalities in this Province.* 437

- XVI. An Act to authorize a further Issue of Treasury Notes, and to continue an Act intituled *An Act to revive and continue two certain Acts therein mentioned.* 442
- XVII. An Act for raising a Fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island. 443

1° *Guilielmi IV.*—1831.

- I. An Act to repeal an Act made and passed in the Tenth Year of the Reign of the late King *George* the Fourth, intituled *An Act for the appointment of Limits and Rules for the Jail of Charlotte Town*, and to make other Provisions in lieu thereof. 451
- VI. An Act to amend an Act made and passed in the Fifth Year of His late Majesty's Reign, intituled *An Act to provide a Remedy for Injuries arising from improper Burning of Woods.* 456
- IX. An Act to authorize Justices of the Peace to enforce the attendance of Witnesses, in certain cases. 457
- XIII. An Act to discourage Litigation, by regulating the Set-off of Mutual Debts in Actions at Law. 459
- XIV. An Act to establish a Reward for the destruction of Bears and Loupcerviers. 461
- XV. An Act to authorize a further Issue of Treasury Notes. 462

2° *Guilielmi IV.*—1832.

- I. An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts. 467
- II. An Act to prevent the destruction of Oysters, by burning the same, for the purpose of converting the Shells thereof into Lime. 488
- III. An Act to enable certain persons to put their Marriages upon Record. 489

IV. An Act authorizing the removal of Nuisances from the Streets of <i>Charlotte Town</i>	490
V. An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of Summary Capias against persons about to leave this Island.	493
VI. An Act to alter and amend an Act made in the Forty-eighth Year of the Reign of His late Majesty King <i>George the Third</i> , intituled <i>An Act for repealing an Act intituled 'An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island,' and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.</i>	496
VIII. An Act to prevent the running at large of Swine within the Town and Royalty of <i>Princetown</i>	501
IX. An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.	503
X. An Act for the Relief of <i>Solomon Desbrisay</i> , a Prisoner in confinement for Debt within the Limits of the Jail of <i>Charlotte Town</i>	504
XI. An Act to prevent Tavernkeepers, Innkeepers, or other Persons, from harbouring or entertaining Soldiers at improper hours.	505
XII. An Act to require Landlords, or Claimants of Rents, to put the Titles by which they claim upon Record, in the proper Offices of Record in this Island.	506
XIII. An Act to prevent the Importation and Spreading of Infectious Diseases within this Island.	507
XIV. An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same.	520
XV. An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.	524
XVII. An Act to Incorporate the Minister and Trustees of <i>Saint James's Church</i> , in the Town of <i>Charlotte Town</i>	526
XVIII. An Act to Incorporate the Minister and Elders of <i>Saint John's Church</i> , in the District of <i>Belfast</i>	532
XIX. An Act to encourage the Settlement and Improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein.	534

XXIII. An Act to regulate the Salary of the Collector of Impost and Excise for the District of <i>Charlotte Town</i>	536
XXIV. An Act to provide Salaries for Sub-Collectors of Customs.	537
XXV. An Act to provide for the better preservation of public and private Property at <i>Georgetown</i> against Accidents by Fire.	538

3^o Guilielmi IV.—1833.

I. An Act to repeal two certain Acts therein mentioned, for the Regulation of Statute Labour.	543
II. An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.	544
III. An Act to revive and continue an Act to prevent the running at large of Sheep in the Town of <i>Charlotte Town</i>	556
IV. An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of <i>Charlotte Town</i>	556
V. An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways.	557
VI. An Act to continue an Act made and passed in the Sixth Year of the Reign of His late Majesty King <i>George</i> the Fourth, for regulating the Measurement of Ton Timber, Boards, and all other kinds of Lumber.	557
VIII. An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferrics, and to make other provisions in lieu thereof.	558
IX. An Act to explain and amend an Act passed in the Tenth Year of the Reign of His late Majesty King <i>George</i> the Fourth, intituled <i>An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation</i>	563
X. An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.	568
XI. An Act to amend an Act made and passed in the Second Year of His present Majesty's Reign, intituled <i>An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts</i> , and to repeal two other Acts herein-after mentioned.	579

XII. An Act to regulate and establish the stated Times and Places for holding the Supreme Court in <i>King's</i> and <i>Prince</i> Counties; and to constitute the <i>Michæmas</i> Term of the said Court, in <i>Queen's County</i> , a Term for the Trial of Issues, for a limited period.	581
XIII. An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.	585
XIV. An Act appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.	587
XV. An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.	589
XVII. An Act to Incorporate the Trustees of <i>Saint Andrew's College</i> , in <i>King's County</i>	590
XVIII. An Act for the Preservation and Improvement of the Herring and Alewives' Fisheries of this Island.	595
XIX. An Act to repeal an Act made and passed in the Thirty-fifth Year of the Reign of His late Majesty King <i>George</i> the Third, intituled <i>An Act for ascertaining the Standard of Weights and Measures in this Island</i> , and to make other Provisions in lieu thereof.	598
XX. An Act to enable the several Congregations of the Church of <i>England</i> in this Island to choose Church-wardens and Vestries, and for Incorporating the same; and to repeal the former Act for appointing Vestries.	602
XXI. An Act to regulate the Weight and Quality of Bread within the Town and Royalty of <i>Charlotte Town</i>	605
XXII. An Act for establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication.	611
XXIII. An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required. ..	614
XXIV. An Act appointing Commissioners to superintend the reprinting of the Laws of this Island.	616
XXVI. An Act for repealing an Act of the Thirty-fifth Year of the Reign of King <i>George</i> the Third, intituled <i>An Act for regulating Servants</i> , and for substituting other provisions in lieu thereof.	618

XXVII. An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.	621
XXIX. An Act to explain and amend an Act made and passed in the Eleventh Year of the late King, for raising a Fund by an Assessment on Land.	635
XXX. An Act for repealing certain parts of the Act intituled <i>An Act for the establishing and regulating a Militia</i> , and for substituting other provisions in lieu thereof.	637
XXXI. An Act to regulate the Salary of the Treasurer of this Island.	641
XXXII. An Act for the regulation of the Public Wharf of <i>Charlotte Town</i>	642
XXXIII. An Act to repeal the several Acts relating to Licences for retailing Strong and Spirituous Liquors, and to make other provisions in lieu thereof.	647
XXXVII. An Act to make and keep in repair the Pumps and Wells of <i>Charlotte Town</i> , and for other purposes, and to repeal a certain Act therein mentioned.	657

4^o *Guilielmi IV.*—1834.

I. An Act for the Encouragement of Education. ..	667
II. An Act for the Summary Trial of Common Assaults and Batteries.	673
III. An Act for regulating the Toll for the Manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills.	678
IV. An Act for establishing the Size and Quality of Fish Barrels and Tierces, and for regulating the Weight of Fish the same shall contain.	680
V. An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons; and to repeal the Acts formerly passed for that purpose.	682
VI. An Act relating to Costs, in Cases of Penalties recoverable before Justices of the Peace.	684

VII. An Act to enable the Supreme Court to give Costs in Cases of Certiorari.	685
IX. An Act for the Regulation of the Jails in <i>King's</i> and <i>Prince</i> Counties.	686
X. An Act for the better preventing Accidents by Fire within the Town of <i>Charlotte Town</i>	687
XI. An Act to repeal certain Acts therein mentioned.	701
XII. An Act for continuing the General Assembly, in case of the death or demise of His Majesty, His Heirs and Successors.	702
XIII. An Act to regulate the Conveyance of the Mails by a Steam Vessel, and to repeal an Act formerly passed for that purpose.	703
XIV. An Act authorizing Collectors of Impost to appoint Deputies.	705
XV. An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned.	706
XVI. An Act in further amendment of an Act passed in the Tenth year of His late Majesty's Reign, intituled <i>An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefitted thereby to contribute towards their formation.</i> ...	713
XVII. An Act to suspend for one Year a certain part of an Act passed in the Third Year of His present Majesty's Reign, authorizing a further Issue of Treasury Notes, to the amount of Five Thousand Pounds.	714
XVIII. An Act for the better Conveyance of the Mails in the Winter Season. ...	715
XXII. An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island.	719

THE
A C T S
 OF THE
GENERAL ASSEMBLY,
 &c.

At the General Assembly of His Majesty's 1773.
 Island of *Saint John*, begun and holden at
Charlotte-Town, the Seventh day of *July*,
Anno Domini 1773, in the Thirteenth
 Year of the Reign of our Sovereign Lord
 GEORGE the Third, by the Grace of
 God, of *Great Britain, France and Ireland*,
 King, Defender of the Faith:
 Being the First General Assembly convened in the
 said Island.

W. PATTERSON
 Governor.

JOHN DUPONT,
 President of
 Council.

R. STEWART,
 Speaker.

C A P. I.

An Act for confirming the past Proceedings of
 His Majesty's Governor and Council, antecedent
 to the calling of a General Assembly.

WHEREAS it has been found absolutely neces-
 sary and expedient, by His Majesty's Governor
 and Council of this Island, to make several Resolu-
 tions, Rules, Ordinances, and Regulations, for the
 good Government of said Island:

All Ordinances,
&c., by Governor
& Council, ante-
cedent to calling a
General Assem-
bly, repealed,

saving rights of
parties.

Proceedings
thereunder con-
firmed.

Be it therefore enacted, by the Governor, Council and Assembly, That all the Resolutions, Rules, Ordinances and Regulations made by His Majesty's Governor and Council, antecedent to the calling of a General Assembly within this Island, are hereby repealed and made void; saving always, to all and every person or persons whatsoever, what was and is his, her or their Rights and Benefits, which he, she or they had by the said Resolutions, Rules, Ordinances and Regulations; and also, saving harmless and indemnified all and every person or persons who hath or have acted or done any thing in consequence of or pursuance to any of them: and all Proceedings heretofore had and done in pursuance of such Resolutions, Rules, Ordinances and Regulations, and every of them, shall be, and the same are hereby ratified and confirmed, to all intents and purposes whatsoever.

CAP. II.

An Act to confirm and make valid in Law all manner of Process and Proceedings in the several Courts of Judicature within this Island, from the First day of *May*, One thousand seven hundred and sixty-nine, to this present Session of Assembly.

WHEREAS this Island has been without a complete Legislature from the commencement of the Government thereof, which took place on the First day of *May*, One thousand seven hundred and sixty-nine, unto this present Session of Assembly; during which time many and various Proceedings have been had at the several Courts of Judicature in this Island:

Be it therefore enacted, by the Governor, Council and Assembly, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments

and Decrees, of or concerning any matter or thing whatsoever which have been heretofore sued out and prosecuted to Judgment in any of the said several Courts within this Island, from and after the said First day of *May*, One thousand seven hundred and sixty-nine, to the end of this present Session of Assembly, shall be good and valid in the Law: Provided always, that this Act shall not be construed to extend to take away or rectify errors in the misusing of Process, Mispleadings, and erroneous rendering of Judgment in point of Law: but in all such cases the Parties aggrieved may have their Writ or Writs of Error upon such erroneous Judgment, in such manner as they might have done before the making of this Act.

All prior proceedings of Courts confirmed,

saving to parties Writs of Error.

CAP. III.

An Act for establishing the Times and Places of holding the Supreme Court of Judicature.

Acts which amend or alter this Act, 26 G. 3, c. 11. 35 G. 3, c. 7. 3 W. 4, c. 12.

BE it enacted, by the Governor, Council and Assembly, That His Majesty's Supreme Court of Judicature shall be holden at Two Terms in every Year; that is to say, on the Third *Tuesday* in the Month of *February*, and on the last *Tuesday* in the Month of *June*, at *Charlotte-Town*.

Supreme Court to sit two Terms in each Year.

And that all Suits, Pleas, Declarations, Bills, Indictments, Informations, Judgments and Decrees, which shall hereafter be sued out, prosecuted, rendered or given, in the said Supreme Court of Judicature, shall be good and valid in the Law, to all intents and purposes whatsoever. Provided always, that this Act shall not be construed to extend to take away or rectify errors in the misusing of Process, Mispleadings, and erroneous rendering of Judgments in point of Law: but in all such cases the Parties aggrieved shall and may have their Writ or Writs of Error upon such erroneous Judgments.

All Writs, Pleas, &c. to be valid.

Saving clause to Suitors.

New Term added by 26 G. 3, c. 11.

CAP. IV.

Repealed by 35
G. 3, c. 6.

An Act for the Publication of all the Laws within this Island, and for recording the same in the Secretary's Office; as also for transmitting the Journals of the Council and House of Assembly into the said Office, to the end that no person be ignorant of the Laws of this Island.

CAP. V.

An Act for ascertaining Damages on Protested Bills of Exchange.

BE it enacted, by the Governor, Council and Assembly, That from and after the First day of *August* in the Year of Our Lord One thousand seven hundred and seventy-three, all Bills of Exchange drawn from and after said time, by any person or persons residing within this Island, upon any person or persons in *Europe*, and which shall be protested and returned to this Island under Protest, each and every such protested Bills of Exchange shall be subject to Ten Pounds *per Centum* Damages, and Six Pounds *per Centum per Annum* Interest, over and above all charges of Protest, Postage, and other attendant expenses; the same to be calculated on such Bill or Bills from the day of the date of the Protest, up to the time of payment.

Foreign Bills of Exchange returned protested, subject to 10 per cent. damages, and 6 per cent. Interest, per annum.

II. And be it further enacted, That all Bills of Exchange drawn by any person or persons residing within this Island, from and after the expiration of said time, on any person or persons in other Colonies, and sent back protested, shall be subject to Five Pounds *per Centum* Damages, and to Six Pounds *per Centum per Annum* Interest; to be calculated

Bills drawn on other Colonies, subject to 5 per cent. damages,

with Interest.

from the day of the date of the Protest, up to the time of payment.

III. And be it further enacted, That all Bills and Orders which shall or may be drawn from and after the said First day of *August*, by any person or persons living or residing within this Island, on any person or persons also living or residing in the same, and which may be duly protested, shall be subject to Six Pounds *per Centum* Interest, to be calculated from the day of the Protest up to the time of payment.

Inland Bills, 6 per cent. Interest.

CAP. VI.

An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island.

Repealed by 48 G. 3, c. 3.

CAP. VII.

An Act for indemnifying persons who shall burn small Bushes, rotten Windfalls, decayed Leaves, and all other Brush and Rubbish, upon the Lands and in the Woods on this Island.

Repealed by 38 G. 3, c. 2.

CAP. VIII.

An Act for the more easy and effectual Trial of Criminal Offenders, also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever.

Altered by 3 W. 4, c. 12.

WHEREAS it is apprehended that the Trial of Criminal Offenders in the different Counties within this Island, where such Offences shall or may

be committed, perpetrated or done, will be, at present, attended with much inconvenience and delay, there not being in each County a sufficient number of Inhabitants to compose a qualified Jury for the Trial of such Offenders, nor for the Trials of Property, or any other Suit or Suits—Wherefore, for the more speedy and effectual Trial of such Offenders, as also Trials of Property, or any other Suit or Suits, of what nature or kind soever:

All Trials for Criminal Offences to be had and determined in *Queen's County*,

by a Jury of said County, jointly or separately from the other Counties.

Trials of Property in the same manner.

I. Be it enacted, by the Governor, Council and Assembly, That from and after the Publication hereof, all and every Treason, Felony, Breach of the Peace, or other Criminal Offence, which shall or may be committed, perpetrated or done within this Island, or the Territories thereunto adjacent, shall and may be inquired of, heard and determined, and Execution awarded thereon, according to the Laws of that part of *Great Britain* called *England*, and of this Island, not repugnant thereto, in His Majesty's Supreme Court of Judicature, at *Charlotte-Town*, in the *Queen's County*, in the like manner as if the Island consisted of one County only, by good and lawful Men of the *Queen's County* aforesaid, or from any other County within this Island, jointly and separately, in like manner and form, to all intents and purposes, as if the said Treasons, Felonies, Breaches of the Peace, or other Criminal Offences had been committed, perpetrated, or done in the *Queen's County* aforesaid, where they shall be so inquired of, heard, tried and determined as aforesaid, or within any other County in this Island; and also in like manner all and every Trial of Property, local and transitory Action, or any other Suit or Suits of what nature or kind soever, shall be conducted and had.

II. And whereas difficulties may occur in Trials of Treason, Felony, Breaches of the Peace, or other Criminal Offences; as also of all local as

well as transitory Actions, with respect to the Qualifications of Jurors summoned and returned on such Trials; for remedy whereof—Be it enacted, by the Governor, Council and Assembly, That from and after the Publication hereof, all persons, except such as by their respective Professions, Trades or Occupations, are exempted from serving on Juries by the Laws and Customs of that part of *Great Britain* called *England*, shall be, and they are hereby made liable to be summoned and returned Jurymen on all Trials of Treasons, Felonies, Breaches of the Peace, or other Criminal Offences, of what nature or kind soever they may be; as also on all Trials of Property, whether local or transitory. Provided, such person or persons at the time of being summoned, and at the time of such Trial or Trials, shall or may be liege subjects of His Majesty, and Inhabitants or Owners of Land within this Island; and all and every such person or persons so qualified as aforesaid, shall not be subject to be challenged on account of the County or Shire where he or they may respectively inhabit or reside, nor for want of Freehold or other Property; but shall nevertheless, for any other lawful cause shewn, be subject to be challenged; and if the cause of Challenge be adjudged sufficient, rejected, according to the Laws of that part of *Great Britain* called *England*, in like cases.

Description of
Persons that may
be summoned as
Jurymen.

Not to be challenged on account of their County, nor for want of Freehold.

C A P. IX.

An Act empowering His Excellency the Governor, or other Commander in Chief for the time being, to direct the making of Public Roads, and to appoint Persons to carry the same into Execution.

*Repealed by 21
G. 3, c. 5.

CAP. X.

Repealed by 25
G. 3, c. 9.

An Act prohibiting all Masters of Ships or Vessels, or any other Person, from transporting or conveying away any person or persons out of this Island, or the Territories adjacent thereto, without a Licence or Pass, except only such as are therein-after excepted. .

CAP. XI.

Repealed by 2
W. 4, c. 1.

An Act for the more easy and speedy Recovery of Small Debts.

CAP. XII.

Amended by 25
G. 3, c. 5, and 6
G. 4, c. 8—Suspended by 11 G.
4, c. 18—Repealed by 3 W. 4,
c. 33.

An Act prohibiting the Sale (by Retail) of Rum, or other Distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due Regulation of such as shall be Licensed.

CAP. XIII.

Repealed by 43
G. 3, c. 2.

An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of *Saint John*.

ANNO DECIMO QUARTO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1774.
Island of *Saint John*, begun and holden
at *Charlotte-Town*, the Fourth Day of
October, Anno Domini 1774, in the Four-
teenth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France and*
Ireland, King, Defender of the Faith:

W. PATTERSON,
Governor.

P. CALLBECK,
President of
Council.

R. STEWART,
Speaker.

Being the First Session of the Second General
Assembly convened in the said Island.

CAP. I.

An Act for Licensing and Regulating Ferries.

c

Continued by 21
G. 3, c. 11—
Amended by 9 G.
4, c. 5—Repeal-
ed by 3 W. 4, c. 8.

CAP. II.

Expired. An Act to prevent the Non-attendance of Members to serve in General Assembly.

CAP. III.

Continued by 21 G. 3, c. 11—
Amended by 57 G. 3, c. 5—Repealed by 1 G. 4, c. 3: An Act for regulating the Measure of Boards, and all other kind of Lumber; and for appointing Officers to Survey the same.

CAP. IV.

Repealed by 21 G. 3, c. 5. An Act empowering His Excellency the Governor, or other Commander-in-Chief for the time being, to direct the making of Public Roads, and to appoint Persons to carry the same into execution.

CAP. V.

Repealed by 25 G. 3, c. 4, s. 1. An Act laying an Imposition upon Retailers of Rum and other Distilled Spirituous Liquors.

CAP. VI.

Expired. An Act for the purpose of making the whole of this Island one County.

CAP. VII.

**An Act for the better Regulation of the Proceedings
of His Majesty's Supreme Court in Civil Suits,
and concerning Bail.**

Expired.

CAP. VIII.

**An Act entitling People called Quakers to certain
Privileges.**

** The Execution of this Act was suspended until approved of by His Majesty;
and no such Approbation being had, it is not printed.

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS

ANNO DECIMO SEXTO
GEORGI III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden at
Charlotte-Town, the Fourth Day of *October*,
Anno Domini 1774, in the Fourteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

1776.

P. CALLBECK,
President & Com-
mander-in-Chief.

J. R. SPENCE,
President of
Council.

And from thence continued, by Prorogation, to the
Twenty-sixth Day of *June*, 1776, and in the
Sixteenth Year of His said Majesty's Reign;
being the Second Session of the Second General
Assembly convened in the said Island.

JOHN BUDD,
Speaker.

CAP. I.

An Act for regulating Fees.

BE it enacted, by the Commander-in-Chief, Coun-
cil and Assembly, That no Officer, Clerk, or
other Person whatsoever, who is or are respectively
in any manner whatsoever entitled to receive or take

No Officer to
take greater Fees
than are by this
Act allowed.

any Fee or Fees, by virtue of this Act, nor any person or persons whatsoever acting by or under him or them, shall from and after Fourteen days next ensuing the publication hereof, either directly or indirectly, receive or take of any person or persons whatsoever any greater or other Fee or Fees for his or their respective Services than is or are herein-after expressed and allowed; that is to say—

HIS EXCELLENCY THE GOVERNOR OR
COMMANDER IN CHIEF'S FEES.

Fees of Govern-
nor or Comman-
der-in-Chief.

	STERLING.
FOR a Writ of Appeal to him in Council	£0 10 0
For the Great Seal to every Grant, not exceeding One Thousand Acres	0 10 0
For all Grants exceeding One Thousand Acres, for every Thousand Acres	0 5 0
For a Licence of Marriage, and all other Licences	0 5 0
For a Certificate under his Hand and Seal	0 10 0
For his Seal to a Register of a Vessel, or any other matter	0 5 0

PROVINCIAL SECRETARY'S FEES.

Provincial Se-
cretary's Fees.

FOR every Warrant, appointing any person to an Employment	0 5 0
Instructions of Office	0 5 0
For every Grant passing the Seal of the Island, under One Hundred Acres	0 9 0
Ditto, Ditto, above a Hundred Acres, until it comes up to Five Hundred Acres, at the rate of Three Shillings <i>per</i> Hundred Acres	
Ditto, Ditto, from Five Hundred Acres to One Thousand, at One Shilling <i>per</i> Hundred.	

From One Thousand to Two Thousand, at Sixpence <i>per</i> Hundred; and so to continue for a greater Number.			
Entering a Certificate for Land	0	1	0
Warrant of Survey	0	2	6
Recording Acts, for the first side Three Shillings, and for every after One Shil- ling, Eight Words to a Line, and Twenty-eight Lines to a side			
Commission of <i>Oyer</i> and <i>Terminer</i>	0	5	0
Every Commission for a Military Office, to be paid from the Public Revenue	0	2	6
Every Writ for electing of Assembly Men	0	6	9
For every Commission passing the Great Seal	0	9	0

PRIVATE SECRETARY'S FEES.

FOR drawing and presenting a Petition for a Town and Pasture Lot	0	2	3	Private Secre- tary's Fees.
All Licences under the Private Seal	0	5	0	

CLERK OF THE COUNCIL'S FEES.

FOR every Petition in Council	0	2	3	Clerk of Coun- cil's Fees.
For every Order in Council relating to a private person	0	3	4½	
For reading every matter in Council <i>per</i> side, relating to any private person	0	1	0	
For Copy of any matter from Council Records, <i>per</i> side	0	1	0	
For all Searches	0	1	0	

SPEAKER OF THE HOUSE OF ASSEMBLY'S
FEES.

Speaker's Fees.	FOR every private Bill	....	....	0	5	0
	For every private Enacting Clause	....	....	0	2	0
	If the Bill concerns a County or Counties	0	10	0		
	For every Warrant of Commitment or Discharge, or Witness to attend, signed by the Speaker	....	....	0	1	0

CLERK OF THE ASSEMBLY'S FEES.

Clerk of Assembly's Fees.	FOR entering every Petition	....	....	0	2	0
	For every Order	....	....	0	2	0
	For every Copy of ditto	....	....	0	2	0
	For every private Bill, the several Readings	....	....	0	3	0
	For breviating Amendments, interlocutory Orders, and other Proceedings	.....	.....	0	1	3
	For every private Enacting Clause	.....	.....	0	1	0
	For every Copy of a Motion in Committees appointed in private matters, or of Committees in public matters, taken out by any private person	....	....	0	1	0
	For every Order of Commitment, or Discharge of any Person	....	....	0	1	0
	For Copies of all Petitions or other matters out of the Journals, at the rate of One Penny for every Fifteen Words					
	For every Search in the Journals	.....	.....	0	1	0
	For engrossing Bills, at the rate of One Penny for every Ten Words					
	For every hearing at the Bar, from each side	....	....	0	1	0
	For attending Committees of the whole House, or Grand Committees on private concern	....	....	0	2	6

For preparing the Report, and transcribing	0	2	6
For reading at the Table, and interlining in the Journals	0	1	0
A Report in private matters, if long,	0	1	0
For swearing every Member	0	1	0

N. B. The Clerk to find Stationary for the above purposes.

**THE PROVOST MARSHAL OR SHERIFF'S FEES,
WHEN ACTING AS SERJEANT TO THE HOUSE OF
ASSEMBLY.**

FOR taking a Member in Custody	0	4	6	Provost Marshal or Sheriff's Fees, when acting as Serjeant at Arms.
For Travelling Charges, when ordered by the House, <i>per</i> Mile	0	0	4	

**IN THE COURT OF CHANCERY.--SUBPCENA
OFFICE.**

FOR every common Subpcena	0	1	0	Fees of Sub- pcena Office, in Court of Chan- cery.
For every special Subpcena	0	1	6	
Injunctions and all other Writs	0	1	6	
Oath taken in Court	0	1	0	
Filing any Proceedings	0	1	0	
Entering an Appearance	0	1	0	
A Docket	0	1	0	
A Caveat	0	1	6	
A Commission of Rebellion	0	4	6	
All other Writs out of Chancery	0	2	3	

REGISTER, OR CLERK OF THE COURT'S FEES.

FOR filing every Bill and Answer	0	1	0	Register or Clerk's Fees.
Copy of Papers from the Office, at the rate of One Penny for every Fifteen Words.				

Attachments, &c. each	....	....	0	2	3
Writ of Inquisition, Bond and Attendance	....	....	0	2	3
A Commission	....	....	0	2	3
Decree	....	....	0	2	3
Copy, One Penny for every Fifteen Words					
For a Dedimus	....	....	0	2	3
A Justicias	....	....	0	2	3
Money lodged in Court, <i>per</i> Pound	....		0	0	6
Entering an Order	....	....	0	1	0
Copy of Minutes of one Cause, one Day			0	1	0

IN THE SUPREME COURT.—CHIEF JUSTICE'S
FEES.

Chief Justice's Fees.	FOR taking Bail out of Court	....	0	4	6
	For allowance of Writ of Error	....	0	9	0
	Taxing every Bill of Costs, every Page		0	2	0
	For acknowledging Satisfaction of a Judgment	....	0	1	0

CLERK OF THE CROWN'S FEES.

Clerk of the Crown's Fees.	FOR drawing Indictment, if found	....	0	2	3
	Every Submission	....	0	2	3
	Every Cause continued by Traverse or otherwise	....	0	1	0
	Every Recognizance	....	0	2	0
	Discharging ditto	....	0	1	0

CLERK OF THE CROWN'S FEES ON OTHER
MATTERS.

Clerk of the Crown's Fees on other matters.	EVERY Presentment proceeded on, to be paid by the Delinquent	..	0	3	4
---	--	----	---	---	---

Crown Capias	....	....	....	0	1	0
Certificate of administering State Oaths				0	2	0

CLERK OF THE COURT'S FEES.

FOR every Writ and Seal	....	....	....	0	1	0	Clerk of the Court's Fees.
An Affidavit for Bail, if drawn by him				0	1	0	
Filing every Precept, Warrant of Attorney, Appearance, Declaration, Plea, &c. for each	...	....	....	0	1	0	
For every Rule of Court	....	....	....	0	1	0	
Entering up Judgment	.....	.....	.....	0	2	6	
Enrolling the same	.....	.....	.....	0	2	6	
Every Execution	.....	.....	.....	0	2	0	
Every Subpœna	.....	.....	.....	0	1	0	
A Writ of Error, and entering thereon				0	2	3	
Continuing a Cause to another Court				0	1	0	
Copies of all Papers, at the rate of One Penny for every Fifteen Words							
Taking Special Bail at Bar	.....	.....	.....	0	2	3	
Receiving and Filing Returns of Execution	.....	.....	.....	0	1	0	
Searching the Records	....	.....	.....	0	1	0	
Certifying the Judgment, and the Seal of the Court	...	.....	.....	0	2	3	
If above Two hundred Words, at the rate of One Penny for every Fifteen Words, over and above the Two hundred	.....	.....	.....	
For every Commitment from the Court, for Contempt or otherwise	.....	.....	.....	0	1	0	
For every Warrant to levy Fines, to be levied with the Fine	.....	.....	.....	0	1	0	
Minuting a Motion	.....	.....	.....	0	1	0	
For all Money lodged in Court, Six pence <i>per</i> Pound	.....	.....	.....	
Drawing and taking Recognizance				0	2	3	
Entering a Bond of Arbitration and							

Award, and entering up Judgment thereon, a Penny for every Fifteen Words			
For Entry of every Verdict or Non-suit	0	1	0
For making up a Record, for the Trial of an Issue, One Penny for every Fifteen Words			
Every Writ of <i>Habere Facias Possessionem</i>	0	2	0

ATTORNEYS' FEES.

Attorneys' Fees.	ISSUING of Writs for Ten Pounds		
	or under	0	1 0
	Between Ten and Twenty Pounds	0	1 6
	From Twenty Pounds upwards	0	2 3
	Drawing Affidavits of Debts	0	1 6
	Drawing Declaration	0	4 6
	Special Declarations, that are of necessity long, from the nature of the Cause, to be taxed by the direction of the Court		
	Attending the Court on Trial, and arguing the Cause	0	9 0
	On Default	0	4 6
	Special Pleas in Abatement, Bar, Demurrers, Replication and Rejoinder, each	0	2 3
	Entering an Appearance	0	1 0
	Plea to the Issue	0	1 0
	Warrant of Attorney	0	1 0
	In real Action in Ejectment, or <i>Scire Facias</i> , filing the Writ, or Summons, Declaration and Copy	0	6 0
	Service to the Tenant in Possession	0	1 0
	Preparing the Rule	0	3 0
	Affidavit of Service for the first Person	0	1 0
	If any more in the same Cause, for each ditto	0	0 6

Motion and Rule for Judgment	.....	0	2	3
The <i>Habere</i>	.....	0	2	3

PROVOST MARSHAL OR SHERIFF'S FEES.

SERVICE of a <i>Capias</i> or marked				
Writ	.....	0	2	3
Service of Execution	.....	0	2	3
For levying, paying and receiving all Monies upon Execution, to Twenty Pounds, One Shilling in the Pound; from Twenty Pounds to Fifty, Six-pence; from Fifty Pounds to One hundred, Three-pence; and all above at Two-pence				
For summoning a Jury, for every Trial where the Crown is not a Party		0	2	3
Drawing and executing a Bail Bond, for every sum under Twelve Pounds, One Shilling; between Twelve Pounds and Twenty, One Shilling and Three-pence; between Twenty Pounds and Forty, One Shilling and Six-pence; and all above, Two Shillings	.....		
<i>Habere Facias</i> , or Writ of Possession	.....	0	9	0
Speeding a Writ of Inquiry, and all Proceedings thereon	.....	0	4	6
Executing a Writ of Replevin	.....	0	2	3
Travelling <i>per</i> Mile, to be computed from the place of Service, to the Court to which the Writ of Execution shall be returned, at the most; but in no case no more Miles to be paid for than he can actually make appear that he has travelled	.....	0	0	4

Provost Marshal
or Sheriff's Fees.

PROVOST MARSHAL, OR SHERIFF'S FEES FOR PRISONERS, UNTIL THERE IS A JAIL BUILT.

EVERY Prisoner arrested upon a Civil Action, to pay for the first Night's Lodging	0	1	6
For every other Night, while in Custody	0	0	8

CORONER'S FEES.

Coroner's Fees.	FOR serving a Writ, Summons, Execution, and Travelling Charges—the same as is allowed the Provost Marshal or Sheriff			
	Taking an Inquest, to be paid out of the Estate of the deceased	0	9	0
	And if no Estate, to be paid by the Treasurer of the Island			
Jurors' Fees on an Inquest.	To the Foreman of the Jury	0	2	3
	To every other Juror	0	2	0
	To be paid by the Coroner to them, which he is to receive in the same manner as he does his own Fees.			

PETTY JURORS' FEES, IN CIVIL CAUSES.

Jurors' Fees in Civil Causes.	TO each Juror in every Cause,	0	1	0
	To Jurors on Writs of Inquiry, in every Cause	0	1	0
	Jurors on Special Juries, their Travelling Expences, &c. to be paid at the discretion of the Court.			

WITNESSES' CHARGES.

ATTENDANCE for each Cause	0	1	6	
If more than one Day, to be paid at the rate of One Shilling and Six-pence per Day				Witnesses Charges.
For Travelling Charges, Three-pence per Mile, to be computed from the place of his or her residence, to the place of Trial and back again, upon his or her making it appear that he or she attended upon that business only.				

CRYER'S FEES.

FOR calling a Jury in a Private Suit	0	1	0	
A Verdict	0	0	6	Cryer's Fees.
For every Oath sworn in Court	0	0	4	
Every Bill brought into Court, or Exhibit	0	0	4	
Every Bail taken in Court	0	0	6	
Every person who takes the Oath of Allegiance in Court	0	1	0	

CONSTABLES' FEES.

ATTENDING a Jury, for each Cause	0	1	0	Constables' Fees.
Service of a Warrant	0	1	0	
Travelling Expences, to be computed from the place where the Warrant is issued, to the place of Service, and back again; and in no case to be paid more Miles than he proves to have travelled, per mile	0	0	3	

JAILER'S FEES.

Jailer's Fees.	FOR turning the Key for every Prisoner confined on all Civil Actions	0 1 0
	For Discharge of every Prisoner	0 1 0
	For turning the Key for all Prisoners committed for Breaches of the Peace	0 2 3
	For Discharge of every such Prisoner Prisoners lying in the best Lodgings , to pay <i>per Night</i> , if found with Sheets and other Bedding , the Bed to be sheet- ed with clean Sheets once a Fortnight	0 0 4
	In case the Prisoner finds his own Bed- ding , <i>per Night</i>	0 0 2
	Prisoners lying in the worst Lodging , if found Bedding , and the Bed to be sheeted with clean Sheets once <i>per</i> Month , to be paid <i>per Night</i>	0 0 2
	In case the Prisoner finds his own Bed- ding , <i>per Night</i>	0 0 1
	In case the Prisoner chooses to have a Bed to himself in the best Lodging , to pay <i>per Night</i> , if found Bedding	0 0 6
	If the Prisoner finds his own Bedding , <i>per Night</i>	0 0 3
	Every Prisoner that goeth abroad with the Keeper , to pay <i>per Day</i>	0 1 0
	If the Keeper finds his own provisions, <i>per Day</i>	0 1 8

COURT OF THE PROBATES OF WILLS.—JUDGE'S
FEES.

Judge of Pro- bate's Fees.	FOR granting Administration and Bonds , for every sum under Ten Pounds ..	0 3 0
	For every Probate , Ten Pounds , or under	0 2 3

For granting Administration and Bond, from Ten to Twenty Pounds	0	4	6
For every Probate, from Ten to Twenty Pounds	0	3	6
For granting Administration and Bond, from Twenty to Thirty Pounds	0	5	6
For every Probate, from Twenty to Thirty Pounds	0	4	6
For granting Administration and Bond, from Thirty to Fifty Pounds	0	6	0
For every Probate, from Thirty to Fifty Pounds	0	5	0
For granting Administration and Bond, from Fifty Pounds and upwards	0	7	0
For every Probate, for Fifty Pounds and upwards	0	6	0
For every Citation	0	2	3
For every Caveat	0	1	0
For every Oath	0	1	0
Every Warrant of Appraisement	0	2	0
Examining every Exhibit	0	1	0
Letters <i>ad Colligendum</i> ,	0	9	0
Definitive Decrees upon Estates under Fifty Pounds	0	4	6
Attendance upon the same, if above one day, for every day exceeding, at <i>per</i> day	0	4	6
For allowing of Appeals, and transmitting of Papers relative to them, and for all Expences attending the same	0	4	6

REGISTER'S FEES.

FOR Registering Letters of Administra- tion, for every sum under Ten Pounds	0	2	6	Register's Fees.
FOR Registering a Will of the same sum, and Copy of ditto, at the rate of One Penny for every Twenty Words.				

For Registering all Probates, Ten Pounds, or under	....	....	0	1	6
For Registering Letters of Administration, for every sum between Ten and Twenty Pounds	....	....	0	3	0
For Registering a Will, the same Sum, and Copy of ditto, at the rate of One Penny for every Seventeen Words.					
For Registering all Probates for the same Sum	....	....	0	2	0
Letters of Administration, from Twenty to Thirty Pounds	....	....	0	3	6
A Will for the same Sum, and Copy of ditto, at the rate of One Penny for every Sixteen Words.					
A Probate for the same Sum	....	....	0	2	6
Letters of Administration, from Thirty to Fifty Pounds,	....	....	0	4	0
A Will for the same Sum, and Copy of ditto, at the rate of One Penny for every Fourteen Words.					
A Probate of the same Sum	....	....	0	3	0
Letters of Administration, from Fifty Pounds and upwards	...	....	0	5	0
A Will from Fifty Pounds and upwards, and Copy of ditto, at the rate of One Penny for every Twelve Words.					
A Probate, from Fifty Pounds and upwards	....	....	0	4	0
Definitive and Interlocutory Decrees upon Estates under Fifty Pounds			0	1	0
Ditto, for all above	....	....	0	2	0
For his Attendance in Court, <i>per Day</i>			0	2	3
For his Attendance with Records, <i>per Day</i>	...	....	0	2	3
For every Search	....	....	0	1	0
Copies of all Writings, at the rate of One Penny for every Fifteen Words.					

APPARITOR'S OR MARSHAL'S FEES.

FOR serving every Citation in Town	0	1	0	
For serving every Decree or Citation whatsoever, in the Country, Two-pence <i>per</i> Mile, for travelling Expences, reckoning from the Court to the place of Service, and back again.				Apparitor's or Marshal's Fees.
For every Sentence	0	1	0	
If his attendance for the same be more than one day, <i>per</i> Day	0	2	6	

APPRAISERS' FEES.

TO be paid when employed, at the rate of Four Shillings and Sixpence *per* Day, but not to be obliged to meet on any business under One Shilling each. Travelling Expences, Three-pence *per* Mile, to be computed from the place of their residence to where they are employed, and back again.

Appraisers' Fees.

JUSTICE OF THE PEACE'S FEES.

FOR taking an Affidavit or Examination	0	1	0	Justice of Peace's Fees.
Warrants	0	1	0	
Recognizance	0	1	0	

NOTARY PUBLIC'S FEES.

FOR noting Bills for Non-acceptance	0	1	0	Notary Public's Fees.
For every Protest	0	3	6	

For every Certificate under Seal of his Office	0	2	3
For Registering Protests, and other Writings, at the rate of One Penny for every Fifteen Words.			

SURVEYOR GENERAL'S FEES.

Surveyor General's Fees.

FOR the Survey of each Town and Pasture Lot, together	0	9	0
For Surveying of Lands, for himself, <i>per</i> Day, to be computed from the day he leaves his own House, to the day of his return, no unnecessary time to be allowed	0	10	6
One Chainman to be allowed the Surveyor, if found Provisions, to have, <i>per</i> Day	0	2	0
In case he finds himself, to have, <i>per</i> Day	0	3	0
The Employer to find the other Attendants.			
Every Search in his Office	0	1	0
Every Certificate	0	1	0
Except for the Town and Pasture Lots, for which there is to be no Charge of Certificate.			
For a Plan of every Survey under One hundred Acres	0	2	6
Every Plan between One hundred and One thousand Acres, at the rate of Three-pence <i>per</i> Hundred, and all above at the rate of One Penny <i>per</i> Hundred Acres.			
The person employing him to choose the Scale he will have the Plan drawn upon, he paying for Paper.			

For drawing every Plan of a Township,
 copied from the original Survey 0 4 6
 If done upon a larger Scale than the
 original Survey, for each 0 9 0
 Persons who employ to pay for Paper.

II. And be it further enacted, that each and every of the Officers, Clerks, and other persons before-mentioned, as also all others acting by or under him or them, who from the nature of their respective Appointments do keep, or ought to keep, a Public Office for the purpose of executing their several Trusts, shall cause to be posted up, in some conspicuous part thereof, a List drawn out in words at full length, of the several Fees appertaining to his or their Office or Offices; there to remain and to be resorted to, by all persons interested therein, or who shall or may be desirous to inspect the same.

Particular Officers to hang up in their Offices a List of their Fees.

III. And be it further enacted, That all and every the Officers, Clerks, and Persons before-mentioned, and others acting by or under him or them, except His Excellency the Governor, or other Commander-in-Chief, who shall or may in any manner enjoy any of the aforesaid Offices or Trusts, are hereby required, upon application made therefor, to give to the person so applying, as soon as the same may be conveniently done, an Account of such Fee or Fees as shall or may be charged for the aforesaid respective services; the said Account to be in words at full length, and signed by such Officer, Clerk, or other Person, or by the person or persons employed by or under him or them, if the same shall be demanded by the person so applying.

Particular Officers, if required, to give an Account of their Charges to the person applying;

IV. And be it further enacted, That all and every the said Officers, Clerks, or other Persons, and all persons acting by or under him or them, who shall refuse to give and deliver to the person applying

or forfeit Five Pounds.

therefor, such Account as is herein-before directed, shall, for each and every Offence, forfeit and pay to the party aggrieved the sum of Five Pounds.

Officers demand-
ing larger Fees
than herein limit-
ed, to be fined.

V. And be if further enacted, That if any Officer, Clerk, or other Person whatsoever, or any person or persons employed by or under him or them respectively, shall charge, demand, or take any other or greater Fee or Fees than is herein-before mentioned and allowed, he or they so offending, shall, for each and every such Offence, forfeit and pay to the party or parties from whom he or they shall have so charged, demanded, or received the same, the sum of Five Pounds, over and above the amount of the Fees which shall have been so as aforesaid illegally charged, demanded, or taken.

Penalty for of-
fences against
this Act.

Mode of reco-
very.

Limitation of
Actions.

VI. And be it further enacted, by the authority aforesaid, That each and every the person or persons before mentioned, who shall offend against this Act, or any part thereof, shall, for each and every such Offence, forfeit and pay to the party thereby aggrieved the sum of Five Pounds—to be recovered, with treble Costs of Suit, in His Majesty's Supreme Court of Judicature, where no Essoin, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed. Provided nevertheless, such Action or Suit shall be commenced within Six Months next from the time when such Offence shall or may have been committed.

CAP. II.

Repealed by 2
W. 4, c. 1.

An Act in addition to and amendment of an Act, made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. III.

An Act to prevent Trespasses upon Crown Lands. Repealed by 3
W. 4, c. 27.

CAP. IV.

An Act to confirm and make valid in Law all manner of Process and Proceedings in His Majesty's Supreme Court of Judicature of this Island, from the Twenty-fifth Day of *July*, in the Year of our Lord One thousand seven hundred and seventy-five, to this present Session of Assembly.

WHEREAS the said Supreme Court of Judicature has, from time to time, agreeable to and by virtue of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for establishing the Times and Places of holding the Supreme Court of Judicature*, sat and adjourned for the purposes therein mentioned: 13 G. 3, c. 3. And whereas the said Court, on the said Twenty-fifth day of *July*, was continued from that time, by Adjournment, to the Third *Tuesday* in *February* then next following, as prescribed by the said hereinbefore recited Act: And whereas in the Month of *November* last, the Capital of this Island was invaded by two Provincial Privateers, who, among other wanton depredations, made Prisoners of, and carried away the then and present Commander-in-Chief, the Surveyor General of the Island, and most of the Effects belonging to the former; as also several of the public, as well as his private papers, together with many of the Records of the said Supreme Court of Judicature, the Public Seal of this Island, His Majesty's Commission, and divers other necessary and valuable Papers and

Effects belonging to this Colony—by reason whereof, and more especially as, at or about that time, a Chief Justice, appointed by His Majesty to this Island, arrived therein, who, on account of the distracted state of it, occasioned as aforesaid, could not procure his Commission as directed by His Majesty's Royal Order; by means of which unfortunate events, the said Supreme Court of Judicature did not sit on the said Third *Tuesday* in *February*, for the despatch of the business thereof, agreeable to the Adjournment as prescribed in and by the said herein-before recited Act: And whereas, notwithstanding there have been many and various Proceedings had in said Court; and in order to expedite Justice, the said Court, agreeable to said Act, did sit on the last *Tuesday* (being the Twenty-fifth day) of *June* last, and proceed upon such business as was then ready, and adjourn to the Third *Tuesday* in *February* next, according to the Requisition of said Act: And whereas doubts have since arisen as to the legality of such Proceedings, on account of the said Court not having been continued over from last *February*:—Be it therefore enacted, by the Commander-in-Chief, Council and Assembly, That all Writs, Pleas, Process, Actions, Bills, Suits, Indictments, Informations, Judgments, Orders and Sentences, given or awarded of and concerning any matter or thing whatsoever, which was sued or prosecuted to Judgment, or otherwise, in the said Supreme Court of Judicature, at any time or times from and after the said Twenty-fifth day of *July*, to the end of this present Session of Assembly, and the present Adjournment of said Court, shall be deemed, construed and taken to be good and effectual in the Law, to all intents and purposes whatsoever: Provided always, that nothing herein contained shall extend, or be construed to extend, to take away such Errors in Law as shall or may have arisen upon the misusing of Process, Mispleadings, and erroneous

All Writs, Pleas, &c. saved and held good and effectual in Law.

Not to extend to take away Errors in Law, arising from misusing of Process, &c.

rendering of Judgments in the said Supreme Court; but that in all such cases, the parties aggrieved may have their Writ of Error upon such erroneous Judgments, any thing herein contained to the contrary in any wise notwithstanding.

Parties aggrieved
may have Writ of
Error.

CAP. V.

An Act in addition to and amendment of Two Acts made and passed in the Thirteenth and Fourteenth Years of His present Majesty's Reign, severally entitled *An Act empowering His Excellency the Governor, or other Commander in Chief for the time being, to direct the making of Public Roads, and to appoint Persons to carry the same into execution.*

Repealed by 21
G. 3, c. 5.

CAP. VI.

An Act for continuing sundry Laws that are near expiring. Expired.

ANNO DECIMO NONO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1779.
Island of *Saint John*, begun and holden at
Charlotte-Town, the Eighth Day of *October*, T. DESBRISAY,
Anno Domini 1779, in the Nineteenth Lieut. Governor.
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of P. STEWART,
God, of *Great Britain, France and Ireland*, President of
King, Defender of the Faith: Council.

D. HIGGINS,
Speaker.

Being the First Session of the Third General
Assembly convened in the said Island.

CAP. I.

An Act for continuing sundry Laws that are near Expiring.
expiring.

CAP. II.

Repealed by 25
G. 3, c. 4, s. 1.

An Act for imposing a Duty of Four Pence *per* Gallon on Rum, and other Spirituous Liquors, and for regulating the conduct of Tavern-keepers, and for altering and amending an Act made and passed in the Fourteenth Year of His present Majesty's Reign, imposing a Duty on Retailers of Rum and other Distilled Spirituous Liquors.

CAP. III.

Expired.

An Act for regulating Weights and Measures, and the conduct of Store-keepers.

ANNO VICESIMO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1780.
Island of *Saint John*, begun and holden
at *Charlotte-Town*, the Eighth Day of
October, Anno Domini 1779, in the Nine-
teenth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

W. PATTERSON
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by Prorogation, to the
Thirteenth Day of *March, 1780*, and in the
Twentieth Year of His said Majesty's Reign;
being the Second Session of the Third General
Assembly convened in the said Island.

C A P. I.

An Act to prevent forestalling the Market.

Expired.

C A P. II.

Expired.

An Act to explain and amend an Act of the Fourteenth Year of His present Majesty's Reign, intituled *An Act laying an Imposition upon Retailers of Rum and other Distilled Spirituous Liquors.*

C A P. III.

Expired.

An Act empowering the Justices of the Peace for this Island to inquire into and regulate the Prices of all sorts of Provisions, and the Rates of Entertainment in Public Houses, or Inns.

C A P. IV.

Made perpetual by 21 G. 3, c. 11.
Disallowed by His Majesty, 29th June, 1781.

An Act ascertaining the Privileges of the Members of the General Assembly, their Servants, and the mode of general and partial Elections, &c.

C A P. V.

Amended and made perpetual by 21 G. 3, c. 11.

An Act for preventing the running at large of Stone-Horses or Stallions, and for the killing of Partridges at improper Seasons.

WHEREAS the improving the Breed of Horses is of great importance to this Island; and as the same has been degenerating for some time past, occasioned by the general and uninterrupted custom of allowing Stone-Horses or Stallions, exceeding one

Year old, to roam about at large:—For remedy whereof,

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, no Stone-Horses or Stallions, exceeding one Year old, shall be allowed to roam at large between the Fifteenth day of *March* and the First day of *November* in each and every Year, under the Penalty of Twenty Shillings for each Offence.

Penalty of 20s. for Stone-Horses above one Year old, being at large between 15th March and 1st November.

II. And be it further enacted, That it shall and may be lawful for any Inhabitant of this Island, who may find any Stone-Horse or Stone-Horses, Stallion or Stallions, exceeding one Year old, roaming at large, within the time above limited, to impound or confine the same: and as soon as the Proprietor or Proprietors of such Stone-Horse or Stone-Horses, Stallion or Stallions, can be conveniently notified of such Impounding or Confinement, the person or persons so impounding or confining, is or are hereby required to give such notice to him or them respectively: and if the said Proprietor or Proprietors do not thereupon, as soon as may be, take away all such Horses or Stallions, that then and in such case, the person or persons who shall or may impound or confine the same shall have full remedy, by applying to any one of His Majesty's Justices of the Peace in this Island, who is hereby empowered, upon proof being made to his satisfaction of the said Offence, to grant a Warrant to levy by Distress and Sale made of the Goods and Chattels of the Proprietor of such Horse or Stallion, to the amount, in Money, of the above-mentioned Penalty, and also such Damages as may have been sustained, with Costs of Suit; one half of the said Penalty to be paid to the Informer or Prosecutor, and the other half to be applied to the use of His Majesty's Government in this Island.

If found at large, may be impounded.

Persons impounding, to give Notice thereof.

Owners of Horses neglecting, after Notice, to take them away, how to be proceeded against.

Application of Penalty.

III. And whereas the killing of Partridges in the pairing and hatching Season, and before they can fly, has greatly reduced the Breed of that useful Bird, and endangers a total loss of the same: to prevent which—Be it enacted, by the authority aforesaid, that from and after the publication hereof, no person or persons whatever shall presume to shoot, kill, or destroy any Partridge or Partridges, between the First day of *April* and the First day of *August* in each and every Year, under the Penalty of forfeiting the sum of Ten Shillings for each Partridge so shot or killed.

Partridges not to be killed between 1st April and 1st August, under a penalty of 10s. Extended to 1st September by 21 G. 3, c. 11.

IV. And be it further enacted, That any One of His Majesty's Justices of the Peace is hereby empowered and required, upon proof being made to his or their satisfaction, of such shooting or killing any Partridge or Partridges, to issue his or their Warrant or Warrants, for the levying, by Distress and Sale of the Goods of such Offender or Offenders, to the amount of said Penalties, with Costs of Suit; one half of which Penalties to be paid to the Informer, and the other half to be applied to and for the use of His Majesty's said Government.

Penalties, how recovered and applied.

V. And it is hereby declared, That this Act shall continue and be in force for the space of Three Years next after the publication hereof, and to the end of the then next Session of the General Assembly of the Island, and no longer.

Continuance of Act.

CAP. VI.

An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of *Charlotte-Town*.

Continued by 21 G. 3, c. 11—Repealed by 3 W. 4, c. 27.

ANNO VICESIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Saint John*, begun and holden
at *Charlotte-Town*, the Eighth Day of
October, Anno Domini 1779, in the Nine-
teenth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

1780.

W. PATTERSON,
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by several Prorogations,
to the Third Day of *July*, 1780, and in the
Twentieth Year of His said Majesty's Reign;
being the Third Session of the Third General
Assembly convened in the said Island.

C A P. I.

An Act for the establishing and regulating a Militia.

WHEREAS the security and preservation of
this Island at all times, and especially during
the continuance of the present War and unhappy
Rebellion, greatly depends upon a Militia being
established and embodied, as soon as possible, under

such Regulations as may make the same most useful for the support and defence thereof; and that the Inhabitants should be well armed, and properly trained up in the Art Military, as well for the Honor and Service of His Most Sacred Majesty, and the security of this his Island, against any hostile Attack or Invasion whatsoever, as for the preservation of their own Lives and Fortunes; and that every person may know his duty herein, and be obliged to perform the same:

Persons liable to serve in the Militia.

I. Be it enacted, by the Governor, Council and Assembly, That from and after One Month next from the publication hereof, all Male Persons, Planters and Inhabitants, and their Servants, between the Ages of Sixteen and Sixty, residing in, and belonging to this Island, shall bear Arms, and duly attend all Musters and Military Exercises of the respective Companies in which they shall or may be enrolled or belong.

This clause altered by 3 W. 4; c. 30, s. 7.

Persons enrolled in a Company, to do duty therein until orderly dismissed.

III. That every person enrolled in any Company, shall so continue and attend all duty therein, or suffer the Penalty by Law provided, until orderly dismissed, or removed out of the Town or Precinct of such Company; and in case of removal into the Precinct of another Company, to produce a Certificate under the hand of the Captain, or Chief Officer of the Precinct whereunto he is removed, that he is enrolled there.

In case of removal into another Precinct, to produce Certificate.

Persons liable, who attempt to evade Service, to be fined 10s.

IV. If any person, liable to be enrolled as aforesaid, do attempt to exempt himself from such service, by shifting from house to house, or place to place, with intent to avoid his being so enrolled, he shall pay, as a Fine for every such offence, to the use of the Company to which he properly belongs, Ten Shillings, on being thereof convicted before any of His Majesty's Justices of the Peace for this Island.

Mode of Recovery.

VII. That the Commissioned Officers of any Company, or the major part of them, may order the correcting and punishing disorders and contempt committed while on duty; the said Punishment not being greater than Commitment for a time not exceeding Forty-eight hours, or the payment of Five Shillings as a Fine.

Officers of Companies to punish disorders, by Commitment or Fine.

VIII. That there be Military Watches appointed and kept at such times, in such places, in such numbers and under such Regulations, as the Governor or Commander in Chief of this Island for the time being shall appoint; and that all persons able of body, and who are of age, shall themselves, or by some proper person in their stead, to the satisfaction of the Commanding Officer of the Watch, attend the same, on Penalty of forfeiting Five Shillings for each neglect, there having been due warning previously given.

Military Watches may be appointed by the Governor, &c.

All persons of age to attend the same on penalty of 5s.

IX. Every enrolled Militia-man, or other person liable by Law, refusing or neglecting to attend Military Exercises on training days, or to perform Military Watches, and who shall not pay, nor have any Estate to be found whereon to levy the aforesaid Fine, shall and may be subject to the power of the Captain or Chief Officer of such Company, and he is hereby empowered, on the next training day after such neglect, (he not having satisfied the Clerk) to punish him for such Offence, by Commitment, not to exceed Five Days: And if such Delinquent shall absent himself the second day, without making sufficient excuse to the Chief Officer for such his absence, the Captain or Chief Officer of the Company may thereupon direct a Warrant to any of the Constables of this Island, requiring him to apprehend such Delinquent, and to bring him to the Field, there to be punished as by this Act is permitted and

Persons neglecting to attend Military Exercises, &c. and who shall not pay the above Fine, liable to

Commitment for Five Days.

Persons absent the second day, Captain may issue a Warrant for their apprehension;

Constables required to execute the same.

directed—and all Constables are hereby required to execute such Warrants accordingly.

Officers empowered to appoint and displace Serjeants and Corporals.

XII. That the Captain and Commissioned Officers of each Company shall, and they are hereby fully empowered to nominate and appoint proper persons to serve as Serjeants and Corporals in their respective Companies, and to displace them and appoint others in their room, as they shall or may see occasion.

Persons so appointed, and who refuse to serve, subject to a Fine of 40s.

XIII. That all persons who shall or may be so nominated and appointed to serve as Serjeants or Corporals, and who shall refuse to serve in such capacity, shall be subject to pay a Fine of Two Pounds; and thereupon others shall be chosen or appointed in their room, and so on, until proper persons are nominated who shall accept of their Appointment.

Serjeants and Corporals who neglect their duty, &c. shall forfeit for each offence 10s. or be committed for 24 hours.

XIV. And be it further enacted, That if any Serjeant or Corporal appointed as aforesaid shall be guilty of any neglect of duty, or be drunk or disorderly while on duty, he shall forfeit and pay, for each and every offence, the sum of Ten Shillings, or be committed for Twenty-four hours:—which Fines shall or may be recovered and applied in the same manner as is herein-after directed for a person refusing to serve as Clerk.

Manner of recovery and application.

Persons attending Musters shall be exempted from all Arrests in civil Causes while there, and in going to or coming from the place of Muster.

XVI. And be it further enacted, That all persons who shall attend at places of Muster, in order to be trained and instructed in Military Discipline, shall be, and they are hereby declared to be, exempted and freed from all Arrests in civil Causes, as well while going to such place of Muster, as while they may be there, or coming from thence, during the space of Twenty-four hours—the same to be allowed for the time and continuance of such Muster.

Person appointed Clerk of any

XVII. That such person as by the Commissioned Officers of any Company may be appointed Clerk,

and refuses to serve in that capacity, shall pay Forty Shillings Fine, and another be chosen in his room, and so on, till one do accept or consent to execute that duty; and which person so accepting or consenting, shall be under Oath for the faithful discharge of his duty in said Office—the same to be administered unto him by a Justice of the Peace of the County, in words following, viz.

Company, and who refuses to serve, shall pay 40s. Fine.

Persons serving shall be sworn.

‘ YOU do swear truly to perform the Office of Clerk of the Militia Company, under the command of *A. B.* Captain, to the utmost of your skill and power, in all things appertaining to your Office, according to Law. So help you God.’

Form of Oath.

And for every Distress made for any Fine not exceeding Forty Shillings, the said Clerk shall have one quarter part thereof for his pains and trouble; and for the levying and recovering such Fines, he may make Distress for, *ex Officio*—the said Distress to be made subject to such Rules as the Law hath provided in other cases; and after Ten days’ notice for that purpose, he shall pay the Captain or Chief Officer all such Fines as he shall or may have received, his own part being deducted therefrom.

Clerk’s Allowance for levying Fines.

Overplus of all Fines received by him to be paid to the Captain.

XVIII. The Chief Officer of the Regiment, as often as he may see cause so to do, shall require the Captain or Chief Officer of each Company in his Regiment to meet at such time and place as he shall or may appoint, and there to confer with them, and to give in charge such orders, as shall by them, or the major part of them, be judged meet, for the better ordering and settling their several Companies, and for the more effectually promoting military discipline amongst them: And the said Chief Officer is hereby empowered, by virtue of his Warrant, directed to any Clerk or Officer of his Regiment, to summon, or cause to be brought before him, any Offender

Chief Officers of Regiments may require Captains of Companies to meet and confer.

Chief Officer empowered to try and punish Offenders against this Act.

against this Act, and, according to Law, to hear and determine all matters proper for their cognizance, and to give Sentence, and to award Mittimus, or Warrant of Distress, to the Clerk of the Company where the Offence shall or may be committed—for executing which Warrant, if for levying above Forty Shillings, he shall have Ten Shillings out of the same, for his pains and trouble therein, and no more.

Allowance to Clerks for executing Warrants.

No Clerk to make Distress, *ex Officio*, for any Fines until six days after Offence is committed.

Clerk neglecting to account for Fines, &c. how punished.

XIX. That no Clerk, *ex Officio*, make Distress for any Fine until Six days next after the Offence shall have been committed, in order that the party may have opportunity to make excuse, if any he hath, why he should not pay the Fine: And all such Clerks neglecting or refusing to account, or make payment, as by this Act is required, shall be subject to Distress to the full amount of what they ought to have collected, by virtue of a Warrant from the Chief Officer of the Company, directed to any Constable.

Alarm how to be made at Charlotte-Town.

XXI. That any Alarm which may be given or made at *Patterson's Battery*, in *Charlotte-Town*, upon such occasions as are agreeable to Instructions to be given by the Governor or Commander in Chief for the time being, to the Officer commanding at the said Battery, shall be by setting on fire or lighting a Beacon at the summit of the Hill of *Queen's Street*, or at such other place as the Governor or Commander in Chief for the time being shall or may hereafter appoint for that purpose, and by firing two Guns distinctly at the said Battery, or at such other place or places as the Governor or Commander in Chief for the time being shall or may appoint for the aforesaid purpose; as also by firing two Guns in like manner at the *Tartar's Wharf*, the same to be so fired at the space of Five Minutes after the firing the aforesaid Guns at the Battery, or at such other place as may be appointed as aforesaid; and thereupon all the

Trained Officers, Soldiers, and other persons able to bear Arms, who shall or may be then resident in the said Town, or the Suburbs thereof (in case of such Alarm), shall forthwith appear complete with their Arms and Ammunition, according to the directions of this Act, at such place or places of Rendezvous as may from time to time be appointed by the Governor or Commander in Chief for the time being; there to attend such commands and orders as shall or may be given for His Majesty's service, on Penalty of forfeiting the sum of Five Pounds, or suffering Three Months' Imprisonment. And the Members of His Majesty's Council, Justices of Peace, and Provost Marshal, are hereby required to attend upon the Governor or Commander in Chief, if he or they should be then at *Charlotte-Town*—but if he or they should happen, in case of such emergency, to be at any other place or places in this Island, then to appear there, and advise with the chief Military Officers of such place or places where such Alarm may be made, and to be assisting in His Majesty's service, according to their quality and rank.—And all persons wilfully making false Alarms shall be fined to His Majesty in the sum of Fifty Pounds, for the support of His Government, or suffer Twelve Months' Imprisonment.—And all Alarms which shall or may be made in other parts of this Island, shall be made according to the Instructions given by the Governor or Commander in Chief for the time being to the Officers commanding there.

Penalty for not appearing upon Alarm.

Duty of Members of Council, Justices, &c. on such occasions.

Penalty of £50, or 12 Months imprisonment for making false Alarms.

Alarms how to be made at other parts of the Island.

XXII. And be it further enacted, That every person who shall, in pursuance of this Act, adventure himself as a Militia-man in the defence of this Island, upon any Invasion, and shall, while in such service, happen to be maimed, or receive any hurt, so as to be rendered incapable of getting a livelihood; that then such person or persons shall, according to the degree of his or their disability, receive a yearly Pension or

Allowance to Militia-men who may be wounded in defence of the Island, in case of Invasion.

Allowance to the Widows and Children of such as may be slain.

Allowance, the same to be paid out of the Public Moneys of this Island; and if slain, then his or their Widow or Widows, during the time of her or their Widowhood, and his and their Children, shall have a competent Allowance, to be paid yearly out of the said Public Moneys—each and every such Pension or Allowance to be estimated and fixed by the Governor or Commander in Chief, by and with the consent and advice of His Majesty's Council.

No guns to be fired, nor drums beat after sunset, under a penalty of 40s.

Mode of Recovery.

XXIII. And for the better preventing false Alarms—Be it further enacted, by the authority aforesaid, That no Captain, Master or Commander of any Ship or Vessel, riding at anchor, or being within the Harbour of *Charlotte-Town*, or any other person or persons whatsoever, either afloat or on shore, within the Town or Suburbs of *Charlotte-Town*, &c. or at places within Twenty Miles therefrom, shall presume to fire any Guns or small Arms, or beat any Drum, after sunset, unless on some lawful occasion, under the Penalty of forfeiting Forty Shillings for every Gun or small Arm so fired or Drum so beaten—the same to be levied by Warrant of Distress from any of His Majesty's Justices of the Peace in this Island, and Sale of the Offender's Goods; and for want of sufficient Distress, then to commit such Offender or Offenders to Jail, there to remain until Payment shall have been made of such Fine or Fines.

Not to extend to His Majesty's Ships or Troops.

XXIV. Provided always, That this last mentioned Clause shall not be construed to extend to any Captain or other Officer of any of His Majesty's Ships of War, for their firing at setting the Watch, nor to any of His Majesty's Troops on shore or on board, in the due execution of their duty.

Persons exempted from training

XXV. That all persons exempted by this Act from Training, shall, notwithstanding such exemption,

be provided with Arms and Ammunition complete, or suffer the same Penalty as those that are obliged to train.

shall, notwithstanding, provide Arms, &c.

XXVI. Provided, that no person or persons whatsoever shall be sued, prosecuted, nor his Goods and Chattels be liable to seizure, by virtue of any preceding Clause in this Act, except within the space of Three Months next after the committing the respective offences therein mentioned.

Time limited for Recovery of Penalties.

XXVII. And whereas the situation of many of the Settlers of this place cannot bear the expence of purchasing Fire Arms and Ammunition—Be it therefore further enacted, That notwithstanding the Regulations relative thereto as contained in the preceding part of this Act, no person shall be subject to any Penalty or Forfeiture on that account; but that, as soon as the Governor or Commander in Chief for the time being shall have provided the Fire Arms and Ammunition, the several enrolled Militia-men, also those who shall or may receive the same, shall thereupon be, and they are hereby declared to be, subject to the Regulations above mentioned, with respect to their keeping their Arms, &c. in good order, and always fit for service.

Persons not to be liable to any Penalty for want of Arms; but when provided with Arms, &c. to be subject to the Regulations contained in this Act.

* * Several Sections of the above Act, having been repealed by 3 W. 4, c. 30, are not herein inserted.

CAP. II.

An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into execution.

Amended by 36 G. 3, c. 4.

WHEREAS many of the Proprietors of certain Half, Third, and Fourth Parts of Lots or Townships of Land, belonging to this Government,

H

Proprietors of Land resident in the Island, desirous of dividing Lands held in common with non-resident Proprietors, to apply to Governor and Council, who are to appoint an Agent for the absent Proprietors, who shall be sworn.

A qualified Surveyor, with the assistance of 3 Landholders, shall make an equal division.

Draft of Division to be reported and Lots drawn for.

have never been in the Island, nor appointed Agents or Attorneys to manage their respective affairs there; whereby the Settlement and Improvement of the Parts or Shares of such Proprietors as do reside and live in the Island, or in their occasional absence, have committed the management of their affairs to Attorneys or Agents, have been delayed and impeded, to the general prejudice and injury of the said Island: For remedy whereof, Be it enacted, by the Governor, Council and Assembly, That when and so often as any of the Proprietors of such Land shall be desirous of having a Division or Partition of the same, in order that such Proprietors may know their own Lands with certainty, and thereby be enabled to proceed with effect in the Settlement and Cultivation thereof, any of the said Proprietors, or their Attorneys, may apply to the Governor or Commander in Chief for the time being, and to His Majesty's Council, who are hereby empowered and required to appoint some fit person to act as Agent or Attorney for the absent Proprietor or Proprietors; and after administering to such Agent or Attorney an Oath for the faithful discharge of the Trust reposed in him by the said Appointment, shall thereupon appoint the Surveyor General, or some other well qualified person, to make an exact Survey of such Lands or Lots, and by and with the advice of Three judicious Landholders or Farmers (one of whom to be elected by each of the Parties, and the other to be appointed by the Governor and His Majesty's Council) to divide and lay out the said Lands in equal parts, and ascertain, by distinct and permanent Marks, Metes, or Boundaries, the Line or Lines of Division of the different Shares; and that as soon as the same shall or may be done, the person or persons claiming or suing for such Division, and the Attorney or Agent appointed in manner aforesaid, are to report a Draft or Survey of said Division, and to draw Lots in the

presence of the Governor or Commander in Chief, and His Majesty's Council, for the said Division, and the respective Shares or Divisions, to which each of the parties may have right in consequence of such Draft, shall be attested by the said Governor and Council, in writing; and the written Certificate thereof shall be immediately recorded in the Register's Office, in a Book to be kept by him for that purpose, and shall be held as authentic and unalterable, and received and allowed in Evidence on any Trial against the party interested in the said Lands for ever thereafter.

in presence of the Governor and Council, who are to certify the same.

Certificate thereof to be registered, and shall be held unalterable against parties interested.

II. And be it further enacted, That the Proprietor or his Agent claiming a Division in manner aforesaid, shall be obliged to defray all Expences incurred thereby; but at the conclusion thereof he may, and he is hereby empowered, to lay an Account of the Expence incurred by him before the Governor and Council: and upon their examining and certifying their approbation thereof, the said party shall be considered as a real Creditor upon the Estate or Property of the absent Proprietor or Proprietors, to the amount of one half of said Account; which Moiety shall bear Interest in his favour from and after the date of the said Attestation, at the rate of Six per Centum per Annum, till paid: and unless the same shall have been paid within the space of Three Years, that then, upon application to the Supreme Court, the Chief Justice thereof is hereby empowered and required to grant a Warrant to the Provost Marshal, or to his Deputy, to expose to Public Sale (Advertisements being duly posted up for Thirty days previous thereto, in all the usual places, notifying the time and place thereof), so much of the Lands of the absent Proprietor or Proprietors as will satisfy and pay the one half of the said Account of the Expences so as aforesaid incurred and approved of, as well in obtaining the said Division, as for the Expences and Charges

Party claiming Division, to defray all Expences incurred thereby; but to be afterwards reimbursed one-half the amount.

Remedy, if not paid within 3 years.

Persons who reside, or have resident Agents, and hold Lands in common, may be compelled by Writ of Partition to divide the same.

Persons who reside, or have resident Agents, and hold Lands in common, may be compelled by Writ of Partition to divide the same.

incurred in the Application hereby appointed to be made to the Supreme Court, and the Sale in consequence thereof.

III. And it is hereby enacted, by the authority aforesaid, That all persons holding their Lands in common, and who either reside themselves, or have Attorneys in this Island, may be compelled, by Writ of Partition, to divide the same in the manner directed by Statute 8th and 9th *William the Third*, Chapter the Thirty-first.

CAP. III.

An Act for the due Observance of the Lord's Day.

WHEREAS the due Observance of the Lord's Day in this Island has been hitherto much neglected, and many abuses of the same have been committed, to the manifest prejudice and dishonour of Religion, and the shameful violation of public decorum and good order:

I. Be it therefore enacted, by the Governor, Council and Assembly, in order that all persons may be restrained from such indecent and irregular conduct in future, and may be prompted to apply themselves to the rational duties of Religion and true Piety, both publicly and privately, no Tradesman, Storekeeper, or any other person or persons whatsoever, shall hereafter open, or cause or suffer to be opened, his, her, or their Shop or Store-house, or, either by himself or herself, or by his or her Servant or Servants, Child or Children, sell, expose, or offer to sale, upon any Bulk, Stall or Shed, or send or carry out any manner of Goods or Merchandize on the Lord's Day, or any part thereof. Provided

No person shall open shop, &c. nor sell or send out any Goods on the Lord's Day.

nevertheless, that this Act shall not extend to prohibit any persons from selling or exposing to sale Milk and Fresh Fish, before the hour of Nine o'clock in the Morning, and after Five of the clock in the Afternoon of the said Day.

Milk and Fresh Fish may be sold before 9 a. m. and after 5 p. m.

II. And be it further enacted, by the authority aforesaid, That no Truckman, Driver of Carts, Labourer, or other person whatsoever, shall hereafter do or perform any Labour, Work or Business appertaining to his or their respective ordinary callings or professions, or other worldly Labour, or suffer the same to be done by his, her, or their Child or Children, Servant or Servants, either by Land or by Water (Works of necessity and charity only excepted), or practise, or suffer to be practised, any Sport, Fowling, Fishing, Game, Play or Pastime whatsoever, in any of the County Towns, or other Parts or Places wheresoever within this Island, on the Lord's Day, or any part thereof, upon pain that every person so offending, upon conviction thereof by the Oath of one credible Witness, before any of His Majesty's Justices of the Peace in this Island, or upon view of such Justice, shall for every such offence, forfeit and pay the sum of Ten Shillings; the same to be levied, in case of Non-payment, by Warrant of Distress and Sale made of the Offender's Goods—All Fines and Penalties incurred by this Act to be applied to the use of the Poor, and disposed of at the discretion of the Justice or Justices before whom the Offenders shall or may be convicted; the said Justice or Justices to keep a Record of the Fines levied and disposed of by them.

No Labour or Business to be performed,

nor any Sport or Pastime practised.

Penalty of 10s. for each offence.

How to be recorded and applied.

Justices to keep a Record of Fines.

CAP. IV.

Repealed by 3
W. 4, c. 27.

An Act to prevent the cutting of Pine or other
Trees without Permission of the Proprietor,
and to prevent the cutting down and destroying
of Fences.

CAP. V.

Amended by 21
G. 3, c. 1—Re-
pealed by 4 W.
4, c. 11.

An Act to regulate the Salmon, Salmon Trout,
and Eel Fishery.

CAP. VI.

Passed with a
suspending clause
and not approved
of by His Majesty.

An Act for altering the Name of this Island from
Saint John to that of *New Ireland*.

CAP. VII.

Disallowed by
His Majesty in
Council.

An Act directing the Proceedings against forcible
Entry and Detainer.

CAP. VIII.

An Act appointing the Recording of all Deeds of Sale, Conveyances and Mortgages.

Acts which amend or alter this Act:
25 G. 3, c. 1.
41 G. 3, c. 5.
49 G. 3, c. 4.

FOR the prevention of clandestine and uncertain Sales of Houses, Lands and Tenements within this Island, and to the intent that it may be the better known what Right or Title persons really and truly have in or to such Estates as they may offer for sale—Be it enacted, by the Governor, Council and Assembly, That from and after the publication hereof, all Deeds, Conveyances, or Mortgages of Houses, Lands and Tenements within this Island, shall be recorded at full length in the Register's Office within Forty Days next after their respective Dates, if executed on this Island between the First day of *May* and the First day of *November*, and within Eighty Days if there executed between the First day of *November* and the First day of *May*; and if executed in *Great Britain* or *Ireland*, then the said original Deeds, Conveyances or Mortgages, or duly attested Copies thereof, shall or may be recorded as aforesaid, within the space of Two Years from their respective Dates.

Deeds, &c. executed in the Island, when to be recorded.

If executed in *Great Britain* or *Ireland*, when to be recorded.

II. And be it further enacted, That from and after the Expiration of the said Forty Days, Eighty Days, or Two Years, in the respective events above mentioned of such Grants, Deeds, Conveyances, or Mortgages being executed on the Island, or in *Great Britain* or *Ireland*, the same, if not recorded as aforesaid, shall be of no force or effect in Law against any *bona fide* Purchaser who shall have complied with the Terms of this Act, or against any other person or

Deeds, &c. if not recorded within the time limited, to be of no force against any *bona fide* purchasers.

persons whatsoever, except the Grantor or Grantees, and his or their Heirs.

* * This Act, and the Acts in addition to and amendment thereof, have been repealed and re-enacted, with various amendments, by 3 W. 4, c. 10

CAP. IX.

An Act to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.

Goods and Estate of absconding Debtors may be attached, and

BE it enacted, by the Governor, Council and Assembly, That it shall and may be lawful for any person entitled to any Action for any Debts, Dues or Demands whatsoever, against any person absconding or being absent out of this Island, to cause the Goods and Estate of such absent or absconding person to be attached, in whose hands or possession, or under whose management soever the same are or may be found; and the attaching any part thereof, shall secure and make the whole that is in such person's hands, or under his management, liable in Law to the Judgment to be recovered upon such Process, and shall be subject to be taken in Execution for satisfaction thereof, or so far as the value thereof may extend; and the person in whose hands they are, shall expose and discover them accordingly, upon request made for that purpose.

subjected to Execution.

Agent of an absconding Debtor to be summoned to Court.

II. And be it further enacted, That where no Goods, Lands, Houses or Effects of such absent or absconding person, in the hands or under the management of his Agent, Factor, Attorney or Trustee, shall be exposed to view, or can be come at, so as to be attached, it shall and may be lawful to and for any person entitled to any such Action as aforesaid, to file a Declaration

against such absent or absconding person, in the Office of the Clerk of the Supreme Court of Judicature, therein setting forth particularly his Debt and Damage, and how they may have arisen; and also to cause the Attorney, Factor, Agent or Trustee of such absent or absconding person to be served with a Summons out of the said Clerk's Office, being annexed to the Declaration Fourteen days previous to the sitting of the said Supreme Court; which being duly served, and Return duly made thereof, under the hand of the Provost Marshal, or any of his Deputies, shall be sufficient in Law to bring forward a Trial, without other or further Summons, unless the Principal be an Inhabitant, or hath for some time had his residence within this Island; in which case, a like Summons, with an attested Copy of the Declaration thereto annexed, shall also be left at his Dwelling House, Lodging, or Place of his last and usual abode, Fourteen days before the sitting of the Court: and such Attorney, Factor, Agent, or Trustee, upon his desire, shall be admitted to defend the Suit, on behalf of his Principal, throughout the Course of the Law, and an Imparlance shall be granted Two Terms successively, that he may have an opportunity to notify his Principal thereof; and at the Third Term, without special matter alleged and allowed in Bar, Abatement, or further Continuance, the Cause shall peremptorily come to Trial; and if Judgment shall have been rendered for the Plaintiff, then all the Goods, Effects, Credits, and Estate of any kind whatsoever of such absent or absconding person, in the hands of such Attorney, Factor, Agent or Trustee, or under his care or management, which were in his hands, or under his management and direction, at the time of his being served with the Summons and Declaration aforesaid, to the amount of the Sums contained in the said Judgment (if so much there be), shall be liable and subject to the Execution granted upon such Judgment, for or towards satisfying the same; and from the time of

Process and Trial thereupon.

Goods, &c. in Agent's Hands, subject to Execution.

serving the Summons as aforesaid, shall be liable and secured in Law in his hands, to answer the same, and may not be otherwise disposed of or converted.

Plaintiff to be non-sued where no Effects are in Agent's hands;

III. Provided nevertheless, and be it enacted, by the authority aforesaid, That if upon Summons being served as above mentioned; the supposed Attorney, Factor, Agent, or Trustee shall come into Court at the First Term thereof, and declare that he had not in his hands, nor under his care or management, at the time of the service of such Summons, any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding person, and shall submit to an Examination upon Oath respecting the same; and if upon Examination it shall appear, to the satisfaction of the Court, that he had not any Lands, Goods, Effects, or Credits whatsoever of the absent or absconding person in his hands, or under his management, at the time of his being summoned as aforesaid, then and in every such case, the Plaintiff shall become non-sued, and shall pay to him, who may have been so summoned as Attorney, Agent, Factor, or Trustee, his reasonable Costs, to be taxed in common form by the Court.

and to pay Costs.

Agents, &c. not appearing, liable to pay Costs.

IV. And be it therefore further enacted, That if any Attorney, Factor, Agent or Trustee, who being duly served with Summons and Declaration as aforesaid, shall not appear at the First Term, and then either acknowledge himself to have had in his hands, or under his management, some Lands, Goods, Effects, or Credits of the absent or absconding person, at the time of the service aforesaid, and thereupon pray that he may be admitted to defend the Action, or otherwise submit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall or may arise upon his Suit, the same to be taxed by the Court in common form.

V. And be it further enacted, That in case any Attorney, Factor, Agent or Trustee, from and after the time of his being served with Summons and Declara-

tion as aforesaid against his Principal (being an absent or absconding person), shall transfer, remit, dispose of, or convert any of the Lands, Goods, Effects, or Credits of such absent or absconding person in his hands, or under his management, at the time of such service, so that there shall not be sufficient to satisfy the Judgment, (the Debt being afterwards ascertained by Judgment of Court) or that shall not discover, expose, and subject the Lands, Goods, Effects and Credits of such absent or absconding person in his hands, or under his management, to be taken in Execution, towards the satisfaction of the said Judgment, so far as the same will extend, shall be liable to satisfy the same out of his own proper Goods and Estate, as of his own proper Debt; and a Writ of *Scire facias* may be sued out of the said Supreme Court of Judicature, and served on him as the Law directs, to appear and show cause (if any he hath) to the contrary; and where, upon Default of Appearance, or refusal to disclose upon his Oath (which Oath the Chief Justice is hereby empowered and required to administer), what Lands, Houses, Goods, Effects, or Credits of the absent or absconding person are in his hands, or under his management, and to what value Judgment shall be entered up against him of his own proper Goods, and Execution be awarded accordingly.

Execution to be levied on the Agent's proper Goods, &c. if he transfer the Effects of his Principal.

Agent to discover upon Oath the Goods, &c. of his Principal: on failure, Judgment to be entered against him of his own proper Estate, &c.

VI. Provided nevertheless, and be it further enacted, That if it shall appear that the Attorney, Factor, Agent or Trustee, so summoned as aforesaid, and having in his hands, or under his management, at the time of such Summons, any Lands, Houses, Goods, Effects or Credits of the absent or absconding person, hath not remitted, disposed of, or in any manner converted the same, after the Summons being served on him as aforesaid, but that he hath discovered, and subjected them to be taken in Execution, to satisfy the Judgment recovered against the absent or absconding person as aforesaid; then, and in such case, the Party who may have

Agent to be allowed his Costs upon discovering the Effects, &c. of his Principal, and subjecting them to satisfy the Judgment.

commenced the Suit shall pay such Attorney, Factor, Agent or Trustee his reasonable Costs, the same to be taxed in common form by the Court.

Agent to be acquitted and discharged from any Action of his Principal.

VII. And be it further enacted, That the Lands, Houses, Goods, Effects, and Credits of any absent or absconding person, so taken as aforesaid by Process and Judgment of Law, out of the hands of his Attorney, Agent, Factor, or Trustee, by any of his Creditors, shall fully acquit and for ever discharge such Attorney, Agent, Factor or Trustee, his Executors or Administrators, of, from, and against all Actions, Suits, Damages, Payments and Demands whatsoever, to be asked, commenced, had, claimed, or brought by his Principal, his Heirs, Executors or Administrators, of and for the same: and if any Attorney, Agent, Factor or Trustee shall be molested or sued by his Principal for any thing done by him in pursuance of this Act, he may plead the General Issue, and give this Act in Evidence.

General Issue.

Principal entitled to re-hearing within three Years.

VIII. Provided nevertheless, and be it further enacted, That any absent or absconding person, against whom Judgment shall or may be recovered as aforesaid, shall be entitled to a rehearing of such Cause at any time within Three Years next after such Judgment: and the Plaintiff in such Action, before any Execution shall issue on such Judgment, shall give sufficient Security, to the satisfaction of the Court, for repayment of all such Monies as may be levied by said Execution, in case the said Judgment be reversed on such rehearing as aforesaid.

CAP. X.

Repealed by 49 G. 3, c. 7.

An Act to enable the Governor, or other Commander in Chief, to lease out certain Parts of the Common of *Charlotte-Town*, Rent free, for the space of Ten Years.

ANNO VICESIMO PRIMO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1781.

Island of *Saint John*, begun and holden at
Charlotte-Town, the Eighth Day of *October*,
Anno Domini 1779, in the Nineteenth
Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

W. PATTERSON,
Governor.

T. DESBRISAY,
President of
Council.

W. BERRY,
Speaker.

And from thence continued, by several Prorogations,
to the Thirteenth Day of *February*, 1781, and
in the Twenty-first Year of His said Majesty's
Reign; being the Fourth Session of the Third
General Assembly convened in the said Island.

C A P. I.

An Act to explain and amend an Act, passed in the
Twentieth Year of His present Majesty's Reign,
intituled *An Act to regulate the Salmon, Salmon
Trout and Eel Fishery.*

Repealed by 4
W. 4, c. 11.

C A P. II.

An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.

Any Person may, by last Will and Testament, devise Lands, &c.

BE it enacted, by the Governor, Council and Assembly, That every person in this Government shall have power to give and devise, by his or her last Will and Testament, in writing, and subscribed by the Party so giving and devising, or by some other person in his or her presence, and by his or her express directions and authority, and attested and subscribed, in the presence of the Devisor, by Three or more credible Witnesses, any Lands, Tenements or Hereditaments, whereof he or she shall, at the time of his or her so giving or devising the same by such Will, be lawfully seized, either of a sole Estate in Fee Simple, or of any Estate in Coparcenary, or in common in Fee Simple, in Possession, Reversion, or Remainder, as much as in him or her of right is to the said Lands, Tenements and Hereditaments, or in like manner to devise any Rents or Profits out of the same at his or her pleasure. Provided nevertheless, that Wills made for any Lands, Tenements or Hereditaments, or of any Rents or Profits out of the same, by any *Feme Covert*, or person within the age of Twenty-one Years, Idiot, or of unsound mind, shall not be good in Law.

Feme Coverts, Minors, &c. excepted.

No Devise in Writing to be revocable, except by another Will or Codicil, also in Writing.

II. And be it further enacted, That no Devise in Writing of any Lands, Tenements or Hereditaments, shall be revocable, otherwise than by some other Will or Codicil, also in Writing, subscribed in the presence of Three or more Witnesses.

No *nuncupative* Will to be deemed valid, except

III. Be it further enacted, by the authority aforesaid, That from and after the publication hereof, no *nuncupative* Will shall be good where

the Estate thereby bequeathed may exceed the value of Thirty Pounds, except the same be proved by the Oath of Three Witnesses, who were present at the making thereof, and unless it be proved that the Testator, at the time of pronouncing the same, desired the persons present to bear witness that such was his Will, or words to that effect; and unless also such *nuncupative* Will shall have been made during the time of the last sickness of the deceased.

proved by the Oath of three Witnesses, &c.

IV. And be it further enacted, That after the expiration of Six Months from the pronouncing the Testamentary Words, no Testimony shall be received to prove any *nuncupative* Will, except the said Testimony shall have been committed to writing within Six Days next after making the said Will.

No testimony to be received to prove such Will, except, &c.

V. And be it further enacted, That no Letters Testamentary or Probate of any *nuncupative* Will shall pass the Seal of any Court, till the expiration of Fourteen Days at least next after the Death of the Testator; nor shall any *nuncupative* Will be at any time received to be proved, unless Process hath first issued to cite or call in the Relict, or next of Kin to the deceased, to the end they may contest the same if they see cause: And all such Witnesses as ought to be deemed to be good and competent Witnesses in Trials at Law, shall be deemed good Witnesses to prove any *nuncupative* Will, or any thing relative thereto.

Letters Testamentary, &c. not to pass any Court till 14 days after Testator's decease, &c.

VI. And be it further enacted, That no Will in Writing, concerning any personal Estate, shall be repealed or revoked, nor shall any Clause, Devise or Bequest therein be altered or changed by Words or Will (by word of mouth only), except the same be, in the Life of the Testator, committed to writing, and after the

No Will in Writing concerning personal Estate to be altered by word of mouth only, unless committed to Writing in the Life-time of the Testator:

writing thereof, read unto the Testator, and allowed by him, and proved to have been so done by Three Witnesses.

Executors knowing of their being appointed, to prove Will within 30 Days, &c.

on Penalty of £5 for every Month's delay.

Mode of Recovery.

Application of Forfeiture.

Penalty for suppressing Wills.

VII. And be it further enacted, by the authority aforesaid, That if any Executor or Executors of the Will of any person deceased, knowing of their being so named and appointed, shall not, within Thirty Days next after the Death of the Testator, or his, her or their appointment being made known to him, her or them respectively, cause such Will to be proved and recorded in the Register's Office, or present the Will and give in a written Declaration of his, her or their refusal of the Executorship, every Executor so neglecting his or her duty in that behalf (without just excuse made and accepted for such delay), shall forfeit the sum of Five Pounds every Month from and after the expiration of the said Thirty Days, until he, she or they shall have caused Probate of such Will to be made, or have presented the same in the manner above appointed—each and every such Forfeiture to be had and recovered by Action of Debt in the Supreme Court of Judicature of this Island, at the suit of any of the Heirs or Creditors who shall or may prove, to the satisfaction of said Court, that any injury has accrued to him, her or them respectively by the said delay, and to and for the proper use of him, her or them, who shall inform and sue for the same: And upon any such refusal of the said Executor or Executors, the Judge shall order and commit Administration of the Estate of the deceased, with the Will annexed, unto the Widow or next of Kin to the deceased; and in case of their refusal, to one or more of the principal Creditors, as he shall or may think fit.

VIII. And be it further enacted, That if any person or persons shall be found guilty of suppressing any Will and Testament, such person or

persons shall be subject and liable to the same Penalty as is directed in and by this Act for persons neglecting to prove any last Will and Testament.

IX. And be it further enacted, That where any certain Legacy is or shall be bequeathed and given by any person in his or her last Will and Testament, as also where any residuary or uncertain Legacy is, or shall, by the Account of any Executor, be reduced to a certainty; in those cases every such Legacy and Legacies may be sued for and recovered at Common Law; any Law, Custom or Usage to the contrary notwithstanding.

Legacies ascertained, recoverable at Common Law.

X. And be it further enacted, That henceforth every Executor named in any Will, and taking upon himself that charge, by proving such Will within the space of Three Months next after the Probate thereof, (or at such further or longer time as the Judge of Probate shall think proper to allow, or the circumstances of the Estate may require,) shall exhibit in the Register's Office, upon Oath, a full and true Inventory of the whole Estate of the deceased, so far as the same has then come to his hands and knowledge, on pain of forfeiting his office of Executorship, together with the sum of Five Pounds for every Month's neglect thereof, as is by Law provided for not presenting a Will, and to be recovered in like manner. Provided nevertheless, that in Wills where, after the payment of Debts and of any certain particular Legacy or Legacies, the Residue or Remainder of the Estate is bequeathed generally to any one or more persons, other than the Executors themselves; in every such case an Inventory of the Estate is hereby required to be presented on Oath as aforesaid, and the Executors shall be liable to account as Administrators are by Law obliged to do: And any Executor,

Executors to exhibit an Inventory of the Estate of the deceased, within 3 Months after Probate, on pain of £5 for each Month's neglect.

Executors liable to account in like manner as Administrators.

Residuary Legatee may bring Action of Account against Executors.

being a residuary Legatee, may bring his Action of Account against his Co-executor or Executors of the Estate of the Testator in their hands, and may also sue for and recover his equal and rateable part thereof—and any Residuary Legatee may have the like remedy against the Executors.

Administration

XI. And be it further enacted, That when and so often as it shall happen that any person dies Intestate, upon the application of the Widow, or next of Kin, within Thirty Days after the death of such Intestate, the said Judge of the Probate shall grant Letters of Administration to such Widow or next of Kin: and in case they neglect applying within the said Thirty Days, upon first citing such Widow, or next of Kin, and their refusing to accept the same, such Judge of Probate shall grant Administration to such person or persons as he shall or may judge fit—Creditors being always considered as having a preferable right to persons in no wise interested in the affairs of the deceased: And to whomsoever the said Judge shall grant Administration, according to the Regulations and Directions contained in this Act, he shall oblige him, her or them to give Bond, with sufficient Sureties, in the manner as is directed by the Statute of the Twenty-second and Twenty-third Years of the Reign of *Charles the Second*, Chapter the Tenth, intituled *An Act for the better settling Intestates' Estates*; and shall and may proceed to call such Administrators to account for and touching the Goods of the Intestates; and upon due hearing and consideration thereof (all just Debts and Funeral Expences being first allowed), the said Judge shall, and he is hereby fully empowered to order and make a just Distribution of the Surplusage, or remaining Goods and Estate, as well real as personal, in manner following: that is to say—One third part of the Personal Estate to belong to and vest in the Wife of the Intestate forever, besides her Dower in the Houses

and distribution of Estates of Intestates.

and Lands during life, where such Wife shall not be otherwise endowed before Marriage: and the said Judge having appointed Guardians, in manner as hereafter shall or may be by Law directed, shall then, out of all the Residue of such Real and Personal Estate, distribute Two Shares, or a double Portion, to the eldest Son then surviving (where there is no Issue of the first born, or of any other elder Son); and the remainder of such Residue equally to and among his other Children, and such as shall or may legally represent them. Provided, that Children advanced by Settlement or Portions, not equal to the other Shares, shall have so much of the Surplusage as may make the Estate of all to be equal, except the eldest Son then surviving (where there is no Issue of the first born, or of any other elder Son), who shall have Two Shares, or a double Portion of the whole.

Children advanced by settlement.

XII. And be it further enacted, That each Estate wherewith such Child or Children shall have been advanced in the Lifetime of the Intestate, shall be accounted for upon the Oath of such Child or Children, before such Judge of Probate of Wills and for granting Letters of Administration, or by other Evidence to the satisfaction of the Judge; and in case of refusal to account upon Oath, such Child or Children so refusing shall be debarred of any share in the Estate of the Intestate.

Children advanced in the lifetime of the Intestate, to account therefor on Oath.

XIII. And be it further enacted, That the Division of such Lands or Tenements shall be made by Five capable Freeholders upon Oath, or by any Three of them, to be for that purpose appointed and sworn by the Judge. Provided always, that if all the Parties interested in such Lands or Tenements, being of lawful age, shall by Deed agree to a Division, such Agreement, the same being acknowledged by the Parties thereto before the Judge, and being entered on Record in the Probate Office, shall be deemed a legal and valid Partition and Settlement of such Estate, as effectually, to all intents and pur-

Division of Lands.

Of Estates in
Houses and
Lands which can-
not be divided
without prejudices
to the whole.

poses whatsoever, as if the same had been divided and settled by Writ of Partition; and shall be received and allowed in Evidence on any Trial against the Parties so interested in the said Lands and Tenements. Provided nevertheless, that where any Estate in Houses and Lands cannot be divided among all the Children, without great prejudice to the whole; the said Judge may, on sufficient Evidence of the same, order the whole to the oldest 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 real value of such Houses and Lands, upon a just Appraisalment thereof, to be made by Three sufficient unexceptionable Freeholders upon Oath, to be appointed and sworn as aforesaid; or giving good Security to pay the same in such convenient time as the said Judge shall or may limit, making reasonable allowance in the mean time, at the rate of Six Pounds on the Hundred in the Year. And if any of the Children should happen to die under Age, or before Marriage, then the Portion of such deceased Child shall be equally divided among the Survivors: and in case there be no Children, nor any legal Representatives of them, then One Moiety of the Personal Estate shall be allotted to the Wife of the Intestate for ever, as also One Third of the Real Estate for her term of life: and the Residue both of the Real and Personal Estate shall be allotted equally to every of the next of Kin of the Intestate in equal degree, and those who shall or may legally represent them—no Representatives to be admitted among Collaterals, after Brothers and Sisters' Children: And if there be no Wife, then the whole shall be distributed among the Children; and in case of no Child, then to the next of Kin to the Intestate in equal degree, and their legal Representatives as aforesaid, and in no other manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond, with sufficient Sureties, to the satisfaction of the said Judge of Probate, if Debts afterwards be made to

appear, conditioned to refund and pay back to the Administrator his or her rateable part thereof, and of the Administrator's Charges.

XIV. And it is hereby enacted, That the Lands and Tenements wherewith any Widow shall be endowed as aforesaid, shall, after the decease of such Widow, be divided in like manner as by this Act is directed—saving to any person aggrieved at any Order, Sentence, or Decree made for the Settlement and Distribution of the Estate of any Intestate, their right of Appeal to the Governor and Council; every person so appealing giving Security to prosecute such Appeal with effect. Provided, that such Appeal be made within Forty Days after Sentence of the said Judge.

Widow's Dower, after her death, how to be divided.

Appeal to the Governor and Council.

XV. And be it further enacted, That all such Estate, whether Real or Personal, which shall or may not be comprised in any last Will and Testament, or which shall or may not be devised or given by the same, shall be distributed in the same manner as the Estates of Intestates are directed to be distributed by this Act.

Estates not comprised in any last Will, to be distributed as Intestates' Estates.

XVI. And be it further enacted, That in case personal Assets shall be deficient for the payment of any Debts or Legacies, and it shall be found necessary by any Executor or Administrator to make sale of any part of the Real Estate of the deceased for the payment of any Debts or Legacies; then such Executor or Administrator shall apply to the Governor or other Commander in Chief for the time being, and to His Majesty's Council, to give order and direction for the sale of such part of such Real Estate as may be most convenient for the payment of such Debts or Legacies; and before any sale be made of any Real Estate, the Executor or Administrator shall give Thirty Days public notice, by posting up Notifications in the most public Places in *Charlotte-Town*, *Georgetown* and *Princetown*; and whoever will give most, or appear to be the highest bidder, shall have the preference at such Sale: And in case

Real Estate may be sold for payment of Debts and Legacies, where personal Assets are insufficient.

In case of Insol- vency, Governor and Council to appoint Commis- sioners to exa- mine claims of Creditors, and to sell Real Es- tate to pay them.

the Estate of such Intestate shall be Insolvent, then the Executor or Administrator shall make like applica- tion to the Governor or other Commander in Chief for the time being, and to His Majesty's Council, for an Inquiry, and for the appointment of Com- missioners to inquire into such Insolvency, and examine and settle the claims of all the Creditors, and into the amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell the Lands and Tenements of such Insolvent, and to divide the Produce of the whole of such Estate in due Proportions to and amongst the Creditors.

Any person not duly authorized, intermeddling with effects of any deceased person, shall forfeit £20.

Mode of Reco- very.

Application of Forfeiture.

. XVII. And be it further enacted, That if any person shall in future presume to act as Executor or otherwise, by intermeddling with the Goods of the deceased, without being duly authorized thereto as is directed in and by this Act, such person shall forfeit the sum of Twenty Pounds for every such officious intermeddling; the same to be recovered in any of His Majesty's Courts of Record, by the Executor, Administrator, or other person interested in the Estate of the deceased; one half of which Penalty shall be paid to the person suing for the same, and the other half to and for the use of His Majesty's Government: And such person so intermeddling shall be further obliged to account for and pay into the hands of the Executor or Administrator, what- ever Effects he may have got possession of in such an irregular manner, with full Costs of Suit.

Repealed by 26 G. 3, c. 9.

CAP. III.

An Act making Lands and Tenements liable for the Payment of Debts.

CAP. IV.

An Act for determining Differences by Arbitration or Umpirage.

WHEREAS References made by Rule of Court may contribute much to the ease of the subject, in determining Controversies, (especially in

matters of Account, and other Mercantile transactions of a complicated nature, which are often difficult to be accurately adjusted on Trials at Law,) as thereby the Parties become obliged to submit to the Award of the Arbitrators, or Umpire, under Penalty of Imprisonment for their Contempt, in case they refuse Submission:

Be it therefore enacted, by the Governor, Council and Assembly, That it shall and may be lawful for all Merchants, Traders and others, or their respective Agents or Attornies, who shall or may be desirous of ending any Controversies, Suits or Quarrels (for which there is no other Remedy but by personal Action or Suit in Equity,) by Arbitration, to agree that the Submission of all such Controversies, Suits or Quarrels, to the Award or Umpirage of any person or persons, shall be made a Rule of His Majesty's Supreme Court of this Island, and to insert such their Agreement in their Submission, or in the Condition of the Bond whereby they had obliged themselves respectively to submit to such Award or Umpirage: which Agreement, being so made and inserted in the Submission or Condition of their respective Bonds, shall or may, upon producing an Affidavit made by the Witnesses thereto, or any one of them, in the said Court, of the due execution thereof, and upon reading and filing the same, such Submission shall be there entered of Record, and a Rule thereupon made by the said Court for the respective Parties to submit thereto, and be finally concluded by the Award and Determination of such Arbitrators or Umpire therein severally named, the same being made in pursuance of said Submission or Bond: And in case of disobedience to the Award and Determination of such Arbitrators or Umpire, the Party neglecting or refusing to obey the same, or any part thereof, shall incur and be subject to all the Penalties of contemning a Rule or Order of Court; and the said Court, on motion, shall issue Process accordingly, unless such Award be set aside

Persons desirous of ending suits or quarrels by Arbitration, may agree that the Submission be made a Rule of Court.

In case of disobedience, parties to be punished as for a contempt;

unless Arbitrators act improperly.

for Contempt or other Misbehaviour in the Arbitrators or Umpire, on satisfactory proof made thereof by Oath to the said Court within one Term after the Award or Determination shall have been so made—in which event, the same shall be judged void and of no effect, anything in this Act contained to the contrary notwithstanding.

CAP. V.

Altered by subsequent Acts—
Repealed by 35 G. 3, c. 3.

An Act to explain, amend, and render into one Act, all the Laws now in being for the purpose of making and repairing Highways in this Island.

CAP. VI.

Expired.

An Act giving a Reward for the Killing of Bears.

CAP. VII.

Repealed and re-enacted by 25 G. 3, c. 4, s. 1:

An Act for granting to His Majesty an additional Duty on all Rum, Brandy, and other Distilled Spirituous Liquors; and a Duty on all Wines imported into this Island.

CAP. VIII.

Repealed and re-enacted by 25 G. 3, c. 4, s. 20.

An Act for allowing a Drawback on all Rum, Brandy, and other Distilled Spirituous Liquors, and all Wines exported from this Island; as likewise for exempting all Spirituous Liquors and Wines from paying any Duty, that may be imported into this Island on purpose to be re-exported.

CAP. IX.

An Act for continuing sundry Laws near expiring. Expired.

CAP. X.

An Act appointing Vestries.

Repealed by 3
W. 4, c. 20.

CAP. XI.

An Act for amending and rendering perpetual several
Laws near expiring.

WHEREAS the several Acts herein-after mentioned, which are near expiring, have been found to be variously useful and beneficial, viz:—An Act made and passed in the Fourteenth Year of His Majesty's Reign, intituled *An Act for Licensing and Regulating Ferries* (a)—an Act made and passed in the said Fourteenth Year of His Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same* (b)—an Act made and passed in the Twentieth Year of His Majesty's Reign, intituled *An Act to ascertain the Privileges of the Members of the Assembly, &c.* (c)—an Act made and passed in the said Twentieth Year of His Majesty's Reign, intituled *An Act to prevent Swine running at large in Charlotte-Town* (d)—and an Act made and passed in the said Twentieth Year of His Majesty's Reign, intituled *An Act to prevent the running at large of Stone Horses, and killing of Partridges in the pairing and hatching Season*. And whereas it is found that the *First Friday* of

(a) Repealed by 3 W. 4, c. 8. (b) Repealed by 1 G. 4. c. 3. (c) This Act was disallowed by His Majesty in Council, the 29th of June, 1781. (d) Repealed by 3 W. 4, c. 27.

No person to kill or have in possession, Partridges, between 1st April and 1st September, under the Penalty inflicted by 26 G. 3, c. 5.

August is too early for killing of Partridges—Be it therefore enacted, by the Governor, Council and Assembly, That from and after the publication hereof, it shall not be lawful for any person or persons whatsoever, to shoot, kill, or otherwise destroy, or to have in his, her or their possession, any Partridge or Partridges, between the First day of *April* and the First day of *September*, annually; and all persons offending herein shall be subject to the same Penalties as mentioned in the said last recited Act—which Penalties are to be recovered and applied in the same manner as is directed by the said Act.

Recited Acts made perpetual.

II. And be it further enacted, That the several Acts herein-before mentioned, and every Clause, Matter and Thing therein contained, together with the foregoing Clause, altering, amending and enlarging the said Act, intituled *An Act to prevent the running at large of Stone Horses, and killing of Partridges*, from henceforth be, and the same are hereby declared to be, in full force and effect for ever.

CAP. XII.

Sec 26 G. 3, c. 1. An Act for raising a Fund to make and keep in Repair the Streets and Wells of *Charlotte-Town*.

CAP. XIII.

An Act for enforcing the Payment of His Majesty's Quit Rents due, or which may become due, within this Government; and to authorize the Receiver General to recover the same, by Sale of the Lands, or otherwise.

Passed with a suspending clause, and not approved of by His Majesty.

CAP. XIV.

An Act to prevent disorderly riding of Horses, and driving of Carts, Trucks and Sleds, or any other Carriage whatsoever, within *Charlotte-Town*.

IN order to prevent the inconveniences and misfortunes which may arise from the disorder of riding of Horses, and negligently driving of Carts, or other Carriages of burthen of any kind whatsoever, within *Charlotte-Town*—Be it therefore enacted, by the Governor, Council and Assembly, That from and after the publication hereof, no person or persons whatsoever shall, on any pretence whatsoever, gallop on horseback, or having the charge of driving any Horse or Horses whatsoever, in any Cart, or other Carriage of burthen of any kind, shall ride upon such Horse or Horses, or remain placed in or upon any part of such Cart or other Carriage within any of the Streets or Highways of the said Town; and no such Driver or Drivers shall omit, during such time, to lead the Shaft or Thill Horse by a Halter not exceeding four feet in length; nor shall he or they drive any such Horse or Horses faster than a foot-pace, upon pain of forfeiting Ten Shillings for every such offence—the same to be paid upon Conviction by the Testimony of One credible Witness, before any One of His Majesty's Justices of the Peace, within Twenty-four hours after such offence shall have been committed: and in case any such Offenders shall thereupon refuse to pay the same, then the said Offender shall be put to Labour for the space of Four Days in repairing the Streets of the said Town, or the Highways adjoining thereto, under the direction of any one of the Overseers of the District of *Charlotte Township*: and in case of refusal or neglect to perform such service, it shall and may be lawful for any Justice of the Peace, upon complaint of the Overseer or Overseers aforesaid, to cause such Offender to be

Persons convicted of disorderly riding or driving through the Streets of *Charlotte-Town*, subject to a Penalty of 10s. for every offence.

Mode of Recovery.

On refusal to pay Fine, to be put to Labour for four Days in repairing the Streets.

On refusal to perform such Labour, to be committed to Prison for six Days.

committed to Prison for the space of Six Days, there to remain at his or her own proper Costs and Charges.

Parents liable for offences of Children under 14 Years.

II. And be it further enacted, That all Parents are hereby made liable for the offences of their Children, under the age of Fourteen Years, not being Servants.

Application of Fines.

III. And it is hereby further enacted, That all Fines and Penalties incurred by this Act shall be paid into the hands of the Overseers of the Highways within the said District; to be by them applied towards repairing the said Streets or Highways.

CAP. XV.

Repealed by 6 G. 4, c. 7.

An Act declaring that Baptism of Slaves shall not exempt them from Bondage.

CAP. XVI.

Repealed by 36 G. 3, c. 6.

An Act for the Preservation of Highways.

CAP. XVII.

An Act for the Limitation of Actions, and for avoiding Law-suits.

Actions for the Recovery of Lands, &c. to be commenced within 20 Years next after Title thereto has accrued.

BE it enacted, by the Governor, Council and Assembly, That all Actions or Suits, either in Law or Equity, at any time hereafter to be sued or brought, of or for any Lands, Tenements or Hereditaments within this Island, whereunto any person or persons now hath or have any Title or Cause to have or pursue any such Actions or Suits, shall be sued and taken within Twenty Years next after the end of this present Session of the General Assembly;

and after the said Twenty Years shall have expired, no person or persons, or any of his, her or their Heirs, shall have or maintain any such Action or Suit, of or for any of the said Lands, Tenements or Hereditaments; and that all Actions or Suits, either in Law or Equity, of or for any Lands, Tenements, or other Hereditaments whatsoever, at any time hereafter to be sued or brought, by occasion or means of any Title or Cause hereafter happening, shall be sued and taken within Twenty Years next after the Title and Cause of Action first descended or fallen, and at no other time after the said Twenty Years: and that no person or persons who now hath or have any Right or Title of Entry into any Lands, Tenements or Hereditaments, now held from him, her or them, shall thereinto enter, but within Twenty Years next after the end of this present Session of the General Assembly, or within Twenty Years next after any other Title of Entry shall or may have accrued.

Entry into Lands,
&c. to be made
within 20 Years.

II. And be it further enacted, That no person or persons whatsoever shall at any time hereafter make any Entry into any Lands, Tenements or Hereditaments, but within Twenty Years next after his, her or their Right or Title which shall or may hereafter first descend or accrue to the same; and in default thereof, such person or persons not entering in manner aforesaid, and their Heirs, shall be utterly excluded and disabled from such Entry thereafter. Provided nevertheless, that if any person or persons who now are, or shall or may hereafter be, entitled to such Actions or Suits, or who hath or shall or may have such Right or Title of Entry be, or shall be at the time the said Right or Title first descended, accrued or fallen, within the age of Twenty-one Years, *Feme Covert, non compos mentis*, imprisoned, or beyond the Seas; that then and in such case, such person or persons, and his, her or their Heirs, shall or may, notwithstanding the said Twenty Years be expired, bring his, her or their Action or Suit, or

Persons not entering
within 20
Years, excluded.

Saving clause to
Minors, persons
beyond seas, &c.

make his, her or their Entry, in like manner as he, she or they might have done before this Act; so as such person or persons, or his, her or their Heirs, shall, within Ten Years next after his, her or their full age, Discoverture, coming of sound mind, enlargement out of Prison, or coming into this Island, or Death, take the benefit of and sue for the same, and at no time after the said Ten Years.

All Actions of Trespass, &c. to be commenced within six Years after the cause of such Action.

III. And be it further enacted, That all Actions of Trespass, *quare clausum fregit*, all Actions of Trespass, Detinue, Action of Trover, and Replevin for taking away of Goods and Cattle; all Actions of Account, and upon the Case, (other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors and Servants;) all Actions of Debt grounded upon any Lending or Contract without Specialty; all Actions of Debt for Arrearages of Rent, and all Actions of Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall or may be sued or brought at any time after the end of this present Session of the General Assembly, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after—that is to say, the said Actions upon the Case (other than for Slander), and the said Actions for Account, and the said Actions for Trespass, Debt, Detinue, and Replevin for Goods or Cattle, and the said Action of Trespass, *quare clausum fregit*, within Three Years next after the end of this present Session of the General Assembly, or within Six Years next after the Cause of such Actions or Suits, and not after; and the said Actions of Trespass, Assault, Battery, Wounding, Imprisonment, or any of them, within Six Months next after the end of the present Session of the General Assembly, or within One Year next after the Cause of such Actions or Suits, and not after; and the said Action on the Case for Words, within Three Months after the end of the present Session of the General Assembly, or within Six Months next after the Words spoken, and not after.

Battery, &c. within one Year.

Words, within six Months.

IV. And be it further enacted, That if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Writ of Error; or if a Verdict pass for the Plaintiff, and upon matter alleged in arrest of Judgment, the Judgment be thereupon given against the Plaintiff, that he or she take nothing by his or her Plaint, Writ or Bill; or if any of the said Actions be brought by Original, and the Defendant therein be outlawed, and shall afterwards reverse the Outlawry—that in any or all such Cases the Party Plaintiff, his Heirs, Executors or Administrators (as the case may require), may commence a new Action or Suit, from time to time, within One Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

Any of the said actions reversed by error, or in arrest of judgment, may be commenced de novo within one Year.

V. And be it further enacted, That in all Actions of Trespass, *quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his, her or their Plea, to make any Title or Claim to the Land in which the Trespass is, by the Declaration, supposed to be done, and the Trespass be by negligence or involuntarily done, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by negligence or involuntarily done, and a Tender or Offer of sufficient Amends for such Trespass before the Action brought; whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue: and if the said Issue be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs be non-sued, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and from all other Suits concerning the same.

After Judgment or Non-suit in *Quare Clausum fregit*, the Plaintiff barred to renew the Suit.

VI. And be it further enacted, That in all Actions of Trespass, Actions for Assault and Battery, and in all Actions for slanderous Words, to be sued or prosecuted by any person or persons whatsoever, after the end of the present Session of the General

In Actions of Trespass, Assault and Slander, no more Costs than Damages to be given.

Assembly, if the Jury upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under Forty Shillings, that then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed amount unto, without any further increase of the same. Provided, the Judge, at the Trial of any Action of Assault and Battery, or Action of Trespass, shall and do certify, under his Hand, upon the back of the Record, that the Assault was sufficiently proved; or that the Freehold and Title of the Land mentioned in the Plaintiff's Declaration was chiefly in Question; or that the Trespass was voluntary and malicious; that then the Plaintiff, in such case, shall recover his full Costs, though the Jury should find Damages to be under Forty Shillings. Provided nevertheless, that if any person or persons that is or are, or that shall or may be entitled to any such Action of Trespass, Detinue, Action of Trover, Replevin, Action of Account, Debt, Trespass for Assault, Menace, Battery, Wounding or Imprisonment, Actions on the Case for Words, be, at the time of any such Cause of Action given or accrued, within the age of Twenty-one Years, *Feme Covert, non compos mentis*, imprisoned, or beyond the Seas—in any or either of which cases, such person or persons shall or may be at liberty to bring the same Actions, so as the same be done within such times as are herein before limited after their coming to or being of full age, discoverd, of sane memory, at large, and returned from beyond the Seas, as by other persons having no such impediment should or might be done.

unless the Judge certify, &c.

Proviso, in case of Non-age, *Feme Covert, non compos mentis*, &c.

Actions against persons beyond the seas, may be brought after their return.

VII. And be it further enacted, That if any person or persons against whom there is, shall or may be any Cause of Suit, or Action of Trespass, Detinue, Trover, or Replevin for taking away any Goods or Cattle, or of Action of Account, or upon the Case, or of Debt grounded upon any Lending or Contract without Specialty, of Debt for Arrear-

ages of Rent, or Assault, Menace, Battery, Wounding and Imprisonment, or any of them, be, at the time of such Cause of Suit or Action given or accrued, beyond the Seas; that then such person or persons who are or may be entitled to any such Suit or Action shall be at liberty to bring the said Actions against such person and persons after their return from beyond the Seas, so as they commence the same within such times after their return, as are respectively limited for the bringing of the same by this Act.



ANNO VICESIMO QUINTO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1785.

Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-first Day of
March, Anno Domini 1785, in the Twenty-
fifth Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

W. PATTERSON,
Lt. Governor.

P. STEWART,
President of
Council.

A. FLETCHER,
Speaker.

Being the First Session of the Fourth General
Assembly convened in the said Island.

CAP. I.

An Act to explain, alter and amend an Act made
and passed in the Twentieth Year of His present
Majesty's Reign, intituled *An Act appointing
the Recording of all Deeds of Sale, Conveyances
and Mortgages.*

This Act, and the
Acts 41 G. 3, c.
5, and 49 G. 3, c.
4, in addition
thereto, re-
pealed, and re-
enacted, with
amendments, by
3 W. 4, c. 10.

WHEREAS some doubts have arisen with
respect to that part of the above-mentioned
Act, appointing all Deeds of Sale, Conveyances and
Mortgages, (there not having been a time specified

therein, when such Deeds executed any where, except in *Great Britain, Ireland* and this *Island*, should be recorded,) and it being thought necessary to enlarge the Purview and Operation of said Act:

Deeds, &c. not executed within this Island, to be registered within two Years after their respective Dates; otherwise not to have any force against *bona fide* Purchasers.

20 G. 3, c. 8.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all Deeds of Sale, Conveyances, Mortgages, Deeds Poll, and Leases (such Leases being of longer duration than Twenty Years) of any Lands in this Island, and not executed within the same, be, and they are hereby directed and required, wheresoever they may have been executed, to be recorded in manner as is directed in and by this Act, and by the said other Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act appointing the Recording of all Deeds of Sale, Conveyances and Mortgages*, within the Space of Two Years from and after their respective Dates; and all such Deeds of Sale, Conveyances and Mortgages as shall not have been recorded within the said Two Years shall be null and void against Purchasers who shall have complied with the directions contained in this Act and the said herein before in part recited Act.

Deeds, &c. executed in *Great Britain*, &c. to be registered,

on proof of the Execution thereof.

II. And be it further enacted, That the Register of this Island or his Deputy shall and may duly register all such Deeds of Sale, Conveyances, Mortgages, Deeds Poll, and Leases (being of longer duration than Twenty Years) of any Lands in this Island, as shall have been made and executed in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies or Plantations, or other his Dominions distant from this Island, although none of the Witnesses thereto should come before the Register or his said Deputy to prove the same. Provided, the Execution thereof shall appear to such Register or his Deputy either to have been acknowledged in due form of Law, by the Grantor himself named in such Deeds of Sale, Conveyances, Mortgages, Deeds Poll and Leases, or to have been proved by

the Oath of one of the subscribing Witnesses thereto, before some or one of His Majesty's Justices of the Peace, where such Deeds of Sale, Conveyances, Mortgages, Deeds Poll and Leases shall have been executed, and to be duly attested by such Justice; and such Attestation, being also authenticated (if in the Plantations), under the Hand and Seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province or Government where the same shall or may be made, or of a Public Notary there residing; and, if in *Great Britain, Ireland*, or elsewhere under the Dominions of His Majesty, then under the Public Seal of some Corporation there, or by the Attestation and Certificate of some Notary Public lawfully constituted and resident there, certifying that such person so subscribing as a Justice of the Peace is really and truly so, and that faith and credit is and ought to be given to all such his Attestations.

III. And whereas there is no provision made in the before mentioned Act, relative to the recording of Leases of a longer duration than Ten Years, as also all other Writings (except Deeds of Sale, Conveyances and Mortgages); and inasmuch as by said Act it is directed and required, that all the Instruments last mentioned shall be recorded at full length in the Register's Office; wherefore, for the further enlargement of said time, and for giving a right of choice to the Parties concerned—Be it further enacted, that all Deeds of Sale, Conveyances and Mortgages, as also all Mesne or subsequent Deeds of Settlement or Conveyances, of what nature or kind soever, Deeds Poll, Leases or Agreements, (being of longer duration than Ten Years) of or concerning any Lands, Tenements or Hereditaments in this Island, which have been, or which hereafter may be executed therein, shall, from and after the publication hereof, from time to time, be produced

All Deeds Poll, Leases, &c. of longer duration than ten Years, executed on this Island,

shall be left with the Register, &c. or a Memorial thereof, within the time limited by former Act.

to and left with the Register of the Island, or his sworn Deputy for the time being, by the possessor thereof, or his, her or their Attorney or Attorneys, or a Memorial thereof duly executed, in order to their being registered, after their or any of their respective Dates within the times limited and appointed for Deeds executed on this Island, in and by said herein before in part recited Act; and the same shall be accordingly registered in the said Register's Office, in such manner as is directed by this and said herein before in part recited Act.

Register to keep a proper Book for the registering of Deeds, &c.

IV. And be it further enacted, That the Register or his Deputy shall constantly keep, for the purpose of registering all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or other Conveyance, of what nature soever, Deeds Poll, Leases or Agreements (being of longer duration than Ten Years) of or concerning any Lands, Tenements or Hereditaments in this Island, a Folio Book, containing at least five quires of Imperial Paper, neatly bound in Calf, and lettered, with an Index and Alphabet to each.

All Deeds, &c. executed within this Island, or a Memorial thereof, to be registered on Proof.

V. And be it further enacted, That the Execution of all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what nature or kind soever, Deeds Poll, Leases or Agreements (being of longer duration than Ten Years) which have been, or hereafter shall be made of or concerning any Lands, Tenements or Hereditaments within this Island, or a Memorial thereof, shall be proved before the said Register or his Deputy as aforesaid, either by personal acknowledgment of the Grantor, Vendor, Mortgager or Lessor respectively named in such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what nature or kind soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in

Registry of which to be endorsed on the back of Deeds, shall be allowed as Evidence in any Court of Record.

this Island, or by Oath, which the said Register or his Deputy are hereby severally empowered to administer to one or more of the subscribing Witnesses to the same, or the Memorials thereof; which Acknowledgment or Proof of the due Execution thereof shall be endorsed on the back of each and every of them so produced and proved, as also signed by the Register or his Deputy as aforesaid: which Endorsement shall be allowed as Evidence of the due Execution of any Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what nature or kind soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments within this Island, in any of His Majesty's Courts of Record that now are, or which hereafter shall or may be established in this Island: and all Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what kind or nature soever, Deeds Poll, or Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in this Island, or a Memorial thereof, shall, within the time limited in and by said herein before in part recited Act, next after the respective Dates thereof, be registered in said Office in words at full length, either by recording the whole, or a Memorial thereof; the same to be at the option of the Parties concerned: and for want of such Registry, all such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what nature or kind soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in this Island, shall be adjudged fraudulent, and of no force or effect, as is directed in and by said herein before in part recited Act.

All Deeds, &c. or a Memorial thereof, not registered in Words at full length within the time limited,

shall be adjudged fraudulent.

VII. And be it further enacted, That all Deeds of Sale, Conveyances, Mortgages, Deeds of Set-

Deeds, &c. duly registered shall be certified on the back thereof by the Register,

tlement or Conveyance, of what nature or kind soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in this Island, or a Memorial thereof, which are to be registered as aforesaid, shall be certified on the back thereof by the Register or Deputy Register, and signed by him in the presence of the person presenting the same, containing the Year, Month, Day of the Month, and Hour of the Day when such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what kind or nature soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments within this Island, or a Memorial thereof, were respectively registered—which Certificates, with a fair Copy of whatever may be registered as aforesaid in pursuance of this Act, and extracted from the said Book of Registry, and duly authenticated by said Register or his Deputy, (which Certificate, in case of the original of such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what kind or nature soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in this Island, being lost) shall be admitted and allowed as legal Evidence in any of said Courts of Record in this Island where the same shall or may be produced: And every Page of such Registry Book shall be numbered, and the Year, Month, Day of the Month, and Hour of the Day, when such Deeds of Sale, Conveyances, Mortgages, Deeds of Settlement or Conveyance, of what kind or nature soever, Deeds Poll, Leases or Agreements of longer duration than Ten Years, of or concerning any Lands, Tenements or Hereditaments in this Island, or a Memorial thereof, were registered, shall be entered in the Margin of the said Book by the said

which certificate, with a fair Copy of whatever has been registered,

to be admitted as legal Evidence in any Court of Record.

Pages of Registry Book shall be numbered.

Register or his Deputy; and who shall duly register every Deed as aforesaid in the same order they respectively come to his hands.

Register to record Deeds in the order in which they come to hand.

VIII. And be it further enacted, That nothing in this Act, nor any thing herein contained, shall extend, or be construed to extend, to bar the Title of any Minor, *Feme Covert*, or person *non compos mentis*, imprisoned, or absent from the Island; but they shall or may be entitled to sue for and recover any Lands or Tenements within this Island to which they are respectively entitled, within Two Years next after such impediment shall have been removed—any thing in the said Act to the contrary in any wise notwithstanding.

Minors, &c. may sue within two Years after impediment removed.

IX. And be it further enacted, That if any person shall forge or counterfeit any such Certificate as is herein before directed, and shall be thereof convicted in due course of Law, such person shall be liable to the same Penalties as are imposed upon such Offenders in that part of *Great Britain* called *England*, for forging of any false Deed, or Writing sealed: and if any person or persons shall forswear him or herself before the said Register or his Deputy, and be thereof duly convicted, such person or persons shall be liable to the same Penalties, as if the same Oath had been voluntarily and corruptly made in a Cause depending in any of the Courts of Record that now are or hereafter shall or may be established in this Island.

Punishment for forging Certificates, &c.

Perjury before Register, how to be punished.

X. And be it further enacted, That this Act, and the said herein before in part recited Act, shall be taken and allowed in all Courts that now are or hereafter shall or may be within this Island, as Public Acts—and all Judges, Justices, and other persons herein concerned, are hereby required to take notice thereof, without specially pleading the same.

Public Act.

CAP. II.

This Act did not receive His Majesty's approbation.

An Act to explain, alter, amend, and reduce into one Act, an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.*

CAP. III.

Repealed by 35 G. 3, c. 3.

An Act to alter and amend so much of an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled *An Act to explain, amend, and render into one Act, all the Laws now in being, for the purpose of making and repairing Highways in this Island,* as relates to the time appointed by said Act for performing Statute Labour; and some further Regulations as to the Payment and Duty of Overseers of the Highways.

CAP. IV.

For Acts relating to the Revenue, see—

35 G. 3, c. 10.
52 G. 3, c. 4.
11 G. 4, c. 9.
3 W. 4, c. 34.
3 W. 4, c. 35.
3 W. 4, c. 36.
4 W. 4, c. 14.

An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, exported from this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, there shall be raised, levied

collected and paid unto His Majesty, His Heirs and Successors, to and for the public uses of this Island, and towards the support of his Government therein, by the Importers of all Wines, Rum, Brandy, and other Distilled Spirituous Liquors, which shall or may be imported, or by any ways or means brought into this Island, the several Rates and Duties as follows—*videlicet*, for every Gallon of Wine, the sum of Sixpence, as also for every Gallon of Rum, Brandy, or other Distilled Spirituous Liquors, in lieu of all former Duties, the said sum of Sixpence.

Duty of 6d per
Gallon on Wine,
Rum, Brandy,
&c.

II. And be it further enacted, That all the Rates, Duties and Imposts before mentioned shall be paid in lawful money of this Island (being at the rate of Five Shillings *per Spanish Milled Dollar*) by the Importer or Importers of any such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, unto the Collector and Receiver, or Collectors and Receivers, for the time being, appointed for entering and receiving the same, at or before the landing thereof. Provided nevertheless, that when the Duty to be paid by any Importer or Importers of such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall amount to a sum exceeding Ten Pounds, and not more than Fifty Pounds, the said Collector and Receiver, or Collectors and Receivers of the said Duties, is or are hereby authorized to give Credit for the payment thereof for the space of Three Months: and in like manner, if the said Duties shall exceed the sum of Fifty Pounds, and not amount to more than the sum of One hundred Pounds, the said Collector and Receiver, or Collectors and Receivers, is or are hereby authorized to give Credit for payment thereof for the space of Six Months: and if the said Duties shall exceed the sum of One hundred Pounds, then he or they are hereby further authorized to give Credit for the payment thereof for the space of Nine Months.

To be paid at
landing, if under
£10.

If above £10,
and not exceeding
£50, Three
Months' credit to
be given.

If above £50,
and not exceeding
£100, Six
Months' credit.

If above £100,
Nine Months'
credit.

Security to be
given for payment
of Duties.

III. Provided always, That sufficient Security be given for the payment of the said Duties within the said several Times so as aforesaid limited for the payment thereof.

Masters of Ves-
sels to report
their Cargoes be-
fore breaking
Bulk, and to be
sworn.

IV. And be it further enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or on any part of the Coasts of this Island and its Dependencies, shall, before breaking bulk, and within Twenty-four hours after his or their arrival, make report, in writing, and upon Oath, to the Collector and Receiver, or Collectors and Receivers of the Duties for the time being, of all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, on board the said Ship or Vessel, specifying therein the kinds of Casks or other Vessels in which the same shall be contained, together with the Marks and Numbers thereof, and that they have not landed or suffered to be landed, sold, bartered or exchanged, any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, at any Port or Place within this Island, or on the Coasts thereof, since their sailing from the Port or Place where the same were laden on board the said Ship or Vessel for Exportation: which Oath the said Collector and Receiver or Collectors and Receivers is or are hereby empowered to administer, in the Form following, *videlicet*:

Master's Oath.

‘ YOU *A. B.* do swear, that the Report which you
‘ have now made, read and subscribed, contains a
‘ just and true account of all the Wine, Rum,
‘ Brandy, and other Distilled Spirituous Liquors,
‘ laden on board the at and that you
‘ have not landed, nor suffered to be landed, sold or
‘ delivered, bartered or exchanged, any Wine, Rum,
‘ Brandy, or other Distilled Spirituous Liquors, at
‘ any Port or Place within this Island, or on the
‘ Coasts thereof, since your sailing from ”

V. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors

(not being duly entered), be found on board any such Ship or Vessel, after such Entry made, the same is hereby declared forfeited and lost, and shall or may be seized by the Collector and Receiver, or Collectors and Receivers, or either of them, or by any of the Land-Waiters or Guagers, as forfeited property.

After entry, all Wine, &c. not duly entered, found on board any Vessel, shall be forfeited.

VI. And be it further enacted, That no post Entry of any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be permitted to be made by such Collector and Receiver, or Collectors and Receivers of the said Duties, by any person whatever, except by the Master of such Ship or Vessel, and that within Twenty-four hours after the same shall have arrived.

No post Entry shall be made but by the Master.

VII. And be it further enacted, That upon Information made to the said Collector and Receiver, or Collectors and Receivers, or to any or either of them, that any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, do still remain on board any Ship or Vessel (the same not having been duly entered), it shall and may be lawful for the said Collector and Receiver, or Collectors and Receivers, or any or either of them, or for any or either of the said Land-Waiters or Guagers, by their orders, to enter on board such Ships or Vessels, and there to search for and seize as forfeit, all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, so remaining on board the same, and not being duly entered as aforesaid.

Upon Information, Officers to search for and seize Wine, &c. remaining on board, not duly entered.

VIII. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed from on board such Ship or Vessel, after Report shall have been made, other than such as shall have been specified and contained in such Report or Manifest so as aforesaid directed by this Act to be made, then and in such case all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, or the value thereof (the same to be estimated at the highest price such commodities shall or

All Wine, &c. landed after Entry, and not contained in Master's Report, forfeited, or the value thereof;

and if concealed or stove, to prevent seizure, the Master, Owner or Receiver shall pay the value.

may respectively then bear), shall be, and the same are hereby declared to be, forfeited, and shall and may be seized by any or either of the said Collectors and Receivers of the Duties for the time being, or by any or either of the said Land-Waiters or Guagers: And if such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be concealed or stove, so as that Seizure cannot be made of the same, then the Master of such Ship or Vessel, or the Owner or Owners thereof, or the Receiver or Receivers of such Articles so concealed or stove, shall, on being duly convicted therefor, pay the value thereof according to the aforesaid Estimate.

Masters of Vessels refusing obedience to this Act,

shall forfeit £100.

IX. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be found on board any Ship or Vessel, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any Master of such Ship or Vessel shall refuse or neglect to conform strictly to the directions prescribed in and by this Act—in either of such cases, he shall, on conviction thereof, by the Oath of one credible Witness, forfeit and pay a Fine not exceeding One hundred Pounds.

All Wines, &c. landed contrary to law, and found in the custody of any person on shore, shall be forfeited,

and such person shall forfeit £50.

X. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed from on board any Ship or Vessel, contrary to the Rules prescribed in and by this Act, and found in the custody, possession, care or keeping of any person or persons whatever on shore (not having a Permit therefor), the same shall be forfeited, and the person or persons with whom the same shall or may be found, shall forfeit the sum of Fifty Pounds, unless he, she or they shall be able to prove the same to have been legally entered and landed.

XI. And be it further enacted, That if any person or persons whatsoever shall knowingly be aiding or

assisting in the clandestine landing or concealing any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, in order to avoid payment of the Duties to which the same are made liable by this Act, he, she or they shall, upon conviction thereof; by the Oath of one or more credible Witness, forfeit and pay the sum of Fifty Pounds, or suffer Six Months' Imprisonment; without Bail or Mainprize.

Persons &c. concerned in clandestinely landing any Wine, &c.

shall forfeit £50, or suffer six months' imprisonment.

XII. And be it further enacted, That no Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which by this Act are made liable to a Duty, shall be landed or delivered from on board any Ship or Vessel, or afterwards put into any Warehouse, or other place, (except in the day time—that is to say, after Sunrise and before Sunset of the same day), unless the same be done in the presence and with the consent of the said Collector and Receiver, or Collectors and Receivers for the time being, on pain of forfeiting all such Liquors, and all and singular the Lighters, Boats, or other Vessels which shall or may be employed in landing the same, together with the Trucks, Carts and Horses which may be employed in conveying the same away.

Wine, &c. not to be landed but in the day time, unless by permission and in the presence of Collector, on pain of forfeiture, with the Vessels, Trucks, &c. employed therein.

XIII. And be it further enacted, That the Master of any Ship or Vessel importing any Wine, Rum, Brandy, or other Distilled Spirituous Liquors as aforesaid, shall be, and he is hereby made liable to pay the Duties for so much thereof as may be contained in his said Report, not being duly entered, nor the said Duties paid, by the person or persons to whom such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, are or shall be consigned: And it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his hands and possession, or to deliver to the said Collector and Receiver, or Collectors and Receivers, for the security of such Duties, all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, as shall not have been duly entered—which said Collector and Receiver,

Masters of Vessels liable to the Duty for Wine, &c. not duly entered, nor the Duties thereon paid;

and may detain such Wine, &c. or deliver the same to the Collector, for security of Duties.

or Collectors and Receivers, or any or either of them, is or are hereby empowered and directed to receive and keep the same, at the Owner's risk, until the Duties due thereon, with the Charges, have been paid: And if the Duties due and payable on such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall not be paid, or secured to be paid, by the Owner or Owners thereof, within the space of Three Months, then and in such case the said Collector and Receiver, or Collectors and Receivers, is or are hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the Duties due thereon, and also the Freight, Charge of Custody, and Sale thereof.

Vessels may be attached, unless the Masters give Security to abide Judgment.

XIV. And be it further enacted, That in case any Master of any Ship or Vessel shall be prosecuted for a violation of this Act, such Ship or Vessel in which the said Wine, Rum, Brandy, or other Distilled Spirituous Liquors, may have been imported, shall be subject and liable to be attached, to answer the final Judgment which shall or may be given in consequence of such Prosecution, unless the said Master shall and do enter into Recognizance, with sufficient Sureties, to answer such final Judgment.

Persons importing for their own use, liable to the same Duties, and to render an account as in other cases.

XV. And whereas doubts have arisen, whether Wine, Rum, Brandy, or other Distilled Spirituous Liquors, brought into this Island by persons for the consumption of the Inhabitants thereof, and not for sale, are or ought of right to be liable to the Rates, Duties and Impost which are by Law payable on other Wine, Rum, Brandy, or other Distilled Spirituous Liquors, imported or brought into this Island—Be it therefore further enacted, that all and every person or persons bringing, or causing to be brought, into this Island, any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, for their own consumption, shall, from and after the publication hereof, render a just and true Account or Manifest of the same to the said Collector and Receiver, or Collec-

tors and Receivers, in such manner and within such time as are prescribed by this Act on Entries made in other cases; and also pay, or secure to be paid, the same Rates, Duties and Impost imposed or laid by this Act on other Wine, Rum, Brandy, and other Distilled Spirituous Liquors; and on failure thereof, they are hereby subjected to the like Penalties and Forfeitures as are inflicted on other breaches or violations of this Act.

XVI. And be it further enacted, That it shall or may be in the power of the Governor, Lieutenant Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, to appoint a proper person to be Collector and Receiver of the several Rates, Duties, and the Impost herein before mentioned, for the Port of *Charlotte Town*, and for every other Port in this Island where he and they shall or may think expedient and necessary for the effectually carrying into execution this Act—each and every of which person or persons, appointed as aforesaid, is or are to give approved Security, payable to His Majesty, His Heirs and Successors, in such amount as he and they shall, from time to time, judge sufficient, to effect the faithful discharge of the Trust reposed in such persons: also in like manner to appoint Surveyors or Land Waiters for the said Port of *Charlotte Town*, and such other Ports as may by him and them be judged necessary for the purposes aforesaid—and in the presence of some one of them, or in the presence of the Collector and Receiver, or Collectors and Receivers aforesaid, or any or either of them, all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed at the said several Ports, and be duly guaged at the time the same shall have been so landed, in manner as is herein before prescribed. And all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which shall or may be landed in this Island, contrary to the intent and meaning of this Act, shall be forfeited, and shall and may be seized and prosecuted by such Collector and

Governor, with advice of Council, to appoint Collectors.

Persons so appointed to give approved Security.

Governor, in like manner, to appoint Surveyors and Landwaiters.

Their Duty.

Wine, &c. landed contrary to this Act, may be seized.

Receiver, or Collectors and Receivers, or any or either of them, as by any or either of the said Surveyors or Land Waiters.

Wine, &c. landed without being regularly entered and Duties paid, and the Importers having quitted the Island, the Purchaser shall be liable to the Duties—also to a Penalty for purchasing the same before entry.

XVII. And be it further enacted, That in case any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be landed in any Port or other parts of this Island, without being regularly entered, and the Duties paid thereon, as above directed, and the Importer or Importers of the same shall have quitted the Island before the Collector and Receiver of the said Rates, Duties and Impost shall have had notice thereof—then and in such case the purchaser or purchasers thereof shall be liable to the payment of the Duties due and payable thereon, and of a further sum (being equal to the amount of the said Duties) as a Penalty for purchasing the same before Entry, with an intent to elude the payment of the said Duties.

Agents for Vessels seized, or taken as Prizes, to render a true account of the Contents of the Cargo liable to Duty, on Penalty of £100.

XVIII. And be it further enacted, That all Agents, or other persons concerned for Vessels taken as Prizes, or for Vessels seized for illegal Importation, shall, immediately on their arrival, deliver to the said Collectors and Receivers respectively a true account, upon Oath, of the Contents of the Cargo so taken or seized, (the same being liable to the Duties imposed by Law in this Island) and delivered into their care: And if the true Contents of the said Cargo shall or may be then unknown to such Agent or Agents, or other person or persons concerned as aforesaid, then and in such case he or they shall respectively make oath to render a true and faithful account of the said Cargo when the same shall have come to his or their knowledge, so that the Duties due thereon may be accurately ascertained, under the Penalty of forfeiting One hundred Pounds for each and every offence.

XIX. And be it further enacted, That all Wine, Rum, Brandy, and other Distilled Spirituous Liquors,

which shall or may be brought into any Port or Place in or belonging to this Island, as Prize, or which shall or may be condemned therein as such, at any time from and after the publication hereof, shall be subject to all and singular the several Rates, Duties, and the Impost imposed or laid by this Act: And the Marshal of the Court of Vice Admiralty, or his Deputies, as well as all Auctioneers or Vendue Masters in this Island, is and are hereby directed not to deliver any such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which may have been sold by him or them respectively, at Public Auction or otherwise, to the purchaser or purchasers thereof, without a Permit first had and obtained therefor from the said Collector and Receiver, or Collectors and Receivers, and before he or they shall have rendered a true and perfect account to such Officer or Officers, or some one of them, upon oath, of the quantity of all such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which he or they shall or may have so sold, and of the names of the persons to whom the same were so sold, under the Penalty of forfeiting the sum of Two hundred Pounds for each and every offence.

Prize Wine, Rum, &c. subject to same Duties.

Marshal of Vice Admiralty, Auctioneers, &c. shall not deliver any such Wine, &c. without Permit,

and shall render upon Oath an Account thereof,

on Penalty of £200.

XX. And be it further enacted, That from and after the publication hereof, there shall be allowed on all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which shall have been already imported, or which shall or may in future be imported into this Island, on Exportation of the same therefrom, a Drawback of Fourpence *per* Gallon out of the whole Duty paid, or secured to be paid thereon, on Importation thereof.

Drawback on Exportation,

This and the three following clauses suspended by 3 W. 4, c. 34, s. 14.

XXI. And be it further enacted, That the Drawback on all such Wines, Rum, Brandy, or other Distilled Spirituous Liquors, so exported, shall be paid to the Exporters thereof within One Month next after the same shall have been exported—that is to say, if the said Duties have been, prior thereto,

This clause suspended as above.

Drawback how payable.

bona fide paid; but if not, then the Security given for the same shall be returned, or Credit given on the back thereof for the quantity so exported: And the said Exporters are also severally to give Bond, with one sufficient Surety, to the Treasurer of this Island, in double the amount of the Drawback so claimed, conditioned to deliver, within Eighteen Months after the time of such Exportation (the Dangers of the Seas and Enemies only excepted), a Certificate from the principal Officer of His Majesty's Customs of the Port to which the same shall or may be carried, or from some other Officer there duly authorized thereto, expressing such Goods to have been actually landed; together with a further Certificate from the said Collector and Receiver, or Collectors and Receivers, or either of them, that the Duties due and payable thereon have been truly paid, or secured to be paid, before such Exportation, agreeable to the Rates prescribed and charged in and by this Act—and the said Collector and Receiver, or Collectors and Receivers, or either of them, are hereby permitted to take such Certificates in payment of any Duties to be paid by the Importers of any of the said Liquors: And for the better and more effectually preventing Frauds herein, the following Oath shall be taken for the future by all Exporters of such Liquors (and which Oath the said Collector and Receiver, or Collectors and Receivers, are hereby respectively required to administer), in the presence of the Master of the Ship or Vessel on board of which the same shall or may be taken, to the end that such Master may not pretend to be ignorant of any part of his duty, as directed and prescribed in and by this Act, *videlicet*:

Bond with one Security, to produce Certificate of landing.

Oath to be taken by Exporter.

Form of Oath.

' YOU *A. B.* do swear, that the Quantity of
' by you shipped for Exportation, on board the
' Master, bound for was *bona fide* im-
' ported in the Master, since the day of
' and that the Duties for the same have been
' paid, or secured to be paid, as by Law is required;

and that the same is not intended to be fraudulently re-landed in or at any Port or Place within this Island, or any of the Territories thereunto belonging.

XXII. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, shall be fraudulently re-landed in or at any Port or Place in this Island, after the same shall have been shipped for Exportation, the same shall be forfeited, together with the Ship or Vessel out of which such Liquors shall have been so fraudulently re-landed.

Wine, &c. fraudulently re-landed, to be forfeited, with the Vessel.

XXIII. And be it further enacted, That no Naval Officer at any of the Ports in this Island shall give Clearances or Papers to the Master of any Ship or Vessel outward bound, until he shall be certified by the said Collector and Receiver, or Collectors and Receivers, or either of them, that the said Master has complied with the directions contained in this Act.

Naval Officer not to clear out any Vessel till certified that the Master hath complied with this Act.

XXIV. And be it further enacted, That all Wine, Rum, Brandy, or other Distilled Spirituous Liquors, which shall have been or may be imported into this Island, and which shall have paid, or on which Security has been given for the payment of, the Duties hereby imposed, and which shall or may be issued for the use of His Majesty's Navy, shall be deemed, considered and taken as exportable Effects, within the true intent and meaning of this Act, and shall also be entitled to a Drawback of the Duty so paid, or secured to be paid; and the said Collector and Receiver, or Collectors and Receivers, shall pay the same in manner as is herein before directed, or give and surrender up the Security which may have been given for the said Duties, or give Credit for the same as aforesaid.

Drawback on Wine, &c. issued for the use of His Majesty's Navy.

XXV. Provided always, and be it further enacted, That no Wine, Rum, Brandy, or other Dis-

Manner of proceeding for obtaining the Drawback.

Distilled Spirituous Liquors, shall be so issued or delivered for the use aforesaid, unless the same be done by or under the authority of a Permit from the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, of this Island, or the proper Officer by him appointed for that purpose, to be by him granted upon the ground of a Certificate signed by the Captain or Commanding Officer of the Ship or Vessel for whose use such Liquors may be required; and which said Certificate shall express, that such Liquors are necessary for the use of such Ship or Vessel: and before such Drawback shall be paid, allowed, or credited as aforesaid, a Certificate shall be produced from the Treasurer of this Island, certifying that proof had been made to him, by a Receipt from the Purser, and a Certificate of the Captain and other signing Officers of His Majesty's said Ship or Vessel, that the said Wine, Rum, Brandy, or other Distilled Spirituous Liquors, mentioned in the Governor's said Permit, had been actually received on board the same for the use aforesaid, and for no other use or purpose whatever.

Wine, &c. for the use of the Navy landed after Drawback received or claimed, forfeited;

XXVI. And be it further enacted, That if any Wine, Rum, Brandy, or other Distilled Spirituous Liquors, for which the above mentioned Drawback shall have been claimed and allowed, shall, after the same have been issued, or pretended to be issued as aforesaid, be landed, or converted to the use of any person or persons whatever on shore, or for any other use than that of His Majesty's Navy, the same is hereby rendered forfeit; and the person or persons who shall or may be found guilty of committing such Fraud, shall forfeit and pay the sum of Fifty Pounds.

and the person found guilty of such fraud fined £50.

No Drawback for a less quantity than 30 gallons.

XXVII. Provided nevertheless, That nothing herein contained shall entitle any Exporter or Exporters, in any respect whatsoever, to any

Drawback on a less quantity of such Wine, Rum, Brandy, or other Distilled Spirituous Liquors, than Thirty Gallons.

XXVIII. And be it further enacted, That the said Collector and Receiver, or Collectors and Receivers, for the time being, shall render a just and true account of, and pay into the hands of the Treasurer of this Island, all such Monies as shall or may be by him or them respectively received in virtue of this Act, within Thirty Days next after the end of each Quarter, on Penalty of forfeiting Fifty Pounds for such his or their neglect.

Collectors, &c. to account quarterly,

on Penalty of £50.

XXIX. And be it further enacted, That all Causes or Trials for Forfeitures and Penalties inflicted on breaches of this Act, shall and may be commenced and prosecuted in any of His Majesty's Courts of Record which now are or which may hereafter be established in this Island: and upon Motion duly and regularly made, a Special Jury shall be awarded and summoned to try the matter in Question, agreeable to the Form and Manner of awarding and summoning Special Juries in the Courts of *Westminster* in *Great Britain*: and the Defendant or Defendants in such Suit shall be subject to pay all Costs, if the Verdict therein be given against him or them.

Forfeitures, &c. shall be sued for in any Court of Record.

XXX. And be it further enacted, by the authority aforesaid, That all and singular the Monies arising from such Penalties and Forfeitures, after deducting all Expences of Prosecution taxed against the Defendant or Defendants, shall be, one half to His Majesty, to and for the uses for which the said Duties are granted, and the other half to him or them who shall seize, inform and sue for the same; and that all Prosecutions in pursuance of this Act shall be commenced within the space of Twelve Months from the time of the offence committed.

Application of Penalties, &c.

Prosecutions to be commenced within twelve months.

Depositions of Witnesses, *de bene esse*, taken before a Justice, shall be admitted as Evidence on the Trial.

XXXI. And be it further enacted, That in case it shall happen that any of the Witnesses for supporting any Information or Suit which shall or may be so brought, are obliged to leave this Island before the day appointed for the trial of the Cause, that then and in such case, it shall and may be lawful for any One of the Justices of the said Courts, upon notice given to the above Party to be present, to take the Depositions of the said Witnesses, *de bene esse*, in Writing; which Depositions, being so taken, and also subscribed by the said Justice or Justices, and by the said Witnesses, may be admitted as Evidence to the Jury, upon Trial of such Cause or Suit.

Appropriation.

XXXII. And be it further enacted, That the Monies arising from the Duties imposed by this Act, shall be applied and laid out in making and repairing public Roads, and the further establishing Ferries within this Island, and such other Uses to and for His Majesty's Government, as the Governor, Lieutenant Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, shall, from time to time, order and direct, (the said Sums, so to be appropriated, to be issued according to His Majesty's Instructions, by Warrant from the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice aforesaid, for the purposes of the said Appropriation.) And if the Treasurer of this Island shall issue or pay any of the said Monies for other purposes than are herein declared and expressed, he shall forfeit and pay treble the sum so issued or paid, and be rendered incapable of holding the said Office of Treasurer—the said Forfeiture to be applied to and for the public uses herein before expressed, and to be recovered in any of His Majesty's said Courts of Record in this Island.

Penalty on Treasurer disobeying this Act.

Recovery and application of Penalties, &c.

XXXIII. And be it further enacted, That all the Penalties and Forfeitures arising by operation

of this Act, shall and may be recovered by Bill, Plaint or Information, in any of His Majesty's said Courts of Record in this Island: And the Monies arising from such Penalties and Forfeitures, after deducting all Expences of Prosecution, together with all incident charges thereupon, shall be one half to His Majesty, to and for the uses for which the said Duties are granted, and the other half to him or them who shall inform, seize or sue for the same.

XXXIV. And be it further enacted, That either of the Parties to such Suits, who shall or may be dissatisfied with the Judgment of any Inferior Court in this Island, may appeal thereupon to the said Supreme Court of Judicature; he or they first giving sufficient Security to prosecute such Appeal with effect, and without delay, and to abide the Judgment of the Court above.

Appeal from any Inferior Court to Supreme Court.

XXXV. And be it further enacted, That the Provisions, Directions and Regulations in this Act contained, shall be the Rule and Guide of the Collector and Receiver, or Collectors and Receivers of the said Rates, Duties and Impost, in all matters incident to their respective Offices, and of the Officers employed by or under them, in collecting and receiving the same: And also that this Act may be pleaded by the Parties to any Suit instituted for breaches or violations thereof, according to their several and respective cases; and whereof the Justices of His Majesty's said Supreme Court of Judicature are hereby required to take notice, and govern themselves accordingly—any former Law, Usage or Custom to the contrary notwithstanding.

This Act to be the Rule and Guide of Collectors, &c.

And may be pleaded on Prosecutions.

XXXVI. And be it further enacted, That all and singular the Monies arising by operation of this Act shall be accounted for unto His Majesty, in the Kingdom of Great Britain, and to the

Monies arising by this Act, how to be accounted for.

Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Repealed by 3 W. 4, c. 33.

CAP. V.
An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act prohibiting the sale (by Retail) of Rum, or other Distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due Regulation of such as shall be Licensed.*

CAP. VI.

An Act for establishing the Rate of Interest.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons whatsoever, upon any Contract hereafter to be made, shall take, directly or indirectly, for Loan of any Monies, Wares, Merchandizes, or other Commodities whatsoever, above the value of Six Pounds, for the forbearance of Interest of One hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time.

No greater Interest than Six per cent. per Annum to be taken.

II. And be it further enacted, That all Bonds, Contracts and Assurances whatsoever, for payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred as aforesaid, shall be utterly void;

If more is exacted, Bonds, Contracts, &c. to be void.

and that all and every person or persons whatsoever, who shall, upon any Contract to be made, take, accept, and receive, by way or means of any corrupt Bargain, Loan, Exchange, Chevi- zance, Shift, or Interest of any Wares, Merchandize, or other thing or things whatsoever, or by any deceitful way or means, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year, of and for their Money, or other thing or things, above the sum of Six Pounds for the forbearing of One hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose, for every such offence, the Monies, Wares, Merchandize, and other things so lent, bargained, exchanged, or shifted; one Moiety thereof to be to the King's Most Excellent Majesty, his Heirs and Successors, for the public use and support of his Government on this Island, and the other Moiety to him or them who shall or may sue for the same in His Majesty's Supreme Court of Judicature, or in any other of His Majesty's Courts of Record that now are, or which may hereafter be established within this Island, by Action of Debt, Bill, Plaint or Information, in which no Essoin, Wager of Law, or Protection shall be allowed. Provided always, that nothing in this Act shall extend, or be construed to extend, to prevent any person or persons from contracting and agreeing with each other for the Loan or Hire of any quantity of Grain of any kind, or for any number of Cows, Horses, Oxen, Heifers, Sheep, Swine, or any other kind of Cattle, nor for Poultry of any kind, upon Halves or otherwise, as the Lender and Hirer may agree; and that no such dealings shall be accounted Usury; any thing herein contained to the contrary notwithstanding. Provided also, that nothing in this Act shall extend, or be construed to extend, to any Specialty, Hypothecation, Instrument or Agreement whatever, in

Persons who shall on any Contract for Goods, &c. take more than Six per cent. Interest,

to forfeit the whole value—one half to the King, and the other to the prosecutor.

Not to extend to loan or hire of Grain, Cattle, &c. on shares:

Nor to Hypothecation, Bottomry, &c.

Contracts upon Loan at Interest, heretofore made, shall be good.

Writing, which shall or may be made, entered into, or executed for any Money lent or advanced upon the Bottom of any Ship or Vessel; any thing herein contained to the contrary notwithstanding. Provided also, that all Contracts and Agreements upon Loan at Interest, upon any other Rate heretofore made than is prescribed by this Act, shall be good; valid and effectual, to all intents and purposes whatsoever, in the same manner as if this Act had not been made.

Prosecutions to be commenced within twelve Months.

III. And be it further enacted, That all Prosecutions which may be brought for any offence hereafter done or committed against this Act, shall be brought by the person or persons aggrieved, or by any person or persons who shall or may sue for the same, within Twelve Months from the time the offence was committed; and it shall and may be lawful for any person or persons who shall think themselves aggrieved by any Judgment of any Inferior Court in this Island, to bring his Writ of Error, returnable in His Majesty's Supreme Court of Judicature.

Persons aggrieved at Judgment of any inferior Court to bring Writ of Error.

Monies arising from Forfeitures, to be accounted for to His Majesty, &c.

IV. And be it further enacted, That the Monies which may arise by operation of this Act, shall be accounted for unto His Majesty in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

C A P. VII.

Repealed by 36 G. 3, c. 6.

An Act to explain and amend an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled *An Act for the Preservation of Highways*.

CAP. VIII.

An Act for admitting Depositions, *de bene esse*, of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That when it shall so happen that any of the Witnesses who may be judged necessary to be produced on the Trial of any Cause between Party and Party, shall be infirm, aged, or otherwise unable to travel, or when any such Witness is obliged to leave this Island, it shall and may be lawful for any one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or for any one of the Justices of any other of His Majesty's Courts of Record that now are, or which hereafter shall or may be established therein, where such Cause is to be tried, after due notice in writing hath been given to the adverse Party or Parties, or to his, her or their Attorney or Attorneys, to be present (if he, she, they, or any of them see fit,) to take the Deposition of such infirm or aged person or persons, so unable to travel, or who is or are obliged to leave this Island as aforesaid: and such Depositions, so taken and certified under the Hand and Seal of the Justices of said Courts respectively (before whom such Deposition has been taken), and sealed up and directed to the Court where such Suit or Action may be depending, shall be received as legal Evidence in such Cause. Provided, proof shall be first made on Oath, that due written notice was given to the adverse Party or Parties, or to his, her or their Attorney or Attorneys, of the time and place of taking such Depositions: and each and every such written Notice shall be duly served, at least Six Days previous to the day appointed for taking such Evidence, if the same should be between the First day of *May* and the First day of *November* in each Year; and if between the First day of *November* and the First

Any Justice of Supreme Court, after due notice to adverse Party, or Attorney, may take the Deposition of Witnesses, infirm, or about to leave the Island; which shall be sealed up and directed to the Court where Cause is to be tried.

Oath to be made of due Notice to adverse Party or Attorney.

If at time of trial, such Witnesses are in the Island, and able to travel, to be examined *viva voce*.

Benefit of Exceptions to the Credit of such Witnesses.

day of *May*, then the same to be served Ten Days before such Caption—each of said stated days to be exclusive of the day of Service. And provided nevertheless, that if such Witnesses shall, at the time of the Trial of the Cause, be on this Island, or able to travel, they shall be required to give their Testimony, *viva voce*, at such Trial, in the same manner as if such Depositions had not been taken. Provided also, that all benefit of Exceptions to the Credit of such Deponents shall be reserved in the same manner as on producing Witnesses for Examination, *viva voce*, at the Trial.

Quakers allowed to make Affirmation.

II. And be it further enacted, That every person of the profession of the people called Quakers, who shall be required to take an Oath as aforesaid, shall, instead of an Oath, be permitted to make his or her solemn Affirmation.

Persons convicted of swearing or affirming falsely, to incur Penalties as for Perjury.

III. And be it further enacted, That every person who shall have made such Oath, or solemn Affirmation, and shall be convicted of having wilfully, falsely and corruptly sworn or affirmed, he, she or they shall incur the same Penalties as persons convicted of wilful and corrupt Perjury.

CAP. IX.

13 G. 3, c. 10.

An Act to repeal an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act prohibiting all Masters of Ships or Vessels, or any other Persons, from transporting or conveying away any Person or Persons out of this Island, or the Territories adjacent thereto, without a Licence or Pass, except only such as are therein after excepted.*

CAP. X.

An Act for permitting Persons of the Profession of the People called Quakers to make an Affirmation instead of taking an Oath

BE it enacted, by the Lieutenant Governor, Council and Assembly, That all persons of the Religious Profession of the People called Quakers, who shall or may be required upon any lawful occasion to take an Oath, may, instead of an Oath in the usual form, be permitted to make his, her or their solemn Declaration or Affirmation in the following Words, to wit: *I A. B. do solemnly, sincerely, and truly declare and affirm:* Which solemn Affirmation being duly administered, shall be adjudged and taken to be of the same force and effect, in all cases where by Law an Oath shall or may be required, as if such Quakers had taken an Oath in the usual form.

Quakers may make Affirmation instead of taking an Oath.

Form of Affirmation.

II. And be it further enacted, That all persons who shall or may have made such solemn Affirmation, and who shall or may have been duly convicted of having wilfully, falsely and corruptly affirmed any thing, which, if the same had been sworn in the usual form of an Oath, would have amounted to wilful and corrupt Perjury, are hereby made to incur the same Penalties as other persons convicted of wilful and corrupt Perjury. Provided nevertheless, that no Quaker, or reputed Quaker, shall, by virtue of this Act, be admitted to give Evidence in any Criminal Prosecution whatever, under the sanction of such solemn Declaration or Affirmation. Provided also, that no person or persons whatever shall be deemed or construed to be Quakers, within the true intent and meaning of this Act, except such as shall affirm, in the form before directed, that he, she or they is or are of the said Profession of People called Quakers, and have been so for one Year next before such Affirmation made.

False Affirmation punished as perjury.

Affirmations not admitted in Criminal Prosecutions.

Persons professing to be Quakers, to affirm they have been so for one Year.

Public Act.

III. And be it further enacted, That this Act shall be deemed to be a Public Act, and be judicially taken notice of as such.

CAP. XI.

Disallowed by His Majesty in Council.

An Act to repeal an Act made and passed in the Sixteenth Year of His present Majesty's Reign, intituled *An Act for regulating Fees*.

CAP. XII.

Disallowed by His Majesty in Council.

An Act directing the Register of this Island to procure new and sufficient bound Books, for the purpose of properly Recording all the Grants, Deeds of Sale, Conveyances, Leases, and other Writings belonging or relating to this Island, which are now entered or recorded in several small unbound Books hereafter mentioned : also empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, to destroy the said several small unbound Books, after having been fairly extracted and copied as herein after is prescribed.

CAP. XIII.

Expired.

An Act for continuing sundry Laws that are near Expiring.

CAP. XIV.

Executed.

An Act for granting the sum of One Hundred and sixty-one Pounds, Two Shillings and Eleven Pence, for the support of His Majesty's Government.

ANNO VICESIMO SEXTO

GEORGI III. REGIS.

At the General Assembly of His Majesty's 1786.

Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-first Day of
March, Anno Domini 1785, in the Twenty-
fifth Year of the Reign of our Sovereign Lord
GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

W. PATTERSON,
Lt. Governor.

P. CALLBECK,
President of
Council.

A. FLETCHER,
Speaker.

And from thence continued, by several Proroga-
tions, to the Fifteenth Day of *March*, 1786, and
in the Twenty-sixth Year of His said Majesty's
Reign; being the Second Session of the Fourth
General Assembly convened in the said Island.

CAP. I.

An Act to alter, amend and reduce into one Act, an
Act made and passed in the Twenty-first Year of
His present Majesty's Reign, intituled *An Act for
raising a Fund to make and keep in Repair
the Streets and Wells of Charlotte-Town.*

For Acts which
have reference to
this subject, see
30 G. 3, c. 3.
41 G. 3, c. 3.
48 G. 3, c. 7.
52 G. 3, c. 6.
6 G. 4, c. 9.
1 W. 4, c. 17.
3 W. 4, c. 37.
4 W. 4, c. 11.

WHEREAS the Method prescribed by the
aforesaid Act, intituled *An Act for raising
a Fund to make and keep in Repair the Streets*

and Wells of *Charlotte-Town*, is by assessing the Inhabitants thereof, annually, according to their several circumstances and abilities, at the discretion of the Commissioners appointed to carry the said Act into execution: And whereas it has been found very difficult to ascertain the circumstances and abilities of the Inhabitants of said Town, otherwise than by their landed property, by means whereof it is impossible to avoid doing injustice to some by assessing them too high, while others may not be made to contribute what they justly ought to do: And whereas several people have a number of unimproved Lots, for which, according to the present mode of assessing the Inhabitants, they pay nothing, while, at the same time, their property is increasing daily in value, at the expence of their neighbours: And whereas all Monies laid out in the Improvements of the Town must continue constantly to increase the value of the Town Lots, it therefore appears highly reasonable and expedient that the expence of such Improvements should fall on those who are most benefited thereby:

Governor, &c. to
appoint Overseers
annually, for ma-
king and repair-
ing Pumps, &c.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, it is hereby enacted, That from and after the publication hereof, the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, is hereby empowered to appoint, annually, one or more Overseer or Overseers, for the purpose of making and repairing the public Pumps and Wells in *Charlotte-Town*, and the Streets and Shores leading to and from such public Pumps and Wells; which Overseer or Overseers is or are to be appointed, annually, in the month of *April*, or as soon after as may be.

II. And be it further enacted, That within the space of one Month next after notice shall have

been given to the said Overseer or Overseers respectively of such his or their appointment, and he or they shall have severally taken an oath for the due and impartial discharge of their respective Offices, he or they shall, and they are hereby severally required, to make out and lay before the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, and His Majesty's Council, an Estimate of such Improvements and Repairs as shall appear to him or them necessary to be made on such public Pumps, Wells, Streets and Shores, during the period of his or their appointment: And the said Governor, Lieutenant Governor, or Commander-in-Chief for the time being, and His Majesty's Council, are hereby empowered to approve of or disallow as much of the said Estimate as they shall or may see proper and expedient; and, if it should be found necessary, to add further Improvements thereto: and the said Estimate, so formed and adjusted according to their discretion, shall be again returned to the said Overseer or Overseers, who is or are hereby directed to carry the same into execution in the most effectual and least expensive manner he or they are capable of: And such Overseer or Overseers are hereby further directed, empowered and authorized, to cause to be repaired all accidents which shall or may happen to such public Pumps, Wells, Streets or Shores, during his or their appointment, although the same shall not have been mentioned in his or their said Estimate.

Overseers to lay Estimates thereof before Governor and Council, who may approve or disallow any part thereof.

Estimate when adjusted, to be carried into effect by the Overseers.

III. And be it further enacted, That all Overseers who shall or may be appointed as aforesaid, are hereby respectively empowered and directed to cause all Nuisances, inconvenient Obstructions and Impediments, to be removed from out of the Streets of *Charlotte-Town*: for which purpose the said Overseers are, or any one of them is, in the first instance, to apply to the person or persons who shall have erected or caused such Obstruc-

Overseers to cause all Nuisances to be removed.

Made of proceeding.

tions or Nuisances in the Streets as aforesaid, giving him, her or them notice, before one or more credible Witness or Witnesses, to remove the same; and if such person or persons shall, on such notice, refuse or neglect to remove the same, within Fifteen Days next after such notice, the said Overseer or Overseers is or are hereby directed, in all such cases, and without loss of time, to make complaint thereof to any one or more of His Majesty's Justices of the Peace for this Island; which Justice or Justices is or are hereby directed to hear the said complaint, and, on due proof thereof made, to fine such person or persons so refusing or neglecting as aforesaid, in any sum or sums of money, so that the same shall not, in any one instance, exceed Forty Shillings, Sterling Money of Great Britain; the same to be recovered by Warrant of Distress: and in all cases where no Distress can be found, then the same to be recovered by Warrant against the person or persons so offending, who is or are hereby made liable to be confined in His Majesty's Gaol in Charlotte-Town aforesaid, for such a number of Days as to the said Justice or Justices shall or may seem meet: Provided, that the time of confinement shall not exceed, in any one instance, Ten Days.

Nuisances remaining after complaint, Overseers to proceed *de novo*.

IV. And be it further enacted, That if the aforesaid Obstructions or Nuisances, after having been so complained of, shall still remain, the said Overseer or Overseers is or are hereby authorized and directed to proceed, in like manner, and give notice *de novo*; and in case of default made as aforesaid, to renew his or their said complaint; and thereupon the said Justice or Justices may hear, determine, and fine as aforesaid, and so on till the said Obstructions or Nuisances shall have been removed, as well to the satisfaction of the said Overseer or Overseers, as of the said Justice or Justices.

V. And be it further enacted, That the said Overseer or Overseers shall, in all such cases, be refunded by the Public whatever necessary expences he or they may have incurred in the Prosecutions of such Suit or Suits: and for that purpose, and for carrying into execution the other Provisions of this Act, the Treasurer for the time being is hereby directed, from time to time, as the same may be required, to supply the Overseer or Overseers with Money, first taking his or their Receipts for the same. Provided always, that the whole amount of the Money so supplied within the Year shall not exceed the sum assessed for the service thereof.

Overseers' expences in prosecuting suits, to be refunded out of the Treasury.

VI. And be it further enacted, That the said Overseer or Overseers shall, and they are hereby directed to make out and lay before the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, and His Majesty's Council, for their examination, regular Quarterly Accounts of all Monies expended by him or them in consequence of this Act; the same to be made up to the end of the first Quarter after the date of his or their appointment, and so on, progressively, giving up one Account at the end of every Three Months thereafter during the time of his or their appointment or appointments: and as often as the said Account, or any part thereof, shall be approved of by the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, and His Majesty's Council, there shall be a Certificate given of the same, and a Warrant to the Treasurer for the amount thereof: And all Overseers for the future, at the end of Twelve Months from and after their respective appointments, by virtue of this Act, are hereby directed to render an Account current of all Monies received by them in their said capacities, and how the same have been laid out, producing proper Vouchers at the same time in support thereof.

Overseers to lay regular Quarterly Accounts of Monies expended by them, before Governor and Council.

Upon Account being approved of, a Warrant to be issued to the Treasurer for the amount.

Overseers receiving more money than expended, to return the same.

VII. And be it further enacted, That if any Overseer or Overseers shall have received more Money from the Treasurer that he or they may have really and truly expended, for the purposes herein-before mentioned, he or they are hereby directed to return the same again to the Treasurer, at the end of the Year of his or their appointment; and on failure thereof, or refusal so to do, the Treasurer is hereby empowered and required, immediately thereupon, to sue for the same, in like manner as if it were a Debt due and owing to himself: And the said Overseer or Overseers, and their respective Heirs, Executors and Administrators, are hereby made liable to the payment of such Debts, in the same manner as if the Monies had been borrowed for his or their own private use and benefit.

Overseers appointed, and refusing to act, to be fined £5.

VIII. And be it further enacted, That if any person or persons whatsoever, who shall or may hereafter be appointed an Overseer or Overseers as aforesaid, and who shall refuse to act as such, or having consented thereto, shall neglect his or their duty, as declared and described in and by this Act, or in and by any immediate Instruction or Instructions which he or they may receive from the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council (not being repugnant to this Act), he or they shall, for every such refusal or neglect, severally forfeit to the use of His Majesty's Government the sum of Five Pounds, to be recovered in the Supreme Court of Judicature of this Island—and the Treasurer for the time being, or some person authorized by him thereto, is hereby empowered and directed to sue for and recover the same; and the Justices of the said Court are hereby authorized and directed, on sufficient proof having been made of such refusal or neglect, to give Judgment for the same, together with reasonable Costs of Suit.

IX. And be it further enacted, That all Overseers who may hereafter be appointed in consequence

of this Act, shall or may receive for his or their trouble, during the several periods of their appointments, the sum of Ten Pounds—the same to be paid them quarterly by the Treasurer of this Island: and which said sum of Ten Pounds is to be added to and be made part of the Estimate which they are hereby ordered as aforesaid to lay before the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council.

Overscers to be paid £10 per annum, which is to be added to the Estimate.

X. And be it further enacted, That in future, when the Estimates shall have been prepared and approved of as is herein-before directed, the amount thereof shall be laid in equal proportions on each Lot in *Charlotte-Town*, that shall appear at that time to have been granted: And to enable the Governor, Lieutenant Governor, or Commander in Chief for the time being, and His Majesty's Council, to make such Division, the Surveyor General, and the Provincial Register for the time being, are hereby directed to make out, each of them, annually, by the First day of *May*, a List of all the Town Lots which shall have been at that time granted; and according to such Lists so made out and severally subscribed by them, the Division of the said Estimate shall be proportioned and adjusted; and a Copy of the whole proceedings shall be immediately thereupon made out by the Clerk of His Majesty's Council, and shall be by him delivered to the Provincial Treasurer, who is hereby directed, without loss of time, to collect the same in manner following—that is to say, within Four Days next after he shall have received the aforesaid Lists of Lots and the proportion which each person is to pay—and he shall have, at least, three fair Copies taken thereof, which he is thereupon to cause to be posted up in the most public places in *Charlotte-Town*, with an Advertisement to each, thereby warning the Owners of said Lots, or some person or persons for them, to pay, or cause to be paid, the sums so allotted to and charged on each, at his Office, within Twenty Days after the Date

Each Town Lot granted at the time of making the Estimate, to be taxed in equal proportions for the amount thereof.

Mode of proceeding.

In case of failure,
Lots to be proceed-
ed against in
the Supreme
Court.

thereof, and expressing, that in case of failure, the said Lots shall be proceeded against as directed in and by this Act: And the said Treasurer is hereby further authorized and required, at the Sitting of the Supreme Court next after the posting of said Advertisement, to make Proclamation of said Lots being so in arrear, together with a Notification, that in case such Arrears shall not be paid within Thirty Days next after the Day of such Proclamation, that then application will be made to the said Supreme Court at their next Sitting after the Expiration of the said Thirty Days, for Judgment to be passed against each and every of the said Lots so in arrear, and concerning which Proclamation had been so made.

Mode of proceed-
ing in Supreme
Court.

XI. And be it further enacted, That the Justices of the said Supreme Court of Judicature, upon application of the said Treasurer, or some person authorized thereto by him, and upon proof made, by oath, that the said Advertisements and Proclamations had been duly posted and made, and also what sums were then due on the said Lots respectively, shall, and they are hereby authorized and directed to give Judgment against such Lots, for the sums so due thereon and in arrear, together with lawful Interest for the same, to be calculated from the time given or limited by this Act for the payment thereof, together with reasonable Costs; and thereupon a Writ of *Fieri Facias* shall or may be sued out for such Sums, Interest and Costs, directed to the Sheriff, or, if need be, to the Coroner, and returnable within a reasonable time into the said Court.

Sheriff to attach
Lots so in arrear,
and after due no-
tice, proceed to
the sale thereof.

XII. And be it further enacted, That the Sheriff or his Deputy, or the said Coroner, upon receipt of such Writ, shall, by virtue thereof, attach such Lots, and give notice that he will proceed to the sale thereof on a day therein to be mentioned, (the time therein limited not to be less than Sixty nor more than Ninety Days from the Date thereof:) and such Notice shall be posted in like manner as the Advertisements herein-

before directed; and thereupon the said Sheriff or his Deputy, or the Coroner, shall proceed to sell the said Lots, one after another, on the day fixed upon and limited for that purpose, at Public Sale or Vendue, in *Charlotte-Town*, wherein the best or highest Bidder shall be deemed the Purchaser of such Lot or Lots: And upon payment of the Purchase-Money, which shall be within Ten Days after such Sale, the Sheriff or his Deputy, or the Coroner, as aforesaid, shall execute proper and absolute Deeds of Conveyance therefor—which Deeds shall be good and valid, to all intents and purposes, for conveying the same to the respective Purchasers of them, their Heirs and Assigns for ever. Provided nevertheless, that if the Proprietors of such Lots of Land, attached as aforesaid, or any person in their behalf, shall, at any time before the said Sale, pay and discharge the sum so in arrear, together with the Interest and Costs as aforesaid, the Sale of such Lot or Lots shall not be proceeded in, but the same shall be wholly and absolutely freed and discharged from the Judgments so given against them, any thing herein contained to the contrary notwithstanding.

Sheriff to execute Deeds of Conveyance to purchasers.

Proprietor paying arrear, previous to sale, the sale shall not be proceeded in.

XIII. And be it further enacted, That the Sheriff or his Deputy, or the said Coroner, shall, within Ten Days after the receipt of the Purchase-Money of such Lots, pay into the hands of the Treasurer the Balance thereof, after deducting such Costs and Charges of Proceedings and Sales, as shall be taxed and allowed by the said Supreme Court.

Sheriff to pay balance of purchase money to Treasurer.

XIV. And be it further enacted, That upon receipt of the Balance of the said Purchase-Money from the Sheriff or his Deputy, or the said Coroner, the said Treasurer shall thereupon deduct therefrom and charge himself with so much thereof as shall or may discharge the sums due and in arrear upon such Lots, together with the Interest as aforesaid; and shall pay the Surplus, if any there be, to the late Proprietor or Proprietors thereof, their Heirs or

Treasurer, on demand, to hand over the surplus, if any, to the late Proprietor.

Assigns, or to their Attorneys or Agents, upon the same being legally demanded, without any further charge or deduction whatever.

Penalty on Treasurer, Sheriff, &c. for neglect of duty.

XV. And be it further enacted, That if the said Treasurer, or the said person so appointed by him, or the Sheriff or his Deputy, or the said Coroner, shall neglect to comply with the directions in this Act contained, in respect to the posting the said Advertisements, making Proclamation, and giving notice of Sales as aforesaid, so that any Proprietor or Proprietors shall be thereby prevented from discharging and paying the sums due upon their respective Lots, such Treasurer, or person so authorized by him, or the Sheriff, or his Deputy, or the said Coroner, shall forfeit, for every default therein, the sum of Ten Pounds, to be recovered in the said Supreme Court, and to be applied to and for the use of the Proprietor or Proprietors injured thereby : and any person whatever, authorized by him or them thereto, may sue for the same, over and above the further remedy by Action for the recovery of Damages.

Appropriation of Fines.

XVI. And be it further enacted, That all Fines and Forfeitures which shall or may be recovered by operation of this Act, except those last mentioned, shall be paid into the hands of the Public Treasurer, to be laid out for making and repairing of public Pumps, Wells, Streets and Shores leading to and from the said Pumps and Wells in *Charlotte-Town*.

Monies to be accounted for to the Treasury in Great Britain.

XVII. And be it also enacted, That all the Monies which may arise by the operation of this Act, shall be accounted for unto His Majesty, in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury, or High Treasurer, for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

21 G. 3, c. 12, repealed.

XVIII. And be it further enacted, That all and every Clause, Article, Matter, and Thing contained

in the said herein-before in part recited Act, shall be deemed, construed, and taken to be contained in this Act, without reference to the said in part recited Act—any thing whatsoever to the contrary in any wise notwithstanding.

XIX. And be it further enacted, That this Act shall be in force for and during the term of Three Years, from and after the publication thereof, and until the end of the then next Sitting of the General Assembly, and no longer.

Limitation.

Continued to end of Session of 1795, by 30 G. 3. c. 3.

CAP. II.

An Act for the Relief of Insolvent Debtors.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, if any person or persons now charged, or who shall or may hereafter be charged, in Execution, or confined upon any Writ or other Process in any of the Jails or Prisons which now do or which hereafter shall belong to this Island, for any sum or sums of money, and shall be minded to deliver up to his, her or their Creditors, all his, her or their Effects, towards the satisfaction of the Debt or Debts wherewith he, she or they stand charged, it shall and may be lawful to and for such Prisoner to exhibit a Petition to any of the Courts of Law within the said Island, or, during the Intervals of the Sitting of such Courts, to any Two of the Justices of any such Courts from whence the Process issued, upon which he, she or they was or were taken or charged in Execution or confined upon any Writ, or other Process as aforesaid, certifying the Cause or Causes of his, her or their Imprisonment, and an Account of his, her or their whole Real and Personal Estate, with the Dates of the Securities wherein any part of it consists, and the Deeds or Notes relating thereto, and the names of the Witnesses thereto, as

Persons charged in Execution, or confined upon any Writ, &c. may apply by Petition to the Court from whence the Process issued, or to two Justices in vacation, to be discharged, on giving an account of their real and personal Estate.

The Court or Justices to make an Order to call the Creditors before them.

If Creditors fail to appear, the Court or Justices may examine into the matter of the Petition, and tender an Oath to the Prisoner.

far as his, her or their knowledge extends therein ; and upon such Petition the said Court, or the said Two Justices, may, and they are hereby required, by Order or Rule of the said Court, or by Order under their Hands and Seals, to direct the several Creditors at whose Suit he, she or they stand charged as aforesaid, to be summoned to appear personally, or by their Attorney, in the said Court, or before them the said Two Justices, at a day to be appointed for that purpose : and upon the day of such Appearance, if any of the Creditors so summoned refuse or neglect to appear, upon Affidavit of the due service of such Rule or Order of the said Two Justices, the said Court, or the said Two Justices, shall and may, in a summary way, examine into the matter of such Petition, and hear what can or shall be alleged on either side, for or against the discharge of such Prisoner : and upon such examination, the said Court, or the said Two Justices, may, and they are hereby required to administer or tender to such Prisoner, an Oath to the effect following—which Oath the said Court, or the said Two Justices, are hereby empowered to administer :

Form of Oath.

I *A. B.* do solemnly swear, in the presence of Almighty God, that the Account by me delivered into
in my Petition to doth contain
a true and full Account of all my Real and Personal
Estate, Debts, Credits, and Effects whatsoever,
which I, or any in trust for me, have, or at the time
of my said Petition, had, or am or was in any respect
entitled to, in Possession, Remainder or Reversion,
(except the wearing Apparel and Bedding for me
or my Family, and the Tools or Instruments of my
Trade or Calling, not exceeding Ten Pounds in
the whole;) and that I have not at any time since
my Imprisonment, or before, directly or indirectly,
sold, leased, assigned, or otherwise disposed of, or
made over in Trust for myself or otherwise, other than
as mentioned in such Account, any part of my Lands,
Estate, Goods, Stock, Money, Debts, or other

‘Real or Personal Estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my Creditors to whom I am indebted.

‘So help me God.’

II. And be it further enacted, That in case the said Prisoner shall, in open Court, or before the said Two Justices, take the said Oath, and upon such Examination, and his or her taking the said Oath, the Creditors shall be satisfied with the truth thereof, the said Court, or the said Two Justices, may immediately thereupon order the Lands, Goods or Effects, contained in such Account, or so much thereof as may be sufficient to satisfy the Debts wherewith he or she is or shall be charged, and the Fees due to the Sheriff of the said Island, and the Keeper of the Gaol or Prison from which the Prisoner was brought, to be, by a short Endorsement on the back of the said Petition, signed by the Prisoner, assigned to the said Creditors, or to one or more of, them in Trust for the rest of the said Creditors; and by such Assignment the Estate, Interest and Property of the Lands, Goods, Debts, and Effects so assigned, shall be vested in the person or persons to whom such Assignment is or shall be made, who may take possession of, or sue for the same in his, her or their own name or names, in like manner as Assignees of Commissioners of Bankrupts, to which Suit no Release of the Prisoner, his or her Executors or Administrators, or any Trustees for him or her, subsequent to such Assignment, shall be any Bar: and immediately upon such Assignment executed, the said Prisoner shall be discharged out of Custody, by order of the said Court, or of the said Two Justices: and such Order shall be a sufficient Warrant to the Sheriff, Jailer, or Keeper of such Prison, to discharge the said Prisoner, if detained for the causes mentioned in such Petition, and no other: and he is hereby required to discharge and set him or her at liberty forthwith, without Fee from such Debtor, but nevertheless to be paid out of his Effects by the Creditor or Creditors, who shall receive such

If the Creditors are satisfied, the Court or Justices may order prisoner's property to be assigned to them;

and the Prisoner to be discharged.

Prisoner's effects
to be divided
among Creditors.

If Creditors are
not satisfied of
the truth of Pri-
soner's Oath, the
Prisoner to be re-
manded, and the
matter further in-
quired of before
Court or Justices:

Creditors dissa-
tisfied, to allow
the Prisoner
Eight Pounds of
Biscuit per week
in the mean time:

on failure where-
of, Prisoner to be
discharged.

Assignment: nor shall such Sheriff or Jailer be liable to any Action for Escape, or other Suit or Information upon that Account: and the person or persons to whom the said Effects shall be assigned, paying the Fees to the said Sheriff, Jailer, or Keeper of the Prison as aforesaid in whose custody the party discharged was, shall, and they are hereby severally required, to divide the Effects so assigned among themselves, and all the persons for whom they shall be intrusted, in proportion to their respective Debts. But in case the person or persons at whose Suit such Prisoner was charged in Execution, or confined upon any Writ or other Process as aforesaid, shall not be satisfied with the truth of the Oath of such Prisoner, so taken before the Two Justices aforesaid, but shall desire further time to inform himself or herself of the matters contained therein, and shall insist upon his or her being detained longer in Prison, at his or their Suit, then the said Justices shall and may remand the said Prisoner, and direct the said Prisoner, and the person or persons dissatisfied with such Oath, to appear at another day before them, or before the Court from whence the Process issued as aforesaid, at a certain day during the Sitting of the said Court, then next following the time of such first or any after Examination as aforesaid, for the further Examination of the matters contained in the said Oath. Provided, the said person or persons so dissatisfied do agree, by writing, under his, her or their hands, to supply and allow, weekly, the full quantity of Eight Pounds of good and wholesome Biscuit or Bread *per Week* unto the said Prisoner, to be so supplied and allowed the First Day of every Week from and after the time of such Prisoner's being so remanded, until the said day or days so appointed for the further Examination of the truth of the matters contained in the aforesaid Oath before the said Justices, or the said Court as aforesaid: and on failure of the supplying of the said weekly allowance at any time, the said Prisoner shall forthwith, upon application to the said Court, or to the said Two Justices, be immediately

discharged by the order of the said Court, or the said Two Justices : but in case the said Prisoner shall refuse to take the said Oath before the said Two Justices, or having taken the same, shall be detected of Falsity therein, he or she shall be presently remanded, and further punished therefor in due course of Law.

Prisoner refusing to take Oath, or swearing falsely, to be remanded and further punished.

III. And be it also enacted, That such Judgment, Relief, and Directions by the said Two Justices, so to be given as aforesaid, shall be as good and effectual, to all intents and purposes, as if the same had been made in the Court out of which the Process issued on which such Prisoner was taken in Execution or confined ; and the like Proceedings shall be had thereupon, and a Record of such Judgment shall be made up in the same Form, and returned, and certified under the Hands of such Two Justices before whom it shall be made, unto the Court from whence the Process issued, on which such Prisoner was taken and confined as aforesaid, the same to be a Record of the said Court, and kept as such amongst the Records thereof.

Proceedings of the Two Justices to be effectual--and a Record thereof to be made, and returned to the Court.

IV. And be it further enacted, That if on the appearance of such Prisoner or Prisoners before the said Two Justices on any after day by them appointed as aforesaid, or before the said Court as aforesaid, the Creditor or Creditors of such Prisoner or Prisoners, being dissatisfied with the truth of such Oath before the said Two Justices, shall make default in appearing ; or in case he, she or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner omitted in such his or her Petition, or to shew any sufficient probability of his or her having been forsworn in the said Oath ; then the said Two Justices, or the said Court, shall immediately cause the said Prisoner to be discharged, upon such Assignment of his or her Effects in manner

If upon a Prisoner's appearing before the Two Justices or Court, and Creditors shall not appear, or show a probability that the Prisoner is forsworn, the Prisoner shall be discharged, unless Creditors insist on his being longer detained, &c. and agree to the weekly allowance of Bread.

as aforesaid, unless such Creditor or Creditors do insist upon his or her being detained longer in Prison at their Suit, and do agree as aforesaid, by writing, under his, her or their hands, to supply and allow, weekly, the full quantity of Eight Pounds of good wholesome Biscuit or Bread *per* Week unto the said Prisoner, to be supplied and allowed the First day of every Week, so long as he or she shall continue in Prison at his, her or their Suit or Suits as aforesaid: and on failure of the supply of the said weekly allowance at any time, the Prisoner shall forthwith, upon application to the said Two Justices, or to the said Court, or during the interval of such Court's sitting, to the said Two Justices, be discharged by such Order as aforesaid.

On failure where-
of, Prisoner to
be discharged.

Proceedings when
the Prisoner peti-
tions during the
Sitting of the
Court.

V. And be it further enacted, That in case on the appearance of any Prisoner, who now is or hereafter shall be charged or confined as aforesaid, before any of the Courts of Law which now are or hereafter shall be established on this Island, on his Petition to them at any time during their Sitting, preferred as aforesaid, the person or persons at whose Suit such Prisoner was charged in Execution, or confined upon any Writ or other Process as aforesaid, shall not be satisfied with the truth of the said Prisoner's Oath at that time made, but shall desire further time to inform himself or herself of the matters contained therein, the said Court may and shall remand the said Prisoner, and direct him, together with the person or persons dissatisfied with such Oath, to appear at another day to be appointed by the said Court, some time within and during their then present Term or Sessions, for that purpose; subject nevertheless in the mean time, and until such second day, to the same allowance to the said Prisoner, by such person or persons so dissatisfied with the said Prisoner's Oath, and liable to the like discharge in case of default of such allow-

ance, as is herein-before directed, upon application to the said Two Justices as aforesaid: and if at such second day so to be appointed, the Creditor or Creditors dissatisfied with such Oath, shall make default in appearing; or in case he, she or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner, omitted in such his or her Petition, or to shew any sufficient probability of his or her having been forsworn in the said Oath; then the said Court shall immediately cause the said Prisoner to be discharged, upon such assignment of his or her Effects in manner as aforesaid, unless such Creditor or Creditors do insist upon his or her being longer detained in Prison at their Suit, and do agree by writing, under his, her or their hands, to supply and allow, weekly, the said quantity of Eight Pounds of good and wholesome Biscuit or Bread unto the said Prisoner, to be supplied and allowed the First day of every Week, so long as he or she shall or may continue in Gaol at his, her or their Suit: and on failure of supplying the said weekly allowance at any time, the said Prisoner shall forthwith, upon application to the said Court, or during the intervals of such Court's sittings, to any Two Justices of the said Court, be immediately thereupon discharged by such Order as aforesaid—but in case the said Prisoner shall refuse to take the said Oath, or, having taken the same, shall be detected of falsity therein, he or she shall be presently remanded, and be further punished therefor in due course of Law.

VI. And to prevent persons who may be charged in Execution, or confined upon any Writ or other Process as aforesaid, from lying in Prison until they have spent their substance wherewith they should satisfy their Creditors, and afterwards taking the benefit of this Act, where they have nothing left to deliver up to their Creditors—It is hereby further enacted, That no person charged,

Time limited for Prisoners to present Petition.

or to be charged in Execution, or confined upon any Writ or other Process as aforesaid, excepting those already in Gaol or Prison, shall be allowed or permitted to exhibit a Petition to any of the Courts of Law which now are or hereafter shall or may be established in this Island, or to either of the said Two Justices of such Courts from whence the Process issued, as is before provided; unless such Petition be exhibited, if before the Court, within Ten Days next after the first Meeting of the said Court which shall be next after such person shall be charged in Execution or confined upon any Writ or other Process as aforesaid; and if before the said Two Justices, within One Month next after such person shall be so charged in Execution, or confined.

Though Prisoner's Person be discharged, his property to be always liable.

VII. Provided always, and be it further enacted, That though the persons of the Debtor or Debtors so discharged shall never after be arrested for the same Debt or Debts, yet, notwithstanding such Discharge, the Judgment or Debt due as aforesaid against him or her shall stand, and remain in force, and Execution may thereupon be taken out against his or her Lands, Tenements or Hereditaments, Goods and Chattels, (his or her Wearing Apparel, Bedding for him or herself and Family, and necessary Tools for the use of his or her Trade or Occupation, excepted,) in the same manner as if he or she had never been taken in Execution or confined upon any Writ or other Process for the said Debts.

If Prisoner afterwards be convicted of Perjury, in taking Oath, he shall suffer all the pains of wilful Perjury,

VIII. Provided also, and be it further enacted, That if any such person who shall take such Oaths as aforesaid before the said Two Justices, or before the said Court as aforesaid, and shall, upon any Indictment for Perjury in any matter or particular contained in the said Oath, be convicted by his or her own confession, or by Verdict of Twelve Men, (as he, she or they may be, by

force of this Act) the person so convicted shall suffer all the Pains and Forfeitures which by Law may be inflicted on any person convicted of wilful Perjury, and shall be liable to be taken upon any Process *de novo*, and charged in Execution, or otherwise, for the said Debt, in the same manner as if he or she had never been discharged, or taken in Execution, or confined upon any Writ or other Process as aforesaid before, and shall never afterwards have the benefit of this Act.

and may be taken up *de novo*, and charged again in execution for the said Debt.

IX. And be it further enacted, That in cases wherein by this Act an Oath is required, the solemn Affirmation of any person being a Quaker shall and may be accepted and taken in lieu thereof; and every person making such Affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same Pains, Penalties and Forfeitures, as are inflicted and imposed by the Laws and Statutes now in force against persons convicted of wilful and corrupt Perjury.

Quaker's Affirmation to be taken.

X. And be it further enacted, That where there are mutual Debts between the Plaintiff and Defendant, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate, and either Party, one Debt may be set off against the other; and such matter may be given in Evidence upon the General Issue, or pleaded in Bar, as the nature of the case shall require. Provided, that in all cases where the General Issue shall be pleaded, the Party shall immediately thereupon give regular notice to the Plaintiff in the Suit, of the particular Sum or Debt so intended to be insisted on, and upon what account the same became due; otherwise such matter shall not be allowed in Evidence upon such General Issue.

Mutual Debts to be set one against the other.

XI. And be it further enacted, That every Sheriff or his Deputy, Bailiff, or other Officer, or

Sheriff, &c. offending against

this Act, to forfeit £50, with treble Costs.

Manner of Recovery.

No Debtor to be discharged whose Debts exceed £100.

Minister aforesaid, offending against this Act, shall (over and above such Penalties or Punishments as he shall be liable unto by the Laws now in force) for every Offence against this present Act, forfeit and pay to the Party thereby aggrieved the sum of Fifty Pounds—to be recovered, with treble Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of the Courts of Law which now are or which hereafter shall or may be established within this Island, wherein no Essoin, Protection, or Wager of Law, or more than one Impar lance shall be allowed.

XII. Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to discharge any Debtor imprisoned as aforesaid, the whole amount of whose Debts shall exceed the Sum of One Hundred Pounds.

CAP. III.

An Act for preventing Abatement and Discontinuance of Suits.

Plaintiff or Defendant dying before final Judgment, Action not to abate.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, in all Actions to be commenced in His Majesty's Supreme Court of Judicature, or in any other Courts of Record which now are or which hereafter shall or may be established within this Island, if any Plaintiff happen to die after interlocutory Judgment, and before a final Judgment shall have been obtained therein, the said Action shall not abate by reason thereof, provided such Action might be originally prosecuted or maintained by the Executors or Administrators of such Plaintiff: and if the Defendant die after such interlocutory Judgment, and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executors or Administrators of such Defendant: And such Court is

hereby empowered to try the said Action, and to determine and give Judgment thereon, in the same manner as if the said Suit had been commenced by or against such Executors or Administrators, as in Right of their Testators or Intestates.

II. And be it further enacted, That if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated; but such Death, being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

Action may be proceeded upon notwithstanding the death of one of the Parties.

III. And be it further enacted, That in all Actions, personal, real or mixt, the death of either Party between the Verdict and the Judgment thereupon shall not be alleged for Error, so as that such Judgment be entered within Two Terms after such Verdict.

Death of either Party between Verdict and Judgment.

IV. And be it further enacted, That where any Judgment, after Verdict, shall have been had by or in the name of any Executor or Administrator, in such case an Administrator *de bonis non* may sue forth a *Scire Facias*, and take Execution upon such Judgment.

Judgment obtained by an Executor or Administrator.

V. And be it further enacted, That no Process or Suit before any of the Justices of His Majesty's Supreme Court of Judicature, Justices of Assize, Gaol Delivery, Oyer and Terminer, Justices of the Peace, Commissioners, or other Courts of Record, which now are or which hereafter shall or may be established within this Island, shall be discontinued, by the making and publishing of any new Commission or Association, or by altering the Names of the Justices of His Majesty's Supreme Court of Judicature, Justices of Assize, Gaol Delivery, Oyer and

No Suit before Justices shall be discontinued by a new Commission.

Terminer, Justices of the Peace, Commissioners or other Courts of Record, as aforesaid; but that such new Justices of His Majesty's said Supreme Court of Judicature, Justices of Assize, Gaol Delivery, and of the Peace, Commissioners, or other Courts of Record as aforesaid, may proceed in manner as if the former Commissioners, Justices or other Commissioners, had remained and continued without alteration.

CAP. IV.

An Act for amending Defects in Pleas, Processes, and Records.

No Judgment, &c. to be reversed for any Writ razed or interlined.

Justices of Courts may amend all defects which are misprision of their Clerk.

Cases excepted.

Writ of Error varying from the Record may be amended.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, that for Error in any Record, Process or Warrant of Attorney, original Writ, or judicial Panel, or Return, in any Places of the same razed or interlined, or in any addition, subtraction, or diminution of words, letters, syllables, or titles found therein, no Judgment or Record shall be reversed or annulled; but the Justices of the Courts before whom such Records and Process may be depending, shall have power to examine such Records and Process, Words, Pleas, Warrants of Attorney, Writs, Panels, or Returns, and to reform and amend, in affirmance of the Judgments of such Records and Processes, all that which to them seemeth to be the Misprision of the Clerk (except Appeals, Indictments of Treason, Felonies and Outlawries for the same), and the substance of the proper Names, Surnames, and Additions left out in original Writs, and Writ of Exigent, and any other Writs containing Proclamation.

II. And be it further enacted, by the authority aforesaid, That all Writs of Error, Appeals from Judgments in any Action, real, personal or mixt,

according to the course of proceedings in this Island, wherein there shall be any variance from the original Record, or other defect, may, and the same shall be amended and made agreeable to such Record, by the Courts where such Writ or Writs of Error, or such Appeals shall be returnable; and that where any Verdict shall be given in any Action, Suit, Bill, Complaint, or Demand, in any of His Majesty's Courts of Record, which now are or which hereafter shall or may be established within this Island, the Judgment thereupon shall not be stayed or reversed, for any defect or fault, either in form or substance, in any Bill, Writ, original or judicial, or for any variance in such Writs from the Declaration, or other Proceedings.

After Verdict, no Judgment shall be stayed, &c. for any defect in any Bill, &c.

III. Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to any Appeal of Felony or Murder, or to any Process upon any Indictment, Presentment, or Information of or for any Offence or Misdemeanor whatsoever.

Not to extend to appeal of Felony, &c.

CAP. V.

An Act to render good and valid in Law, all and every of the Proceedings in the Years One thousand seven hundred and eighty, and One thousand seven hundred and eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling of the Lots or Townships herein-after mentioned, or any part thereof.

Disallowed by His Majesty in Council, the 8th of August, 1789.

CAP. VI.

An Act for altering, amending, and reducing into one Act, an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled

Repealed.

An Act to alter and amend so much of an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act to explain, amend and render into one Act, all the Laws now in being for the purpose of making and repairing Highways in this Island,' as relates to the time appointed by said Act for performing Statute Labour, and some further Regulations as to the Payment and Duty of Overseers of the Highways.

CAP. VII.

An Act for Reformation of Jeofails and Mispleadings, and to prevent Arrests and Reversals of Judgments, and for the better Advancement of Justice.

After an issue tried, there shall be Judgment given notwithstanding any mispleading, &c.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, if any Issue be tried by the Oath of Twelve or more indifferent Men for the Party Plaintiff or Demandant, or for the Party Tenant or Defendant, in His Majesty's Supreme Court of Judicature within this Island, or in any other Courts of Record which now are or which shall or may be established therein, the Justice or Justices by whom Judgment thereupon ought to be given, shall proceed and give Judgment in the same—any Mispleading, want of Colour, insufficient Pleading or Jeofail, any Miscontinuance or Discontinuance, or misconveying of Process, misjoining of the Issue, want of Warrant of Attorney for the Party against whom the same Issue shall or may be tried, or other Default or Negligence of the Parties, their Councillors or Attorneys, had or made, to the contrary notwithstanding; and the said Judgment shall stand according to the said Verdict, without Reversal by Writ of Error, or

false Judgment: Provided, that in avoiding of Errors through the negligence of Attorneys, every person named as Attorney in Actions and Suits, prosecuted and pleaded to issue, shall, from time to time, deliver, or cause to be delivered, his or their sufficient and lawful Warrant of Attorney, to be entered of Record, for each and every of the said Actions or Suits wherein they shall or may be named as Attorneys, to the Clerk of the Court—that is to say, the Attorney for the Plaintiff or Demandant shall file his Warrant of Attorney as aforesaid the same Term he shall have declared, and the Attorney for the Defendant or Tenant shall file his Warrant the same Term he shall have appeared, upon pain of forfeiting unto our Sovereign Lord the King, the sum of Five Pounds for not so delivering the said Warrant of Attorney—the same to be recovered by Action of Debt, Bill, Plaint or Information.

When Warrants of Attorney shall be filed.

II. And be it further enacted, That after Verdict as aforesaid, the Judgment thereupon shall not be stayed or reversed, for any defect in Form, in any Writ original or judicial Count, Declaration, Bill, Plaint, Suit or Demand, or for any Variance in form only between the original or Bill, and the Declaration or Plaint, or for want of any Writ original or judicial, or for any imperfect or insufficient Return of any Sheriff or other Officer.

After Verdict, Judgment shall not be stayed, &c. for want of Form, &c.

III. And be it further enacted, That after Verdict, Judgment thereupon shall not be stayed or reversed for want of an Averment of any Life or Lives, so as the said Person be proved to be alive; or for awarding the *Venire Facias* to a wrong Officer upon any insufficient Suggestion; or because the *Visne* is in some part misawarded, or sued out of more or fewer places than it ought to be, so as some one place be right named; or for misnaming any of the Jurors in Sirname or Addition in any of the Writs, or the Returns thereof, so as it be proved to be the same man that was meant to be returned; or by reason that

Divers Jeofails in suits of Law prevented and reformed.

there is no Return upon any of the said Writs, so as a Panel of the names of Jurors be returned and annexed to the said Writ; or for that the Sheriff's or other Officer's name, having the Return thereof, is not set to the Return of any such Writ, so as it be proved that the said Writ was returned by such Officer; or by reason that the Plaintiff in any *Ejectione firmæ*, or in any personal Action or Suit, being an Infant under the age of Twenty-one Years, did appear by Attorney therein, and the Verdict passed for him.

In what case Judgment, after Verdict, shall not be stayed for want of Form in pleading.

IV. And be it further enacted, That Judgment shall not be stayed or reversed, after Verdict, for want of Form or Pledges, returned upon the original Writ, or because the name of the Sheriff is not returned on the original Writ, or for want of entering Pledges upon any Bill or Declaration, or for not alleging the bringing into Court any Bond, Bill, Indenture, or other Deed mentioned in the Declaration or other Pleading, or for want of Allegation of bringing into Court any Letters Testamentary, or Letters of Administration, or for omission of "by Force of Arms, and against the Peace," or of mistaking the Christian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month or Year, by the Clerk, in any Bill, Declaration, or Pleading, where the right Name, Sirname, Sum, Day, Month, or Year in any Writ, Plaint, Roll, or Record preceding, or in the same Roll or Record, where the mistake is committed, is or are once truly and rightly alleged, whereunto the Plaintiff might have demurred and shewn the same for Cause; nor for want of Averment of, *This he is ready to verify*, or for *This he is ready to verify by Record*, or for not alleging as it appears by Record; or for that there is no right *Venire*, so as the Cause were tried by a Jury of the proper Country or Place where the Action is laid; nor for that the Increase of Costs after a Verdict in an Action, or upon a Non-Suit in Replevin, are not entered to be at the request of the Party for whom the Judgment

is given; nor by reason that the Costs in any Judgment whatsoever are not entered to be by Consent of the Plaintiff—but that all such Omissions, Variances, Defects, and all other matters of the like nature, not being against the Right of the Matter of the Suit, nor whereby the Issue or Trial are altered, shall be amended by the Justice or Justices of His Majesty's said Supreme Court of Judicature, or of any other of the Courts of Record aforesaid where such Judgments are or shall be given, or whereunto the Record is or shall be removed by Writ of Error or by Appeal, in any Action, real, personal or mixt, according to the Usage and Course of Proceedings in this Island.

V. And be it further enacted, That where any Demurrer shall be joined, and entered in any Action or Suit in His Majesty's Supreme Court of Judicature aforesaid, or in any other of the Courts of Record which now are or which hereafter shall or may be established within this Island, the Justice or Justices thereof shall proceed and give Judgment according as the very right of the Cause and Matter in Law shall appear unto them, without regarding any imperfection, omission or defect, in any Writ, Return, Plaint, Declaration or other Pleading, Process, or Course of Proceeding whatsoever, except those only which the Party demurring shall especially and particularly set down and express, together with his Demurrer, as causes of the same, although such imperfection, omission or defect be matter of substance, so as sufficient matter appear in the said Pleadings, upon which His Majesty's said Supreme Court of Judicature, or any other Court of Record aforesaid, may give Judgment according to the very right of the Cause; and therefore no advantage or exception shall be taken of or for any immaterial Traverse, or of or for the Default of entering Pledges upon any Bill or Declaration; or of or for the Default of alleging the bringing into Court any Bond, Bill, Indenture, or other Deed whatsoever mentioned in the

Justices shall give Judgment on Demurrer, &c. without regarding any defect in Writ, &c.

Declaration or other Pleading; or of or for the default of alleging the bringing into Court Letters Testamentary, or Letters of Administration; or of or for the omission of *By Force and Arms, and against the Peace*, or either of them; or of or for the want of Averment of *This he is ready to verify*, or of *This he is ready to verify by Record*; or of or for not alleging *As it appears by the Record*; but any of the said Courts shall give Judgment according to the very right of the Cause as aforesaid, without regarding any such imperfections, omissions and defects, or any other matter of the like nature, except the same shall be specially and particularly set down and shewn for cause of Demurrer.

Exceptions.

Judgments entered upon Confession, &c. not to be reversed for any imperfection, &c.

VI. And be it further enacted, That no Judgment entered upon Confession, *Nihil dicit* or *Non sum Informatus*, in His Majesty's said Supreme Court of Judicature, or in any other Court of Record aforesaid, shall be reversed, nor any Judgment upon any Writ of Inquiry of Damages, executed thereon, be stayed or reversed for or by reason of any imperfection, omission, defect, matter or thing whatsoever, which, by force of this Act, would have been aided and cured as Jeofails, in case a Verdict of Twelve Men had been given in the said Action or Suit, so as there be an original Writ or Bill, and Warrants of Attorney duly filed, as by this Act is directed.

Act to extend to all Suits for the King's Debts, &c.

VII. And be it further enacted, That this Act shall extend in all Jeofails as aforesaid, to all Suits in His Majesty's said Supreme Court of Judicature, or in any Court of Record that now is or which hereafter may be established for Recovery of any Debt immediately owing, or any Revenue belonging to His Majesty, his Heirs or Successors.

To what this Act shall not extend.

VIII. Provided always, and be it enacted, by the authority aforesaid, That nothing in this Act before contained, shall extend to any Writ, Declaration, or Suit of Appeal of Felony or Murder, or to

any Indictment or Presentment of Treason, Felony or Murder, or other matter, or to any Process upon any of them, or to any Writ, Bill, Action of Information, upon any Penal Statute.

IX. And be it further enacted, That no dilatory Plea shall be received in His Majesty's said Supreme Court, or in any other Court of Record which now is or which shall or may be established, unless the Party offering such Plea do, by Affidavit, prove the truth thereof, or shew some probable matter to the Court where the Suit may be depending, in order to induce them to believe that the Fact of such dilatory Plea is true.

No dilatory Plea to be received unless on Affidavit.

C A P. VIII.

An Act for quieting the Minds of, and establishing certain Privileges to His Majesty's Subjects professing the Popish Religion, now residing, or who may hereafter reside on this Island. See 11 G. 4, c. 7.

C A P. IX.

An Act for more especially making Lands and Tenements liable for the payment of Debts; also to enable the Holders of Mortgages to sell the Premises mortgaged to them more speedily and at less Expence than heretofore; as also to repeal an Act made in the Twenty-first Year of His present Majesty's Reign, intituled *An Act making Lands and Tenements liable for the payment of Debts.*

Altered and amended by 35 G. 3, c. 8.

21 G. 3, c. 8.

WHEREAS great inconveniences have arisen to the Creditors, as well as Owners of real Estates within this Island, from the manner in

which Lands and Tenements have been heretofore made liable to the payment of Debts: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, an Act made in the Twenty-first Year of his present Majesty's Reign, intituled *An Act making Lands and Tenements liable for the Payment of Debts*, shall be no longer in force within this Island, but that the same, and every part thereof is hereby repealed.

Recited Act repealed.

II. And whereas it will tend to the great benefit of this Island, to make Lands and Tenements, liable, like Goods and Chattels, to the payment of Debts, as thereby the value of Lands will be increased, and the Landholders more easily obtain Credit, by which means they will be enabled to extend their cultivations and improvements:—Be it therefore enacted, That from and after the publication hereof, all Lands, Tenements and Hereditaments within this Island, shall, and the same are hereby made liable to the payment of all Debts contracted by the Owner thereof, in as full and ample a manner as the Goods, Chattels or Effects of Debtors were heretofore made liable for the payment of their just Debts, subject only to the Rules and Regulations herein-after mentioned and expressed—that is to say, when any person or persons, after the publication hereof, shall recover Judgment in any of His Majesty's Courts of Record which now are or hereafter shall or may be established in this Island, for any sum or sums of Money, or for Costs of Suit, and the person or persons against whom Judgment shall be so obtained shall be either unable or unwilling to satisfy such Judgment in Money, or if he, or some person in his behalf, shall not produce and shew sufficient personal Estate whereon to levy Execution on such Judgment; then and in such case, it shall and may be lawful for the Sheriff or his Deputy to extend such Execution on the real

Lands, &c. made liable for payment of Debts.

Any Person recovering Judgment, for want of other effects Sheriff may levy Execution on the Debtor's real Estate; and advertise as much thereof as may be sufficient for discharging the Execution, &c. to be sold in Six Months.

Estate of such Debtor or Debtors; and after such real Estate or Estates shall be so taken in Execution, it shall and may be lawful for the said Sheriff or his Deputy immediately to advertise, as hereinafter is directed, the said Estate so taken in Execution, or so much thereof as shall be sufficient to discharge the Execution so extended thereon, with Costs and Charges, to be sold at the most public place within his Precinct, in Six Calendar Months,* to be computed from the day in which such Execution shall be extended, and Advertisements so posted; which Advertisements shall be posted at Three of the most public parts of *Charlotte-Town*, and shall also be posted upon the Premises so to be sold: and the said Premises so to be sold shall be thereupon put up to fair Auction, and shall be sold to the highest bidder, who shall be declared by the Sheriff or his Deputy to be the purchaser: And it shall and may be lawful for the said Sheriff or his Deputy to execute immediately, to such person or persons as shall purchase the Premises so sold at Auction as aforesaid, an absolute Deed of Sale, without any Clause of Redemption therein contained, specifying therein the consideration paid by the purchasers, as well as the name or names of the former Owner or Owners of said Lands, and the name or names of the person or persons at whose Suit such Lands have been sold; which Deed shall be good and sufficient in Law to create to and vest in such purchaser or purchasers, their heirs or assigns, a good and absolute Estate in Fee Simple for ever, or otherwise as the nature of the Estate so sold shall admit of, and in the Premises comprehended in such Deed—Provided, such Premises were the absolute Estate in Fee Simple or otherwise as aforesaid, of the person or persons against whom the Execution, by virtue whereof such Sale shall be made, was issued: And it shall and may be lawful for the Sheriff or his Deputy, after such

Sheriff to execute a Deed to the purchasers of the Premises, without any clause of Redemption;

which Deed shall be to the purchaser a good Estate in Fee Simple.

Proviso.

* Extended to Two Years by 36 G. 3, c. 8.

Deed shall have been so executed, to enter into the Premises specified in such Deed, and to put such purchaser or purchasers into the quiet and peaceable possession thereof.

If Premises so sold shall be under lease, Sheriff to notify Tenant to attorn to the Purchaser.

Tenant refusing to attorn, his lease to become void, without any Process at Law, and be subject to Action of Damages, for illegally overholding.

In case only part of Premises under Lease may be necessary to be sold by said Execution,

Sheriff, &c. to swear Three Householders Appraisers to estimate the Rents, &c.

III. Provided nevertheless, That if the Premises so sold, or any part thereof, shall have been leased by Instrument in Writing, to any Tenant or Tenants, before the extending Execution thereon, whose Lease or Leases shall not have expired at the time of such Sale, that then it shall and may be lawful for the Sheriff or his Deputy, to notify such Tenant or Tenants, that they must attorn and become Tenants to such Purchaser or Purchasers: And in case such Tenant or Tenants, after such notice received as aforesaid, shall refuse to attorn and become Tenant or Tenants to such Purchaser or Purchasers, according to Law, that then the Lease or Leases of such Tenant or Tenants shall be deemed null and void, to all intents and purposes, without any Process at Law whatsoever, the same as if such Lease or Leases had never been executed: and further, it shall and may be lawful for such Purchaser or Purchasers, in any Court of Record which now is or which hereafter shall or may be established in this Island, to prosecute and recover against such Tenant or Tenants, Damages and Costs for such illegal overholding: And in case only part of the Premises included in the Lease or Leases of such Tenant or Tenants may be necessary to be sold by virtue of such Execution or Executions, and it may be uncertain how much of the whole Rent reserved in the Lease or Leases of such Tenants he or they ought to pay the Purchaser or Purchasers under such Execution or Executions, it shall and may be lawful for the Sheriff or his Deputy to estimate the same by the Appraisement of Three reputable impartial Householders, dwelling in the neighbourhood where such Lands shall or may lie, who shall be thereupon sworn by the Sheriff or

his Deputy to decide impartially between the Parties—one of said Appraisers to be appointed by the Owner or Owners, Tenant or Tenants, or his or their Landlord or Landlords; the other by the Purchaser, and the third by the Sheriff: and if the said Parties, or some person lawfully authorized thereto by them, after such notice given, shall neglect to attend the Sheriff to appoint Appraisers as aforesaid, it shall and may be lawful for the Sheriff or his Deputy to nominate as aforesaid for the persons so neglecting: and after such Appraisers shall have estimated the portion of Rent such Tenant or Tenants ought to pay to the person or persons so purchasing a part of the Premises leased to him or them, such Tenant, after being properly notified, shall attorn and become Tenant to such Purchaser; and in case of refusal to attorn and become Tenant to such Purchaser, he or they shall thereupon be liable to the same Penalties in every respect, and to be prosecuted as aforesaid: and such Tenant or Tenants, upon attorning as aforesaid, shall stand discharged of and from the claims of his or their Landlord, for so much Rent as the said Appraisement shall amount to, and shall perform all such Covenants in his or their Lease, so far as the same may relate to the Premises so sold, to the Purchaser thereof, in as full and ample manner as he was bound to perform the same to his or their Landlord.

IV. And be it further enacted, That the Sheriff or his Deputy shall appraise the value of all real Estates taken in Execution as aforesaid, by Three impartial respectable Householders, to be appointed as aforesaid, who shall be first sworn by the said Sheriff or his Deputy, whether he knows or is acquainted with the Premises so to be appraised, Fourteen Days before he shall proceed to sell the same; and if they do know or are acquainted with the said Premises, then such Householders shall be sworn by the said Sheriff or his Deputy, justly

Sheriff, 14 days before proceeding to sale of real Estates, to have the same appraised by 3 Householders, who shall be sworn.

Only so much to be sold as shall be sufficient to discharge the Execution, &c.

In case Owner of such Estate, or some person in his behalf, shall not attend, Sheriff may then sell such part as he may deem least disadvantageous to the Debtor.

Overplus arising from Sale to be paid to Debtor, or into Court for his use.

For want of sufficient real Estate, Creditor to have an *alias* Execution.

Not to affect any Suit now depending.

and truly to appraise and value such Estates; and if the appraised value thereof shall exceed the amount of such Execution, including the Sheriff's Fees, then it shall and may be lawful for the said Sheriff or his Deputy, to set up at Auction, and sell only so much of said real Estate as will be sufficient to discharge the said Execution, and Costs and Charges: And in case the Owner of such Estate so to be sold, or some person on his behalf, shall neglect to attend the Sheriff or his Deputy, to point out which part of such real Estate it will be least inconvenient for such Debtor to be deprived of, then it shall be lawful for the said Sheriff or his Deputy, to set up and sell that part of the said Estate which shall appear at the time of such Sale to be of the least immediate advantage to the Debtor; and if the Proceeds of such Sale shall exceed the amount of such Execution or Executions, and Costs and Charges, such Overplus shall be paid over to the Debtor, or to some person lawfully authorized to receive the same—and in case no such person appears, then the Sheriff or his Deputy shall pay the Overplus into the Court out of which such Execution issues, there to be lodged for the benefit of the right Owner:—and in case there shall not be sufficient real Estate as aforesaid to satisfy such Execution, upon Return thereof, then the Party shall or may have an *alias* Execution for the remainder: and the Sheriff or his Deputy shall annex to all Executions, when they return the same, the Appraisement herein-before directed to be made. And the said Sheriff or his Deputy shall on no account disturb any person or persons in possession of Lands or Tenements at the time he shall levy Execution thereon, but shall leave such person or persons in the peaceable possession thereof, until final sale shall be made as aforesaid.

V. Provided always, and be it enacted, That nothing in this Act contained, shall extend, or be construed to extend, to such real Estates against

which any Action or Suit at Law has been already commenced, or is now depending, in pursuance of the said herein-before recited Act, but that each and every such Action or Suit may be prosecuted without delay.

VI. And whereas the manner in which Mortgages are now foreclosed within this Island is found tedious and very expensive: For remedy whereof—Be it enacted, by the authority aforesaid, That from and after the publication hereof, it shall and may be lawful for any person or persons whatsoever, to whom any Lands or Tenements within this Island now are or may hereafter be mortgaged for any Principal Sum not exceeding Two hundred Pounds, he, she or they electing so to do, may bring an Action on the Case in His Majesty's Supreme Court of Judicature, at any of the Terms thereof, to recover the same against the Mortgager, his Executors or Administrators, and to set forth in his, her or their Declaration, the substance of such Mortgage: and in case the Mortgager shall appear and plead thereto, it shall and may be lawful for such Mortgager to give in Evidence and Proof all such Payments as have been made by him, on account of such Mortgage; provided, he shall have furnished the Mortgagee or his Attorney with such Account Fourteen days before Trial: and it shall and may be lawful for the Jury by whom such Issue shall be tried, to liquidate such Accounts, and to find a Verdict for the amount of the principal Sum and Interest then due on such Mortgage, calculating Interest thereon for Six Months after the end of the Term in which such Trial shall be had; and the said Supreme Court shall thereupon give Judgment for the same, with full Costs: And in case the said Mortgager shall neglect to appear, and suffer Judgment to go against him by Default, then the said original Mortgage shall be produced in open Court; and the Justices shall cause the

Lands, &c. mortgaged for any sum not exceeding £200, action may be brought in Supreme Court.

Substance of Mortgage to be set forth in Declaration.

In case Mortgager appears and pleads, to be entitled to give in Evidence all payments he had made, &c.

Provided he shall furnish Mortgagee or Attorney, with Account thereof, fourteen days before Trial. Jury to liquidate all Accounts and allow Interest.

In case Mortgager shall neglect to appear, the Justices shall cause Principal and Interest to be made up in their presence.

On Judgment, Execution to issue, and Sheriff to sell as herein before directed.

Mortgagee, in case of Premises, when sold, being insufficient to pay off, to have an *alias* Execution.

Not to extend where principal sum exceeds £200;

Nor to Sale of Houses on which Execution has been levied, and may sell for more than the amount of Execution.

Suspending Clause.

amount of the Principal, and Interest due thereon, to be made up in their presence, allowing Interest as aforesaid, and Judgment shall be given for the same, with full Costs; and Execution shall thereupon issue, directed to the Sheriff or his Deputy, who shall sell the mortgaged Premises, under the Restrictions, and in manner and form as herein-before specified for the Sale of Lands taken in Execution. And in case the Mortgaged Premises, when sold as aforesaid, shall not produce sufficient to discharge the amount of the Execution and the said Charges, the Party, on Return thereof, may have an *alias* Execution against the Mortgager's Body, Chattel Interest, or Real Estate, for the Balance unsatisfied on such Execution.

VII. Provided always, That nothing herein contained shall extend, or be construed to extend, to any Mortgages wherein the principal sum shall exceed Two hundred Pounds, or where any Suit has already been brought to foreclose the same; but that such Mortgages shall be proceeded on in the usual form, any thing herein contained to the contrary notwithstanding.

VIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the Sale of Houses or Lands on which Execution shall have been levied, and which may sell for more than the amount of such Execution; in which case the Overplus shall be paid in manner and form as herein-before is directed, respecting Sales of Real Estates.

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

* * * This Act was allowed by His Majesty, 18th August, 1790.

CAP. X.

An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests.

Amended by 30 G. 3, c. 4.

See also 30 G. 3, c. 8.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, no person shall be held to Special Bail upon any Process issuing out of the Supreme Court of Judicature, where the Cause of Action shall not amount to the sum of Five Pounds, or upwards; and in all Causes where the sum in demand shall exceed Five Pounds, the Sheriff, Coroner, or their Deputies, may arrest, imprison or hold to Bail, any Debtor or Debtors, or attach the Goods, Chattels or Estate of such Debtor or Debtors, upon the Plaintiff in such Actions, his Attorney, Agent, Clerk, Factor or Servant, making and subscribing an Affidavit, in writing, before any one Justice of the Court from whence such Writ shall issue, or in the absence of such Justice, before any one of His Majesty's Justices of the Peace, that the Defendant is justly indebted to the Plaintiff in any sum exceeding Five Pounds; (which Affidavit shall be filed in the Office of the Clerk of the Court from whence the Writ shall issue:) whereupon the Sum specified in such Affidavit shall, by the Clerk of the said Court, be endorsed on the back of the said Writ in the Form following, *by Oath for* (in words at full length) for which sum so endorsed, the Sheriff, Coroner, or their Deputies, shall take Bail or make Attachment as aforesaid, and for no more; any Law, Usage or Custom to the contrary notwithstanding.

In all cases where Demand shall exceed £5, Attachment may be made on Goods, &c. or the Debtor arrested, imprisoned or held to Bail;

upon the Plaintiff or his Attorney making Affidavit before a Justice.

Affidavit to be filed with the Clerk of the Court.

Sum sworn to be endorsed on the Writ.

II. And be it further enacted, That if such Action shall be brought by any Agent, Factor or Attorney, in the name of his Principal (he being absent), then upon producing an Affidavit of the Debt of his Prin-

If Plaintiff be absent, his Attorney may file his Affidavit,

On which the like Proceedings shall be had.

cipal, duly authenticated according to the Laws of that part of *Great Britain* called *England*, or the usage or practice of His Majesty's other Colonies in such cases, and upon the Affidavit's being respectively filed as aforesaid, the Clerk of the said Court from whence any Writ in consequence thereof may issue, shall endorse the sum so sworn to; and Bail shall be required, or an Attachment may be made accordingly, as the case may require.

Upon Bail given, the Officer to let Defendant go at large.

III. And be it further enacted, That when any person shall be arrested by virtue of any Writ or original Process, the Sheriff, Coroner, or either of their Deputies (*as the case may be*), shall be obliged, and they are hereby respectively required, upon sufficient Bail being offered, to let such Defendant go at large, upon his first executing a Bond, with Two sufficient Sureties, to the said Sheriff or Coroner, with a Condition thereunder written for the due appearance of the Defendant or Defendants on the First day of the Court to which such Writ is or may be returnable; and if such Defendant shall not appear accordingly, and give in sufficient Bail to abide the final event of the Suit, Judgment shall then be entered against him by Default: And the Sheriff or Coroner shall then and there, in Court, upon the request of the Plaintiff or his Attorney therefor, assign the Bail Bond, by endorsing his name thereon, for the benefit of the Plaintiff, to be put in Suit, or otherwise, to recover the Penalty thereof: which Assignment shall not prevent the Plaintiff from proceeding to final Judgment and Execution in the same Court against the Defendant in the said Action, as in cases wherein Default is made: But whenever it shall so happen, that the Defendant in the said Action do appear according to the tenor of the Condition of the said Bond, and give Bail at Bar, to the satisfaction of the Court, to abide by the final Issue and Determination of the Suit; or if the Defendant, from some impediment, shall not appear, but nevertheless Two sufficient persons, to be approved of by the Court, shall offer

If Defendant do not appear according to Condition of Bond, and give Bail to abide the final event of the Suit, Judgment to be entered against him by Default;

and Bail Bond assigned.

Upon Defendant's appearance, or giving special Bail, the Bond to be discharged.

to become Bail in manner aforesaid, in such case the Bail for Appearance only shall be discharged.

IV. And be it further enacted, That from and after the publication hereof, if any Writ or Process shall issue out of the said Supreme Court of Judicature, for the sum of Five Pounds or upwards, and no Affidavit and Endorsement shall be made as aforesaid, the Plaintiff or Plaintiffs named in such Writ or Process shall not proceed to arrest, or cause to be arrested, the Body of the Defendant or Defendants therein, but shall serve him, her or them, personally, with a Copy of such Writ or Process; and if such Defendant or Defendants do not thereupon appear at the Return thereof, or within Four Days next after such Return, then and in such case it shall and may be lawful to and for the said Plaintiff or Plaintiffs, upon Affidavit being duly made and filed in the said Supreme Court of Judicature, of the personal service of such Writ or Process as aforesaid (which said Affidavit shall be filed *gratis*), to enter a common Appearance, or to file common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had actually entered his, her or their Appearance, or filed common Bail; any Law or Usage to the contrary notwithstanding.

Writ issued for any sum without an Affidavit and endorsement, Defendant not liable to be arrested, but to be served personally with a copy of such Writ.

Defendant not appearing at Return, Plaintiff may enter a common appearance, &c.

CAP. XI.

An Act in addition to and Amendment of an Act, made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for establishing the Times and Places of holding the Supreme Court of Judicature.*

This Act altered by 35 G. 3, c. 7; and 3 W. 4, c. 12.

WHEREAS it has been justly complained of that there being only two Terms in the Year appointed for holding His Majesty's Supreme

A new Term to be added to the former Terms,

to be called Michaelmas Term, and to be held annually, on the last Tuesday in October.

Number of return Days.

Court of Judicature within this Island, has been productive of much delay in obtaining Justice, and great prejudice to public Credit; For remedy whereof—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, a new Term shall be hereby established and added to the two former Terms of the Supreme Court of Judicature—the one directed by the said Act to be held on the Third *Tuesday* in the Month of *February*, to be called *Hilary* Term, and the other thereby directed to be held on the last *Tuesday* in the Month of *June*, to be called *Trinity* Term thereof; and which said new Term shall be called *Michaelmas* Term, and commence at *Charlotte-Town* on the last *Tuesday* in *October*, yearly and every Year, with the same number of Return Days as belong by Law to the said two other Terms called *Hilary* Term and *Trinity* Term, and with all other the powers created and given in and by the said Act made and passed in the Thirteenth Year of his present Majesty's Reign, intituled *An Act for establishing the Times and Places of holding the Supreme Court of Judicature*, or in and by any other Act in addition to or in amendment of the said Act.

All Writs, Judgments, &c. proceeded on and awarded, to be as valid as if commenced and proceeded upon in either of said Terms.

II. And be it further enacted, That all Writs, Pleas, Processes, Actions, Bills, Suits, Indictments, Informations, Judgments, Decrees and Sentences whatsoever, which shall or may be had, given, or awarded, of or concerning any matter or thing whatsoever that may be lawfully commenced, and prosecuted to final Judgment, at any time or times hereafter, in said Term called *Michaelmas* Term, shall be, and the same are hereby declared to be, as available, good and valid in the Law, to all intents and purposes, as if the same had been commenced, sued and prosecuted in either of the said two other Terms, respectively called as aforesaid *Hilary* Term and *Trinity* Term, in pursuance

of the said herein-before in part recited Act; subject nevertheless to all the Provisions and Provisos therein contained.

III. And be it further enacted, That the said two Terms, so as aforesaid directed and appointed in and by the said herein-before in part recited Act, to be held in every Year, the one on the Third *Tuesday* in *February*, and the other on the last *Tuesday* in *June*, shall hereafter be distinguished and known by the respective names of *Hilary* Term and *Trinity* Term, and by no other; any thing in the said herein-before in part recited Act to the contrary in any wise notwithstanding.

Two former Terms to be called *Hilary* and *Trinity* Terms.

CAP. XII.

An Act for re-investing His Majesty, for a limited time, with certain Tracts of Land in the Island of *Saint John*.

This Act has not received His Majesty's Approbation.

CAP. XIII.

An Act for the Trial of Actions in a Summary Way.

WHEREAS the Recovery of small Sums has heretofore been tedious, and very expensive, by disproportional Costs: And whereas the Trial of Causes in a summary way, so far as the same has been in practice, has been found useful, and a means of determining many Suits with little Costs:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, the Justices of His Majesty's Supreme Court of Judicature shall be, and they are hereby empowered, in all Actions of Debt, Case, Trover, Trespass, or Detinue (and all other Actions wherein the Title of Lands shall not be

Supreme Court to proceed in a summary way, in causes not exceeding £20.

drawn in question), and which shall or may be brought before them, and wherein the Sum or Damages demanded shall not exceed Twenty Pounds, of lawful money of this Island, to proceed in a summary way, upon the appearance of both Parties, or upon it being proved in open Court, upon oath, by one competent Witness, that the Defendant had been duly served with the usual Process of the said Court; after which the said Court shall proceed to examine the merits of such Causes by Witnesses (wherein no dilatory Plea shall be allowed), and to determine either for the Plaintiff or Defendant, according to Law and Equity, and to make up Judgment accordingly.

Defendant, on Trial, to have the benefit of the ordinary Forms of Law or Equity.

II. And be it further enacted, That the Defendant or Defendants in such Actions shall, on the Trial or Hearing thereof, have the benefit of all matters in his, her or their defence, that he, she or they might have had, if he, she or they had been sued in the ordinary forms of common Law heretofore and now practised in the said Court, or in any Court of Equity in this Island; and the said Justices are hereby empowered and required so to do.

When the Fact may be doubtful, or parties desire it, Jury may be sworn to try the same.

III. Provided always, That when, on examination of the Witnesses (which is hereby directed to be taken in Writing), the matter of fact, from a consideration of the whole Evidence, may appear doubtful; or when either of the Parties shall desire it, and so elect, the said Court shall, in all such cases, thereupon order the Sheriff or his Deputy immediately to summon a Jury for the Trial of such matter of fact, or, if it be found necessary, appoint a day for such Trial: and Judgment on the Verdict shall or may be entered up and signed for the Party in favour of whom the same shall have been given.

IV. And be it further enacted, That any of the Justices of the said Court, either in Term or Vacation time, is or are hereby empowered, in all Causes of

Action brought there, where the Debt does not exceed Twenty Pounds, to take the voluntary Confession of the Debtor for the sum demanded by the Creditor, as agreed between the Debtor and Creditor; and upon such Confession, so made by the Debtor, and the Specialty, Contract or Account on which the said Debt arose, being left with the said Justice, and afterwards filed in the Clerk's Office of the said Court, together with the whole Proceedings, and a Record made of the same, such Justice is hereby empowered to order Execution thereon, according to such Agreement as shall appear upon the said Record to have been made between the Parties for stay of Execution—such Creditor, or his or her Attorney, Agent or Factor, prior to such Execution being issued, making oath, that the Debt is, at the very time, *bona fide* due to him or her—which Affidavit shall be, in like manner as aforesaid, filed. And the whole of which said last mentioned Proceedings, together with the Proceedings which shall or may be had in the said summary Actions, shall or may operate in the same manner, in every respect, as if the said Actions had been tried as heretofore in the said Court—the said Execution to be sued out against the Body or Goods of the Defendant in the Suit, at the option of the Plaintiff, which, together with the Proceedings or *Mesne* Process in such Suit, the Sheriff or his Deputy shall execute in like manner as Writs heretofore issuing out of the said Supreme Court have or ought to have been executed, and shall be answerable in like manner, as in other cases he may have been heretofore answerable, for neglect of duty.

Any one Justice of the Court may take the confession of the Debtor, and grant Execution thereon;

Creditor or Attorney first making Affidavit, that the Debt is due.

Execution to be against Body or Goods, at the option of the Plaintiff.

V. And be it further enacted, That the whole Costs on the said Actions so as aforesaid proceeded upon or tried in a summary way, shall not exceed One Shilling and Sixpence upon each Pound, so sued for and recovered: and on such Confession and Record of the same, as is herein-before mentioned, together with the said Execution, and the Costs thereof, shall

Costs, on Trial and Recovery, not to exceed One Shilling and Sixpence in the Pound.

On Confession, One Shilling in the Pound;

not exceed One Shilling in the Pound: And the said Costs so allowed and directed shall be exclusive of any Charge or Costs for or attendant on a Jury impanelled for the purposes aforesaid; also the Sheriff or his Deputy, Bailiffs, Crier, Court-keeper and Gaoler's Fees.

Exclusive of Jury, Sheriff, &c.

No Action for less than £5 to be brought in Supreme Court.

VI. And be it further enacted, That for the future, no Action for any Debt, except those herein-before particularly mentioned, where the whole Cause of Action does not exceed Five Pounds, shall be brought against any person or persons whatsoever in the said Court.

Witnesses legally served with *Subpœna*, to attend and give Evidence, or be subject to be proceeded against for Contempt, and to make good damages sustained by Party injured.

VII. And be it further enacted, That all Persons who shall or may be legally served with a Ticket, by virtue of a Writ of *Subpœna*, to give Evidence in any summary Action, and shall, at the same time, have his, her or their reasonable charges tendered to him, her or them, shall be obliged to appear as therein commanded, and give his, her or their Testimony, or in default thereof, be subject to be proceeded against in the said Supreme Court of Judicature, for his, her or their Contempt for such neglect; as also to make good the Damages that the injured Party may have sustained in such Action, for want of the benefit of his, her or their said Testimony: and the Costs attending such *Subpœna* Tickêt and Attendance, (the same to be ascertained and taxed by any one of the said Justices,) shall be allowed over and above the several other Costs herein-before mentioned.

Punishment for Perjury.

VIII. And be it further enacted, That all persons who shall or may be examined on oath before the said Justices of the said Supreme Court, or any one of them, by virtue of this Act, and who shall commit wilful Perjury, and be thereof duly convicted, shall be severally set in and upon the Pillory, for the space of one hour, beside having his, her or their Ears nailed thereto.

CAP. XIV.

An Act to prevent the Multiplicity of Law-Suits.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all Actions sued on Book Accounts, the Defendants therein may file their respective Accounts against the Plaintiffs with the Clerk of His Majesty's Supreme Court of Judicature, or the Clerk of any other Court of Record that now is or which shall or may hereafter be established in this Island, wherein such Actions now are or hereafter shall or may be depending: Provided the same be filed, and an attested Copy thereof be served on the Plaintiff or his Attorney, at least seven days before the First day of the respective Terms of the said Courts: and the said Courts are hereby respectively empowered to proceed, on Issue joined, to inquire into the merits of both Accounts, before one and the same Jury, and on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiffs or Defendants. And where the Action shall be commenced on any Bond, Bill, Note, or Agreement in Writing, the Defendant may in like manner file his Receipt or Discharge for part or the whole, according as he hath made payment. Provided, such Receipt or Discharge be in Writing, and signed by the Plaintiff, or his Attorney lawfully empowered to receive the same: and the said several Courts are hereby empowered to proceed to examine into the merits of the same, in like manner as in Book Accounts between Plaintiffs and Defendants, and equitably to reduce all such Bonds, Notes, Bills, and Writings obligatory, to the just Debt, with Interest, Damages and Costs, according to the nature of such Writing, Deed or Instruments: and the Jury are hereby empowered to give their Verdict accordingly.

In Actions sued upon Book Accounts, Defendant may file Account with the Clerk of the Court seven days before the sitting thereof.

Plaintiff also to be served with a copy.

Both Accounts to be inquired into by the same Jury.

Actions commenced on Bonds, &c. Receipts may be filed and proceeded on as above directed.

See 31 G. 3, c. 1.

* On this subject, see also 1 W. 4, c. 13.

CAP. XV.

Amended by 43
G. 3, c. 2.

An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the Use of the Crown.

WHEREAS the important Duties of Sheriff have been hitherto executed in this Government by a Provost Marshal, an Officer whom His Majesty has been graciously pleased to appoint in the infancy of his respective Colonies, before fit persons could be had to fill and supply that office: and although such appointment may have been highly necessary and expedient in this Island, at the time it was made, yet, as the same is not annual, as is that of Sheriff, and the salary allowed for such an office not being sufficient to maintain him as a Gentleman, without having recourse to other means for subsistence: And whereas the most probable means for him to adopt for that purpose, are such as his office may afford, and which a needy man is too apt, if continued long therein, to find out, and to be induced thereby to practise extortion, and to become variously oppressive to His Majesty's Subjects: For remedy whereof, and to bring this Government, as near as may be, to resemble the envied and happy Constitution of our Mother Country—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, it shall and may be lawful for the Chief Justice, or in his absence, for the eldest Justice of His Majesty's Supreme Court of Judicature in this Island, once in every Year, that is to say on the *Third Monday in April* annually, to nominate Three proper and fit persons to be made High Sheriff for this Island at large, (the same to be done in Writing;) and a Copy

The Chief Justice on every third Monday in April, annually, to nominate three fit persons for the office of High Sheriff.

of which Nomination, being signed by the said Chief Justice, or eldest Justice, he so signing the same, is hereby directed immediately thereupon, to present to the Governor, Lieutenant Governor or Commander in Chief for the time being, who is hereby empowered immediately to prick one out of the said number to serve the office of High Sheriff as aforesaid, for the ensuing Year: which Sheriff, being so appointed, shall thereupon take the usual Oaths of Office, together with the Oaths herein-after prescribed: And immediately upon his receiving his Patent, and having entered good and sufficient security; to be approved of by the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council, for the faithful execution of his Office, in the Provincial Secretary's Office, he shall be fully invested with all the powers and authorities of a High Sheriff, and be subject to all such Acts, made and passed in this Island, as may in any manner have related to the Duties and Execution of the office of Provost Marshal, and be intituled to the same Fees as are established by Law for the said Provost Marshal; and shall also have, possess, and enjoy, during the continuance of his office, all and every the powers and authorities which His Majesty's Provost Marshal has possessed or enjoyed, either by virtue of any Law of this Island, or in right of any Usage or Custom thereof.

List of persons nominated to be presented to the Governor;

who is thereupon to prick out one to serve the ensuing year.

Sheriff to take the usual Oaths of Office, &c. and give approved Security.

II. And be it further enacted, That if any person or persons whatsoever, who may be so appointed to execute the said Office of High Sheriff, after eight days notice thereof duly served, shall refuse to accept the same, the person or persons so refusing shall be subject to a Fine of Ten Pounds, lawful money of this Island,* for such his refusal; which Fine shall and may be recovered by Bill, Plaint or Information in His Majesty's said Supreme Court of Judicature, and when recovered, the same shall be paid to the Treasurer of this Island, to and for the use and service thereof.

Person appointed Sheriff, after eight days notice, and refusing to accept, to pay a fine.

Recovery and application.

* Increased to Twenty Pounds, by 48 G. 3, c. 2.

The Chief Justice &c. upon every subsequent refusal, to make out another List, and deliver the same, as before directed, to Governor, who shall prick one thereout as aforesaid, who, after receiving notice and refusing to serve, shall be liable to the same Fine, &c.

III. And be it further enacted, That upon each and every such refusal, the Chief Justice, or in his absence the eldest Justice, shall make out another List of proper and fit persons to serve the office of Sheriff as aforesaid, and shall deliver the same as aforesaid to the Governor, Lieutenant Governor, or Commander-in-Chief, who is hereby empowered to prick one nominated person thereout, who, upon refusal, after having received notice as aforesaid, shall be liable to the said Fine—and so to continue by new Returns and Appointments, until a person shall be nominated that will consent to and actually serve the said office of Sheriff.

Sheriff to continue in office till another is sworn.

IV. And be it further enacted, That the Sheriff, so as aforesaid appointed and sworn, shall continue in office until another shall be appointed and sworn in his stead.

Sheriff, &c. receiving money, to account for the same, if required, in Twenty-four Hours, or be liable to a Fine of Five Shillings in the Pound, for every Week the same shall be detained, after demand made.

V. And be it further enacted, That if any Sheriff, or his Under Sheriff, shall levy or receive any sum or sums of money whatsoever, by virtue of any Execution, Writ or Process whatsoever, and shall retain such sum or sums of money in his or their hands for the space of Twenty-four Hours after the person or persons legally authorized to receive the same, or any person lawfully by him or them appointed for that purpose, shall, in the presence of one credible Witness, demand such sum or sums of money to be paid over to him or them; that then and in such case, the said Sheriff shall forfeit to the Party entitled to receive such sum or sums of money, for each and every Week that he or his Under Sheriff shall retain the same, the sum of Five Shillings for every Pound of lawful money of this Island, which he or his Under Sheriff shall retain, after demand made as aforesaid—the same to be recovered by Bill, Plaint or Information, in the said Court.

Mode of Recovery.

VI. And be it further enacted, That after any Writ, Process or Execution, directed to any Sheriff out of any Court of Record that now is or which hereafter shall or may be established in this Island, shall have been delivered to him or to his Under Sheriff, such Sheriff or Under Sheriff so receiving and taking delivery of any such Writ, Process or Execution, is hereby required to return the same, with his doings thereon endorsed, in due time, and according to the command thereof, into the Court where such Writ shall have been made returnable: and if the said Sheriff or his Under Sheriff shall neglect to make such Return on any Writ, Process or Execution, so as aforesaid delivered, the said Sheriff shall forfeit and pay the sum of Twenty Pounds of lawful money of this Island; the same to be recovered by any person or persons whatsoever, by Bill, Plaint or Information, in any of His Majesty's Courts of Record that now are or which shall or may hereafter be established in this Island.

Penalty for neglect of duly returning any Writ, &c.

Mode of Recovery.

VII. And be it further enacted, That if any Sheriff or his Under Sheriff shall, on any pretence whatsoever, after any Summons, *Capias*, or Attachment shall have come into his hand, or into the hand of his Under Sheriff, settle with or receive from the party or persons against whom such Writs shall have issued, any sum or sums of money whatsoever, for or on account, or in full for such sum or sums of money as such Writs may have issued for the Recovery of; or shall return any such Writs settled or satisfied, without leave being first had and obtained, in writing, from the Party, or from his or her Attorney, suing out such Writs, thereby empowering him so to do; that then such Sheriff shall forfeit and pay to the Plaintiff in such Writs, for each and every offence, whatever sum or sums the Court out of which such Writs may have issued shall adjudge, beside being subject to an Action for the Recovery of Damage, or

Sheriff, &c. liable to Fine, and Action for Damage, for compromising any Debt sued for by Writ, &c. without consent of the Party, or his Attorney.

Mode of recovering Fine, and bringing Action for Damage.

to an Attachment—the said Penalties so adjudged to be recovered by the said Plaintiff, by Attachment, or other Process; the same to be sued out of the Court that shall or may inflict the same.

Under Sheriff to continue to act in case of death or removal of High Sheriff, until another is appointed.

VIII. And be it further enacted, That if any Sheriff shall happen to die before the full Year of his appointment shall have expired, or before lawfully superseded, nevertheless the Under Sheriff so by him appointed shall continue to execute the said office, in the name of the deceased Sheriff, until another Sheriff shall have been appointed, and sworn into office as herein-before is directed:

Under Sheriff answerable for the due Execution of office during such interval; and the Security of Under Sheriff to High Sheriff shall stand as Security to his Majesty, &c.

And the said Under Sheriff is hereby made answerable for the due execution of the said office, in all respects whatsoever, during such interval of time, in the same manner as the High Sheriff, so deceased or superseded, would or might have been, had he lived or continued in office until the expiration of the said Year: and the Security or Securities (if any) given to the High Sheriff, so deceased or superseded, by the Under Sheriff, as also his Pledges, shall stand as Security or Securities to The King's Most Excellent Majesty, His Heirs and Successors, and to all persons, their Heirs, Executors, Administrators, and Assigns, who may, in any respect whatsoever, be interested or concerned for such Under Sheriff's due performance of his office during such interval.

IX. And be it further enacted, That all Sheriffs who in future shall or may be appointed to their respective offices in this Island, shall, on their entering upon the performance of the same, take and subscribe the following Oath:

Sheriff's Oath.

I *A. B.* do solemnly swear, that I will truly serve the King in the office of Sheriff of this Island, and promote His Majesty's profit in all things belonging to my office, as far as I legally can or may. I will truly preserve the King's

Peace, and all rights which belong to his Crown;
 and where I have any knowledge of the King's
 Revenue being diminished, concealed or wasted,
 or of any person or persons concerned in collect-
 ing the same being negligent in their duty, I will
 certify and inform the King's Representative
 within this Island, or some of his Judges, of the
 same. I will do right as well to poor as to rich,
 in all things belonging to my office. I will do no
 wrong to any person whatsoever, for any gift,
 reward or promise, nor for favour nor hatred.
 I will disturb no man's rights. I will, at the
 end of the Year, render to His Majesty's Su-
 preme Court of Judicature, at *Charlotte-Town*,
 a true and faithful account of such Debts, Duties,
 Fines, or Forfeitures to the Crown, as shall be
 levied by me, or otherwise come to my hands.
 I will do nothing whereby the King or any of
 his Subjects may lose, or whereby the Revenue
 of this Island may be injured or diminished. I
 will, without respite or delay, return and truly
 serve all the Writs coming to my hands, without
 favour or affection. I will take no Deputy or
 Bailiff into my service, but such as I will answer
 for; and I will cause each of them, before they
 enter on their office, to take and subscribe such
 Oaths as I do, in what belongeth to their busi-
 ness and official duty. I will, during my conti-
 nuance in office, truly set and return reasonable
 and due Issues of them that be within Precinct,
 according to their estate and circumstances, and
 make due Panels for Grand and Petty Juries, to
 the King's Courts aforesaid, at their several
 Sittings, of persons able and sufficient, as direc-
 ted by the Laws of this Island. I will not,
 during the continuance of my office, receive from
 any person or persons whatsoever, either direct-
 ly or indirectly, any fee, favour or reward,
 for constituting such person or persons my Under
 Sheriff or Bailiff, but will keep a strict eye over
 such person or persons, that they do not exact

‘ unreasonable Fees, and that they are not guilty
 ‘ of extortion or oppression in their Offices. I
 ‘ will not ask or demand from any person or per-
 ‘ sons whatsoever, any more Travel for the Service
 ‘ of any Writ or Process, than what I have actu-
 ‘ ally and *bona fide* performed for the service of
 ‘ the same. I will truly and diligently execute
 ‘ the Laws and Statutes of this Island; and in all
 ‘ things will strictly behave myself in my Office
 ‘ for the honour of the King, and the good of his
 ‘ Subjects.

‘ So help me God.’

Sheriffs, every
 Trinity Term
 next after Expi-
 ration of their
 Sherifalty, to
 render account
 of all Fines, &c.
 that shall have
 been levied.

X. And be it further enacted, That all Sheriffs appointed to and serving the said Office as aforesaid, shall, on or before the Third Day's Sitting of the said Supreme Court, at the *Trinity* Term thereof next after the expiration of each and every of their Sherifalty, render an Account, on oath, in said Court, of all such Fines, Forfeitures, Penalties, or other Debts or Dues of the Crown, as shall be levied by him, together with the names of the persons on whom the same shall have been levied; and if any such Sheriff shall neglect or delay such service, longer than the time limited aforesaid, he shall, for each and every such neglect or delay, forfeit and pay the sum of Twenty Pounds—the same to be recovered by Bill, Plaint or Infofmation, in His Majesty's said Supreme Court of Judicature, and when recovered, to be paid to the Treasurer of this Island, to and for the use and service thereof.

Twenty Pounds
 penalty on neg-
 lect.

Recovery and ap-
 plication of For-
 feiture.

Clerk of Supreme
 Court to state a
 general account
 of all Fines, &c.
 adjudged to the
 Crown,

XI. And be it further enacted, That at the end of every *Trinity* Term of said Court in every Year, the Clerk thereof shall state a general Account of all Fines, Forfeitures and Penalties adjudged to the Crown in the said Court, or in any other Court of Record that now is or which shall or may hereafter be established on this Island, and which shall be returned or delivered

to him by the Clerk or Clerks of any other Court or Courts of Record in this Island; such general Account particularising therein the names of the persons who shall or may be adjudged to pay such Fines, Forfeitures and Penalties, together with the sums appearing by the Sheriff's Accounts as aforesaid, to have been levied on account thereof; as also the sums that shall or may be then due from the delinquent Party, and the names of the persons owing the same—which said general Account, so stated as aforesaid, the said Clerk of the said Supreme Court is hereby directed to certify, under the Seal thereof, into the Treasury of this Island. And in case the said Clerk shall neglect so to return such Account, within Fourteen days next after the end of every *Trinity* Term of said Supreme Court, yearly and every Year, he shall forfeit and pay the sum of Twenty Pounds for each and every such neglect; the same to be recovered by Bill, Plaint or Information, in the said Supreme Court, and when recovered, to be paid to the Treasurer of this Island, to and for the use and service thereof.

particularising the sums appearing by Sheriff's accounts to have been levied; as also the sums then due, and by whom.

Clerk to certify account, under Seal of Court, into Treasury.

Twenty Pounds Fine for every neglect.

Mode of Recovery and Application.

XII. And be it further enacted, That from and after the time of appointing a Sheriff, and his entering on the duties and execution of his office, as is herein-before by this Act directed, all the power and authorities which now are or which heretofore have been vested in the office of Provost Marshal of this Island, either by usage, custom, or the Laws thereof, shall cease and determine, to all intents and purposes, the same as if no such Officer had ever been appointed in this Government—any thing heretofore in any wise to the contrary notwithstanding.

Power and authority of Provost Marshal to cease.

XIII. And be it further enacted, That no High Sheriff appointed as aforesaid shall exercise the office of Justice of Peace in this Island, during the time he shall exercise the duties of that office:

Sheriff, during time of exercising office, not to act as Justice of Peace, under a Penalty of £20.

and all his acts and doings as a Justice of the Peace during the time he shall or may be in his said office, shall be, and the same are declared to be, null and void: and for each and every instance of such his misconduct, he shall forfeit and pay the sum of Twenty Pounds, one moiety whereof to the use of His Majesty's Government in this Island, and the other moiety to him or them who shall or may sue for the same; the same to be sued for and recovered in any of His Majesty's Courts of Record which now are or which hereafter shall or may be established in this Island.

Recovery and application of Fine.

No person obliged to serve as Sheriff for more than one year at a time, nor oftener than once in seven years.

XIV. And be it further enacted, That no person shall be obliged to serve the said office of High Sheriff for more than One Year at a time, nor to accept of the said office in less than Seven Years after his having served the said office as aforesaid.

Fines how to be accounted for.

XV. And be it further enacted, That the Monies arising by the operation of this Act shall be accounted for unto His Majesty, in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

CAP. XVI.

Executed.

An Act for granting the Sum of Three hundred and sixty-five Pounds, Fifteen Shillings and Tenpence, for the Support of His Majesty's Government.

ANNO VICESIMO SEPTIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1786.
Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-first Day of
March, Anno Domini 1785, in the Twenty-
fifth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

W. PATTERSON,
Lt. Governor.

P. CALLECK,
President of
Council.

A. FLETCHER,
Speaker.

And from thence continued, by several Proroga-
tions, to the Eighth Day of *November, 1786*, and
in the Twenty-seventh Year of His said Majesty's
Reign; being the Third Session of the Fourth
General Assembly convened in the said Island.

C A P. I.

An Act for setting aside and annulling, at the
request of the present Proprietors, the Sales,
&c. of the herein-after enumerated Lots and
Shares of Lots of Land within this Island, and

Disallowed by
His Majesty in
Council, the 8th
of August, 1789.

for repealing so much of an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to render good and valid in Law all and every of the Proceedings in the Years One thousand seven hundred and eighty, and One thousand seven hundred and eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling of the Lots or Townships herein-after mentioned, or any Part thereof*, as relates to the said Lots or Townships, or Half Lots or Townships, of Land.

ANNO VICESIMO OCTAVO

GEORGI II III. REGIS.

At the General Assembly of His Majesty's 1788.

Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-second Day of
January, Anno Domini 1788, in the Twenty-
eighth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

T. DESBRISAY
President of
Council.

P. CALLBECK,
Speaker.

Being the First Session of the Fifth General
Assembly convened in the said Island.

CAP. I.

An Act in addition to two several Acts herein-
after in part recited; that is to say, an Act ^{Repealed by 35}
made and passed in the Twenty-first Year of ^{G. 3, c. 3.}
His present Majesty's Reign, intituled *An Act*
to explain, amend and render into one Act, all
the Laws now in being for the purpose of
making and repairing Highways in this Island;

also an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act for altering, amending, and reducing into one Act an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled 'An Act to alter and amend so much of an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act to explain, amend and render into one Act, all the Laws now in being for the purpose of making and repairing Highways in this Island,' as relates to the Time appointed by said Act for performing Statute Labour, and some further Regulations as to the Payment and Duty of Overseers of the Highways.*

ANNO TRICESIMO
GEORGI III. REGIS.

At the General Assembly of His Majesty's 1790.
Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

A. FLETCHER,
Speaker.

Being the First Session of the Sixth General Assem-
bly, convened in the said Island.

C A P. I.

An Act ascertaining the Toll to be taken at the different Grist Mills in this Province. For further provisions on this subject, see 4 W. 4, c. 3.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Toll to be taken by any Grist Miller within this Province, in time coming, for grinding Wheat, Rye, Barley, Oats, and Indian Corn, shall be one twelfth part, and no more. Rate of Toll.

Penalty for taking more Toll than is allowed by this Act.

Application of Penalty.

II. And be it enacted, That if any Miller shall demand, take or receive any greater Toll than is herein directed to be taken, he shall forfeit and pay Forty Shillings, *toties quoties*, for every such offence; one half of which Penalty shall be paid to the person or persons suing for the same, and the other half to the Poor of the Township or Parish wherein the offence shall be committed; and that over and above the value of the Grain or Meal which shall have been taken more than the Toll herein prescribed.

Grain to be ground in the order in which it is brought to the Mill.

III. And be it enacted, by the authority aforesaid, That all Millers within this Province shall be obliged, and they are hereby required, in all time coming, to grind all Grain brought to their respective Mills regularly, so as that whoever brings Grain first shall be first served, without the said Millers, or any of them, giving preference to one man beyond another in point of time or priority; under the Penalty of Forty Shillings for every transgression.

Millers keeping a Bolt, to bolt grain after being ground, if required.

IV. And be it further enacted, by the authority aforesaid, That every Grist Miller who keeps, or may in time coming keep, a Bolting Mill, shall be obliged to bolt the Meal of all Wheat, Rye, or Buck-Wheat ground at his Mill, when required; and that the Toll to be taken for the same shall not exceed one Pint of that Grain *per* Bushel, to be taken in addition to the former Toll.

Penalty.

V. And every Miller refusing to comply herewith shall be subject to and incur a Penalty of Forty Shillings for every transgression.

Penalties how to be recovered and applied.

VI. And be it further enacted, That all Forfeitures and Penalties arising by force and virtue of this Act, shall be one half to the Informer, and the other half to the use of the Poor of that Parish where the offence shall be committed; and be recovered by Bill, Plaint, or Information, before any one or more of His Majesty's Justices of the Peace for the Island,

upon proof of one or more credible Witness or Witnesses, and be levied, upon due conviction, by Warrant of Distress and Sale of the Offender's Goods and Chattels, under the Hands and Seals of such Justice or Justices: and for want of sufficient Distress, the Offender to suffer Imprisonment for such time as the Justice or Justices, before whom he may be prosecuted, may, in his or their discretion, think just and adequate to his offence, so as the said Imprisonment shall not exceed Thirty Days.

VII. And be it further enacted, That each Miller shall be provided with Steelyards, or Scales and Weights: that each Grist, at being brought into the Mill, shall be weighed, and an entire weight be returned, excepting the deduction for Toll allowed by this Act.

Each Miller to be provided with Steelyards, or Scales and Weights.

VIII. And be it further enacted, That each Miller shall be provided with a Copy of this Act within Two Months after the publication thereof, or within Three Months after his Mill is erected; which Copy shall be put up in some conspicuous part of his Mill, on pain of forfeiting Five Shillings for each offence.

Copy of this Act to be hung up in every Mill.

IX. And be it further enacted, That this Act shall continue and be in force for and during the space of Three Years, and from thence to the end of the next Session of the General Assembly, and no longer.

Continuance of Act. Made perpetual by 43 G. 3, c. 1.

CAP. II.

An Act to establish authenticated Copies of the Records of His Majesty's Council of this Province as legal Evidence.

WHEREAS many Titles to Lands depend on Votes, and other Proceedings in His Majesty's Council, and become frequently necessary Evidence

Copy of proceedings of His Majesty's Council, relative to Titles of Lands, properly attested, made legal Evidence.

Clerk of the Council to give attested Copies of such proceedings.

in Suits at Law: And whereas doubts may arise relative to the admissibility of such Evidence; and as the producing the original Records in Court is attended with great inconvenience: To remedy the same—Be it enacted, by His Excellency the Lieutenant Governor, Council and Assembly, That hereafter the Transcript or Copy of any Vote or Proceedings of His Majesty's Council, relating to the Grants or Titles of Lands, attested as a true and genuine Extract from the said Records, and signed by the Clerk of the Council, shall be deemed, admitted and received as legal Evidence in any Cause depending, or that may at any time hereafter be depending, in any of His Majesty's Courts within this Province. And the Clerk of the Council is hereby required and directed, upon the application of any of the Parties to said Suits, or their Attorneys, to give an exact Copy or Extract of all such Resolutions or Proceedings of Council relative to Lands, attested and signed by him; and that there shall be paid for the same—for every Search One Shilling; for every authenticated Copy Six Shillings (if under One hundred words;) and for every Hundred words above the First Hundred, at the rate of One Shilling for every Hundred Words.

C A P. III.

Expired.

An Act for continuing an Act, made and passed in the Twenty-sixth Year of His Majesty's Reign, intituled *An Act to alter, amend, and reduce into one Act, an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act for raising a Fund to make and keep in repair the Streets and Wells of Charlotte-Town.'*

WHEREAS the above-mentioned Act is near expiring:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the before mentioned Act be further continued, and that every clause, matter and thing therein contained shall be in force for and during the space of Three Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Recited Act continued for three Years, &c.

CAP. IV.

An Act for repealing so much of an Act, made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests*, as relates to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors. 26 G. 3, c. 19.

WHEREAS the aforesaid Act, so far as the same extends to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors, has, in its operation, been found, in many instances, injurious and oppressive to the Inhabitants of this Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, so much of the said Act, intituled *An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island concerning Bail, and to prevent frivolous and vexatious Arrests*, as extends to the Attachment of the Goods, Chattels or Estate of any Debtor or Debtors, be, and the same is hereby repealed.

Repealing Clause.

Not to affect
Suits now de-
pending.

II. Provided nevertheless, That this Act shall not extend to affect any Suits now depending under the said Act, so as the same are prosecuted without delay.

Suspending
Clause.

III. Provided also, That nothing herein contained shall be of any force or effect until His Majesty's pleasure is known.

* * * This Act has been allowed by His Majesty, dated June 22d, 1796.

C A P. V.

An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the Occupation thereof, by Virtue of Locations formerly made by the Governor and Council.

WHEREAS in the Year One thousand seven hundred and eighty three, a number of the Proprietors of Lands in this Island, or their Attorneys for them, signed and delivered a Paper to the Right Honourable Lord North, at that time one of His Majesty's Principal Secretaries of State, of which the following is a Copy, *videlicet*:

Copy of Tender
to Government
of Lands for the
benefit of Ameri-
can Loyalists,
made by certain
Land Proprietors
in this Island.

' **W**E the undersigned Proprietors of Lands in the
' Colony of *Saint John*, being informed that many of
' the Loyalists at *New-York* prefer a Settlement in
' that Island to one in *Nova-Scotia*; and being very
' desirous of encouraging such a preference, and of
' affording an Asylum to those deserving fellow subjects,
' do engage for ourselves, or as Attorneys for others,
' to grant, as we hold of the Crown, and in the same
' proportions to each family as the other Loyal Emi-
' grants receive in *Nova-Scotia*, one Fourth of the
' quantity of Lands placed opposite to our Names,

‘ which they shall receive, upon their arrival at
 ‘ *Charlotte Town*, by application to the Governor
 ‘ and Council: and that they may receive the said
 ‘ Lands in the fairest and most impartial manner,
 ‘ we will direct that the whole be divided by the
 ‘ Surveyor General into Parcels, of not less than
 ‘ One Thousand Acres each, and drawn for by
 ‘ Ballot before the Governor and Council. In con-
 ‘ sideration of the preference expressed by those
 ‘ Loyal Emigrants, and of the conditions offered by
 ‘ us, we have the fullest confidence that your Lord-
 ‘ ship will give instructions to the Commander-in-
 ‘ Chief of His Majesty’s Forces at *New York*, to
 ‘ furnish such Loyalists as prefer a settlement in
 ‘ *Saint John’s*, with Provisions and Transports to
 ‘ carry them to *Charlotte Town*, and every other
 ‘ necessary, such as is given to those who go to
 ‘ *Nova Scotia*: and that your Lordship will also
 ‘ give such instructions to the Governor of *Saint*
 ‘ *John’s*, as will place such Emigrants, in every res-
 ‘ pect, on a similar footing with their brethren who
 ‘ settle in *Nova Scotia*. The undersigned are the
 ‘ more zealous in promoting this measure, as they
 ‘ are persuaded it will greatly advance the prosper-
 ‘ ity of an infant Colony, which, from its natural and
 ‘ relative situation, is peculiarly adapted to become
 ‘ a permanent and valuable possession to *Great*
 ‘ *Britain*. And they confide in your Lordship’s
 ‘ wisdom and equity, that you will obtain for them
 ‘ such an abatement of Quit-Rent, as will place
 ‘ them on an equality with their neighbouring Colo-
 ‘ nies, and, by that means, remove a cause which
 ‘ may prevent many faithful subjects to this Country
 ‘ from emigrating to that Island from the *American*
 ‘ *States*, and which has hitherto obstructed the set-
 ‘ tlement and prosperity of this Colony.’

(Signed) Edward Lewis	....	20,000 Acres.
John Townson	....	10,000
John Stuart	....	10,000
Richard Burke,	....	15,000
John Moteux	....	20,000

Robert Mackay	....	20,000
Alexander Anderson		20,000
John Patterson	....	20,000
John Patterson, Attorney for Walter Patterson,	.... ....	40,000
John Patterson, Attorney for Andrew Todd		21,000
John Patterson, for Isaac Todd,	....	20,000
John Townson, for Charles Pearce,	....	10,000
Daniel Berreau, for Isaac Panchard,		20,000
Lawrence Sullivan		80,000
Phillip Stephens	....	20,000
Lord Townshend, for Acres and gives Two Thousand to a Loyalist, who is to draw for it in the mode prescribed above	.... ....	20,000
Lord Townshend, for General Honeywood		10,000
Lord Townshend, for the Lord Chief Baron Montgomery,	....	60,000

And whereas, on receipt thereof, the Governor of said Island, by the advice of His Majesty's Council, issued a Proclamation, thereby promising all persons of the above description, who should choose to become Settlers in the Island of *Saint John*, certain proportions of the Lands so signed for, in the same manner as should be given to them in the neighbouring Provinces of *Quebec* and *Nova Scotia*; in consequence whereof, a number of those deserving subjects did repair to this Island, and have had, by the orders of the Governor and Council, parts of the aforesaid Lands laid out and

allotted to them, and have been put in possession thereof, as also made considerable improvements thereon—notwithstanding which, and that years have elapsed since the said Proprietors covenanted and engaged with Government to make Conveyances of the said proportions of Lands so allotted and laid out to the said Settlers, many of them have not yet fulfilled their said engagement, whereby, and in consequence of which, numbers of those who came to this Island returned to the Continent, many more have been deterred from coming, and those who remain are rendered unhappy, from the uncertainty under which they hold their Lands:

For remedy whereof, and to promote the Settlement and Prosperity of this Colony—Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or other Commander-in-Chief for the time being, to give Grants, under the Great Seal of this Island, of such proportions of the aforementioned resigned Lands as are now in the possession of such Loyalists and reduced Officers and Soldiers, by virtue of, and under the authority of the Governor and Council of this Island, as have not received Deeds or Grants from the said Proprietors.

Governor empowered to give Grants of Lands to such Loyalists, &c. as are now in possession thereof.

II. Provided, That nothing herein contained shall have any effect until His Majesty's pleasure shall be known.

Suspending Clause.

* * This Act received His Majesty's Allowance, July 31, 1793.

CAP. VI.

An Act for quieting the Minds of His Majesty's
Dissenting Protestant Subjects in the Island of
Saint John.

WHEREAS a groundless report has prevailed, of an intention upon the part of Government to subject His Majesty's Dissenting Protestant Subjects to the payment of Tythes, and other Rates and Taxes, for the support of the Established Church of *England*:

Dissenters to
have liberty of
conscience, &c.

and exempted
from the payment
of Rates, &c.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That Protestants dissenting from the Church of *England*, whether they be Presbyterians, Quakers, or any other denomination whatsoever, shall have free liberty of conscience; and may erect and build Meeting-Houses for Public Worship; and may choose and elect Ministers or Pastors for performing divine service, and the administration of Sacraments, according to their several opinions: and all Contracts made between such Dissenting Ministers and their Congregations, for the support of the Ministry, are hereby declared valid, and shall have their full force and effect, according to the tenor and condition of such Contracts. And all such Dissenters shall be excused, and are hereby exempted and excused, from the payment of any Rates or Taxes to be made and levied for the support of the Established Church of *England* in this Island.

Suspending
Clause.

II. Provided, That nothing herein contained shall be of any force or effect, until His Majesty's pleasure is known.

* * This Act received His Majesty's Allowance, July 31, 1793.

CAP. VII.

An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges for the making and repairing of the Highways, Roads and Bridges of the said Island.

WHEREAS many of the Lots or Townships of Land, or parts of Lots or Townships of Land, in this Island, are owned by persons not residing or living therein, and have been greatly increased in value by the Highways, Roads and Bridges, which have at different times been erected and made at the expence, and by the labour of His Majesty's subjects, Inhabitants of this Island, without any aid or assistance whatever from the said Proprietors: And whereas many of the Inhabitants of this Island have long complained, and do still complain, of this neglect on the part of the said Proprietors, as a grievance that ought to be redressed, truly alleging, that the said Proprietors are benefited by their labour, and at their expence, without bearing any proportion of it among themselves: To remedy which in future—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of August, One thousand seven hundred and ninety-one, it shall and may be lawful to and for any Three of His Majesty's Justices of the Peace, (*Quorum unus*) in this Island, and they are hereby required and directed, in either of the Months of *June* or *July*, annually, to assess a certain sum of money to be charged on the said Lots or Townships of Land, or on the said parts of Lots or

Any Three Justices empowered to assess Lots of Land, &c. for the purposes herein mentioned.

Townships of Land, in this Island, as the true and equitable proportion which the said Proprietor or Proprietors ought respectively to pay for the purpose hereinbefore recited.

No Township to be assessed, when Ten persons liable to Statute Labour reside thereon.

II. Provided always, and it is hereby further declared, That the said Justices shall not be empowered to assess any Lot or Township of Land, wherein a number of Inhabitants (liable to Statute Labour) equal in proportion to Ten for every Township shall or may reside.

Public notice to be given, warning Proprietors to pay their Assessments within Six Months, &c.

III. And be it further enacted, by the authority aforesaid, That immediately after the said Assessment shall have been so made, public notice shall be given, in writing, by the said Justices, and posted up at *Charlotte Town, Princetown and Georgetown*, and at three or more other of the most frequented places at or near the place where the Land so assessed shall or may lie, expressing therein, that unless the said Assessment shall be paid by such Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the Public Treasury of this Island, within Six Months next after the date thereof—that then so much of the improved or other parts of the Lands of the delinquent Proprietor or Proprietors shall be by such Justices leased out, as may produce a Rent sufficient to pay his, her or their said Proportion or Assessment: and that if the said Proportion or Assessment shall not be paid by such Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the said Public Treasury, within the time limited for the same to be done in the said Notice, that then and in such case, the said Three Justices are hereby empowered and directed to proceed to lease out the said improved or other parts of the Lands of such delinquent Proprietor or Proprietors, in manner as is hereinbefore expressed in the said Notice.

If the Assessments are not paid within that time, then Justices are to lease out such lots of Land.

IV. And be it further enacted, by the authority aforesaid, That if the said improved or other parts of the Lands of the said delinquent Proprietor or Proprietors cannot be leased out by the said Three Justices so advantageously as in their judgment to produce the Rent sufficient for the purpose aforesaid, that then and in such case, public notice shall be by them immediately thereupon given, in writing, and posted up in manner aforesaid, expressing therein, that unless the said Assessment or Proportion shall be paid by the said delinquent Proprietor or Proprietors, or by some person or persons duly authorized thereto, into the Public Treasury of this Island, within Six Months next after the date thereof, that then and in such case so much of the improved or other parts of the Lands of the said delinquent Proprietor or Proprietors shall be sold, as shall or may produce money sufficient to pay his, her or their said Assessment or Proportion.

If the Lands cannot be leased out so as to produce Rent sufficient for the purpose aforesaid, then Justices are to notify Proprietors that the Lands will be sold.

V. And be it further enacted, by the authority aforesaid, That at the expiration of the said Six Months' notice, it shall and may be lawful to and for the said Three Justices, and they are hereby directed and required, to award a Precept directed to the Sheriff, commanding him to take the Goods and Chattels of such delinquent Proprietor or Proprietors, wheresoever or in whosoever hands the same may be found in this Island, and of the same to make public sale, and the Produce of such sale, in money, to pay into the hands of the said Three Justices; and that, if no Goods and Chattels of such delinquent Proprietor or Proprietors can be by him found in his aforesaid Precinct, or if enough can only be found to satisfy his, her or their Assessment or Proportion in part, that then he shall proceed to make Public Sale of so much of the Lands and Tenements of such delinquent Proprietor or Proprietors, as shall or may produce money sufficient to pay and discharge his, her or their Assessment or Proportion, either in whole or in part, as the case may happen to be, together with the Costs

Precept to be awarded to Sheriff, directing him to take the Chattels of delinquent Proprietors, and to sell the same, &c.

If Chattels cannot be found; then to sell so much of the Lands as may be sufficient to pay off Assessments.

and Charges attending the same; which Precept shall be tested by the said *Quorum unus* the day on which the same shall or may be issued, and be made returnable to the said Three Justices within thirty days after such *Teste*.

Sheriff, after sale of Lands, to make Deeds of Conveyance to Purchasers.

VI. And be it further enacted, by the authority aforesaid, That immediately after the said Sale or Sales shall be so as aforesaid made and perfected, the said Sheriff is hereby authorized and directed to make and execute to the Purchaser or Purchasers of the Lands of such delinquent Proprietor or Proprietors, a Deed or Deeds thereof, thereby conveying to such Purchaser or Purchasers an absolute Estate of Inheritance, in Fee Simple.

Application of money arising from the Sale of Lands, &c.

VII. And be it further enacted, by the authority aforesaid, That all the Monies arising from the Sales of the Lands and Tenements of such Proprietors shall be paid by the said Justices into the Public Treasury of this Island, within ten days after they shall have received the same, and be afterwards applied towards making and repairing the High-Roads and Bridges within this Island.

Suspending Clause.

VIII. Provided, that nothing herein contained shall have any force or effect, until His Majesty's pleasure shall be known.

* * This Act received His Majesty's Allowance, July 31, 1793.

CAP. VIII.

For other Acts relating to Bail, see 26 G. 3, c. 10 — and 30 G. 3, c. 4.

An Act for taking Special Bail in the Country, upon Actions depending in His Majesty's Supreme Court of this Province.

FOR the greater ease and benefit of all persons whatsoever, in making oaths to their Debts, and in taking the Recognizances of Special Bails upon all Actions and Suits depending, or to be depending,

in His Majesty's Supreme Court of Judicature in this Province—Be it enacted, by His Excellency the Lieutenant Governor, Council and Assembly, That the Chief Justice of His Majesty's said Supreme Court of Judicature for the time being, shall or may, by one or more Commission or Commissions, under the Seal of the said Court, from time to time as need shall require, empower such and so many persons (other than common Attorneys and Solicitors) as he shall think fit and necessary, in each of the Counties within this Province, to administer an Oath, in writing, to any person, where it shall or may be necessary to hold any Defendant to Bail upon any Writ or Process issuing out of the said Court, and to mark such Writ for Bail accordingly; and also to take and receive all and every such Recognizance or Recognizances of Bail or Bails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any Action or Suit depending, or hereafter to be depending, in the said Court, in such manner and form, and by such Recognizance, or Bail Piece, as the said Justices have heretofore used to take the same: which said Oath, in writing, and the said Recognizance or Recognizances of Bail, or Bail Piece, so taken as aforesaid, shall be transmitted to the Chief Justice; who, upon Affidavit made of the due taking of the Recognizance of such Bail, or Bail Piece, by some credible person present at the taking thereof, shall receive the same, upon payment of a Fee of Two Shillings, and no more—which said Oath and Recognizance of Bail, or Bail Piece, so taken and transmitted, shall be of the like effect as if the same were taken *de bene esse* before any of the Justices of the said Court: And for the administering of every such Oath, and marking such Writ as aforesaid, the said Commissioners shall receive the sum of Two Shillings, and no more: and for the taking every such Recognizance or Recognizances of Bail, or Bail Piece, the said Commissioners shall receive only the Sum or Fee of Three Shillings, and no more.

Chief Justice empowered to appoint Commissioners to take Bail in the country:

And also to receive the Bail Piece, &c. upon Affidavit made of due Execution.

His Fee.

Bail below to have the same effect, as if taken *de bene esse*.

Commissioners' Fees.

Chief Justice to
make Rules for
the justifying of
Bail.

II. And be it further enacted, That the Chief Justice shall make such Rules and Orders for the justifying of such Bails, and making of the same absolute, as to him shall seem meet, so as the Cognizor or Cognizors of such Bail or Bails be not compelled to appear in person in the said Court, to justify himself or themselves; but the same may be, and is or are hereby directed to be, determined by Affidavit or Affidavits duly taken before the said Commissioners, who are hereby empowered and required to take the same, and also to examine the Sureties upon oath, touching the value of their respective Estates, unless the Cognizor or Cognizors of such Bail do live within the Town of *Charlotte Town*, or within Fifteen miles thereof.

Felony to person-
ate Bail.

III. And be it further enacted, That any person or persons who shall, before any person or persons empowered by virtue of this Act as aforesaid to take Bail or Bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable or subjected to the payment of any sum or sums of money, for Debt or Damages to be recovered in the same Suit or Actions wherein such person or persons are represented and personated as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, deemed, and taken to be Felons, and shall be sentenced to suffer the pains of Death, and incur such Forfeitures and Penalties as Felons in other cases thereof duly convicted or attainted, do by the Laws of *England* lose and forfeit.

C A P. IX.

Repealed by 3
W. 4, c. 27.

An Act to prevent the malicious Killing, Wounding,
or Maiming of Cattle.

C A P. X.

Repealed by 6 G.
4, c. 5.

An Act to prevent unnecessary Expence and Delays
in certain Actions wherein Judgments have passed
by Default.

ANNO TRICESIMO PRIMO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1790.

Island of *Saint John*, begun and holden at *Charlotte Town*, the Twenty-second Day of *March*, Anno Domini 1790, in the Thirtieth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith:

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. ROBINSON,
Speaker.

And from thence continued, by several Prorogations, to the Tenth Day of *November*, 1790, and in the Thirty-first Year of His said Majesty's Reign; being the Second Session of the Sixth General Assembly convened in the said Island.

CAP. I.

An Act for admitting Persons to swear to their own Accounts in certain cases, and for amending certain practical Parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island.

WHEREAS there is no Law in this Island permitting persons to swear to their own Accounts; by means whereof it frequently happens that people

Persons commencing Actions on Book accounts, and filing them, pursuant to 26 G. 3, c. 14, may be admitted to swear to them; and the same being certified by the Clerk in open Court, may be delivered to the Jury when they retire to consider their Verdict.

are defeated in the recovery of what is justly due and owing them, for want of proofs, other than their own oaths, to support the various articles of their respective Accounts: For remedy whereof in future, Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, all persons who shall or may commence Actions in the Supreme Court of Judicature of this Island, on Book Accounts, or who shall duly file their Accounts against those of the Plaintiff, with the Clerk of the said Court, pursuant to an Act of the General Assembly of the said Island, made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to prevent the multiplicity of Law Suits*, shall be admitted by the said Court to swear to the truth of their said Accounts respectively; and the same (being certified by the Clerk, in open Court, on the Trial, to have been regularly sworn,) may thereupon be delivered to the Jury when they retire to consider of their Verdict.

Such Oath to extend only to the delivery of the articles, but not to establish the prices, nor to any contract relative thereto.

II. Provided nevertheless, and be it further enacted, by the authority aforesaid, That the Oath of the Parties so as aforesaid filing their respective Accounts shall extend only to the delivery of the several articles therein contained; but shall not extend, nor be construed to extend, to the establishing or fixing the prices charged or carried out against such articles, nor to any contract or agreement between the Parties relative thereto; and which Oath, so as aforesaid to be certified by the said Clerk, being subscribed by the Party, shall be in the words, or to the effect following, that is to say—

Form of Oath.

‘ I *A. B.* do make Oath and say, that the several
 ‘ articles in the above Account charged, were really
 ‘ and truly delivered unto the said *C. D.* at the times
 ‘ therein mentioned, or unto some person or persons,
 ‘ being authorized to receive and take delivery of
 ‘ the same.

‘ So help me God.’

III. And Provided also, That no person or persons whatsoever filing his, her or their Account as aforesaid, shall be admitted to depose to the truth of the articles therein charged, unless the Year of our Lord, and the Day of the Month of that Year, wherein or whereon the same articles shall or may have been delivered, shall be expressed or set down in such Account: nor shall he, she or they be admitted to swear or depose as aforesaid to any article or articles charged in such Account, if more than Two whole Years shall have elapsed from the time of such charge to the Day when Process at Law shall have issued or been sued out for the recovery of such article or articles: Nor shall any person or persons whatsoever be admitted to swear or depose as aforesaid, if it shall be proved by the Affidavit of the adverse party, that he, she or they so filing their Accounts, at the time such article shall appear to have been charged, had a Clerk retained in his, her or their service, professedly for the purpose of keeping his, her or their Accounts: nor unless the Party charged with a Balance in such Account shall have been, Ten days at least before the issuing of such Writ or Process, served with a true Copy of such Account.

Date of the delivery of the articles charged to be expressed in the Account.

The party not admitted to swear if more than two Years have elapsed from the time of the charge, to the issuing of Process:

Nor if it be proved that the party filing the account had, at the time of the articles charged therein, a Clerk actually retained in his service. Nor unless the party charged shall have been, Ten days before issuing of Process, served with a copy of such account.

IV. And be it further enacted, by the authority aforesaid, That in all cases where any Defendant or Defendants shall have been duly served with a Copy of any unbailable Writ or Process, he, she or they shall file common Bail in such Suit, on or before the return day thereof; and in failure of his, her or their filing such common Bail, it shall and may be lawful to and for the said Plaintiff or Plaintiffs in such Suit, upon Affidavit being duly made and filed in the said Supreme Court, of the personal service of such Writ or Process, to file common Bail for such Defendant or Defendants therein, at any time from and after the said return day of such Writ or Process: and thereupon the Plaintiff or Plaintiffs in such Suit may file his, her or their Declaration with the Clerk of the Court wherein such Writ or Process shall or

Party served with unbailable Process, to file common Bail on or before the return day.

On failure, the Plaintiff, on affidavit of service of such Process, may file it for him, at any time after the return day thereof;

Which being perfected, the Plaintiff may file his Declaration, and

give a two day Rule for the Defendant to plead in.

may be returnable, and give a Rule for such Defendant or Defendants to plead thereto, within Two days from the day of filing such Declaration.

But if Defendant suggest to the Court, by motion duly entered, a necessity of pleading one or more special Plea or Pleas, &c. the Court may enlarge the Rule.

V. Provided nevertheless, and it is hereby enacted, by the authority aforesaid, that if the Defendant or Defendants in such Suit shall, in Term time, suggest to the Court, by motion, to be duly entered with the Clerk, that it is necessary to the Defence of him, her or them in such Action to plead one or more special Plea or Pleas therein (being such Pleas as are allowable by Law, and tending to bring in Issue the real matter of right between the Parties,) that then and in such case, it shall and may be lawful for the said Court to give such further time for such Defendant or Defendants to plead such special Plea or Pleas in, as to them may appear reasonable and just, under the particular circumstances of the case appearing on an affidavit duly filed for that purpose.

In vacation time, Plaintiff shall be held to give a four day Rule, if it be done ten days before the commencement of the Term.

VI. And provided also, That in the vacation time of said Court, the Plaintiff or Plaintiffs in such Suit shall be held to give a Four day Rule for the Defendant or Defendants therein to plead, according to the former practice of the said Court, if the same shall be done within Ten days next before the respective Terms thereof, and not after.

* * The remaining clause of this Act being repealed by 6. G. 4. c. 4, is not reprinted.

C A P. II.

An Act for the more speedy Assignment and Recovery of Dower.

WHEREAS certain Provisions and Directions in the Law are become necessary, for the more speedy and less expensive Remedy in the Recovery of Dower, by such persons as are by Law dowable of Houses, Lands, Tenements and Hereditaments in this Island:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That in all cases where any person or persons whatsoever having the Freehold of any Houses, Lands, Tenements and Hereditaments within this Island, shall neglect to assign and set out to the Widow of the deceased, her just or full third part of such Houses, Lands, Tenements and Hereditaments, within Two Months next after demand shall have been made by her of the person or persons so having the Freehold thereof, it shall and may be lawful to and for such Widow, to sue for and recover her said Dower, by Writ of *unde nihil habet*, against such person or persons as hath or have the Freehold of such Houses, Lands, Tenements and Hereditaments, in the Form following, that is to say—

Heir, &c. to render Dower within Two Months next after demand, or

Widow may have Writ of *unde nihil habet*, for the Recovery thereof.

‘ **GEORGE** the Third, by the Grace of God,
 ‘ of *Great Britain, France and Ireland*,
 ‘ King, Defender of the Faith, and so
 ‘ forth.

Writ of Dower.

‘ To the Sheriff (or *Provost Marshal, as the case may be*), of our Island of *Saint John*, greeting.
 ‘ Command *A. B.* of &c. that justly and without
 ‘ delay render unto *C. D.* the wife of *E. F.*
 ‘ late of &c. deceased, her reasonable Dower which
 ‘ happens to her of a certain House, &c. (*as the case may be*) with the Appurtenances, situate in
 ‘ &c. in possession of the said *A. B.* and which
 ‘ was in the Seizin and Possession of her said Husband, and whereof he was seized in his Demesne
 ‘ as of Fee, during the Coverture, and whereof she
 ‘ hath nothing (*as she saith*), and the said *C. D.*
 ‘ complains that the said *A. B.* hath deforced her
 ‘ thereof. And unless the said *A. B.* shall so do,
 ‘ then summon the said *A. B.* that be before
 ‘ the Justices of our Supreme Court of Judicature,
 ‘ to be holden at *Charlotte Town*, upon the
 ‘ *Tuesday* in then and there to shew

‘ cause, why to the said *C. D.* her reasonable
 ‘ Dower as aforesaid doth not render. And
 ‘ have you then there this Writ. Witness, &c. at
 ‘ our Supreme Court of Judicature, the day
 ‘ of in the Year of our Reign, *Annoque*
 ‘ *Domini.* L. M. Clerk.’

If the Defendant does not appear on the return day of the Writ, the Plaintiff may file common Bail for him, and file Declaration, &c.

II. And be it further enacted, by the authority aforesaid; That if the Defendant does not appear on the return day of said Writ, it shall and may be lawful for the Plaintiff in the Action (the said Sheriff having duly returned the said Writ, with his doings thereon), thereafter to enter common appearance for the said Defendant, and to proceed thereon as if the said Defendant had actually entered his or her appearance; any Law or Usage to the contrary notwithstanding: and common Bail being duly filed and entered, either by the Plaintiff or Defendant in the said Suit (*as the case may be*), the Plaintiff therein may thereupon file her Declaration in the Clerk’s office of the said Supreme Court of Judicature, as in other cases.

Reasonable damages to be assigned to the Widow:

III. And be it further enacted, by the authority aforesaid, That in case the Defendant in such Suit do plead to the Declaration therein, and Judgment be thereupon rendered for the Plaintiff to recover her Dower in such Houses, Lands, Tenements or Hereditaments (whereof her Husband had been seized during the Coverture), in that case, as also in the case where Judgment shall have been signed for want of a Plea, reasonable Damages shall be assigned to her from the time her demand of Dower shall be proved to have been made of the person or persons so having the Freehold of such dowable Estate: And thereupon it shall and may be lawful to and for the Plaintiff in such Suit, to sue out His Majesty’s Writ of Seizin, directed to the Sheriff of the said Island, in manner following, that is to say—

And she may have her Writ of Seizin for the same.

‘ **GEORGE** the Third, by the Grace of God, of
 ‘ *Great Britain, France and Ireland,*
 ‘ King, Defender of the Faith, &c.

‘ To the Sheriff (or *Provost Marshal, as the case*
 ‘ *may be,*) of our Island of *Saint John*, greeting:

‘ **WHEREAS** *C. D.* Widow, who was the Wife
 ‘ of *E. F.* late of in the Island of *Saint John*,^{Writ of Seizin.}
 ‘ deceased, before our Justices of our Supreme Court
 ‘ of Judicature, holden at *Charlotte Town*, on
 ‘ the day of now last past, did recover
 ‘ her Seizin against *A. B.* of &c. of one third part of
 ‘ &c. with the Appurtenances, situate, &c. in the
 ‘ possession of the said *A. B.* as of her Dower of the
 ‘ Endowment of the said *E. F.* her Husband, by our
 ‘ Writ of Dower, whereof she hath nothing: There-
 ‘ fore we command you, that to the said *C. D.* full
 ‘ Seizin of one third part of the aforesaid, &c. with
 ‘ the Appurtenances, you cause to be had without
 ‘ delay. We command you also, that of the Goods
 ‘ and Chattels of the said *A. B.* within your Precinct,
 ‘ you cause to be paid and satisfied unto the said
 ‘ *C. D.* at the value thereof in money, the sum of
 ‘ &c. for Damages awarded her by our said Court,
 ‘ for her being held and kept out of her Dower
 ‘ aforesaid, and Costs expended on the Suit, with
 ‘ more for this Writ; and thereof also to
 ‘ satisfy yourself your own Fees. And for want of
 ‘ Goods and Chattels of the said *A. B.* to be by him
 ‘ shewn unto you, or found within your Precinct, to
 ‘ satisfy the same, we command you to take his Body,
 ‘ and commit him to the Keeper of our Gaol in
 ‘ in our County aforesaid, within the said Prison;
 ‘ whom we likewise command to receive the said
 ‘ *A. B.* and him safely keep, until he pay unto the
 ‘ said *C. D.* the full sum abovementioned, and also
 ‘ satisfy your Fees. Hereof fail not, and make
 ‘ return of this Writ, and how you have executed the
 ‘ same, to our said Supreme Court of Judicature,
 ‘ next to be holden at on the Day of
 ‘ next. Witness Esquire, at our said

‘ Court, the Day of in the Year
 ‘ of our Reign, *Annoque Domini*
 ‘ *A. D.* Clerk.’

Where no Dam-
 ages shall be as-
 sessed, the Writ
 to run only for
 Seizin, &c. with
 Costs.

IV. Provided nevertheless, and it is hereby fur-
 ther enacted, by the authority aforesaid, That in all
 cases where no Damages shall be awarded to the
 Plaintiff in such Suit for or by reason of her being
 held or kept out of her said Dower, the said Writ of
 Seizin shall run only for the Recovery of the Seizin
 and Possession of the third part of the said Dowable
 Estate, and Costs of Suit.

Dower to be set
 forth by five Free-
 holders, upon
 Oath:

And the same be-
 ing duly returned
 by the Sheriff, the
 Court may give
 final Judgment.

V. And be it further enacted, by the authority
 aforesaid, That the Sheriff to whom such Writ of
 Seizin shall or may be directed, is hereby authorized
 and required, on receipt thereof, to nominate and
 appoint Five discreet persons (being Freeholders living
 or inhabiting near unto the place where such Houses,
 Lands, Tenements and Hereditaments shall be,) who shall thereupon repair to the said Premises, to set off unto the Plaintiff in such Suit, by Metes and Bounds (being previously sworn before a Justice of the Peace faithfully and impartially to do the same, and which Oath the said Justice is hereby authorized and required to administer,) one third part of all such Dowable Estate; and the same being duly returned by the Sheriff, the Court wherein the said Judgment shall have been given, shall thereupon give final Judgment for such Plaintiff to hold unto her the said third part of the said allotted Premises, in Severalty.

In what manner
 entire inheritance
 shall be assigned.

VI. And be it further enacted, by the authority aforesaid, That of Inheritances which shall or may appear to be entire, and whereof no division can by Law be made, in such manner as to enable Women to be endowed of their due proportion of the thing itself whereof Dower may be demanded, such Women may, in lieu of one third part of such dowable Inheritance, by Metes and Bounds, be endowed of one third part of the Rents, Issues, or Profits thereof—

the same to be computed and ascertained by the said Five persons herein-before directed to be nominated and appointed by the Sheriff for the purpose aforesaid. And all persons endowed as aforesaid of any such Houses, Lands, Tenements and Hereditaments, in this Island, and who shall commit or suffer any Strip or Waste thereupon, are hereby made liable to such Action or Actions therefor, as Tenants in Dower are by Law liable to in that part of Great Britain called England.

Widow shall not make strip or waste.

C A P. III.

An Act for providing Pounds in the several Royalties in this Province.

Altered by 11 G. 4, c. 11.

WHEREAS there never have been any common Pounds erected in this Government, whereby the Sheriffs and other Officers employed in distraining Goods and Chattels, as well as the Parties for whom and for whose behoof Goods have been distrained, as also persons who have taken up trespassing Cattle, have been subjected to losses and inconveniences: To remedy which in time coming—Be it enacted, by His Excellency the Lieutenant Governor, Council and Assembly, That His Excellency the Lieutenant Governor may, and he is hereby empowered, by and with the advice of His Majesty's Council, to erect a common Pound within each of the Royalties of *Charlotte Town, Princetown and Georgetown*, in such place or part thereof, and of such extent and dimensions, as he shall judge necessary.

Governor empowered to erect common Pounds in the Royalties of *Charlotte Town, Princetown & Georgetown*.

II. And be it further enacted, That the Justices of the Peace may, and they are hereby empowered, in their General Sessions of the Peace, or at a Special Sessions, to be called by the direction of the Lieutenant Governor for that purpose, to nominate and appoint a Pound-Keeper for each of the said Towns, and to

Justices, at their general or special Sessions, empowered to appoint Pound-keepers, and to make Rules for the management of such Pounds;

Also to set a Fine, not exceeding 40s. for violation of their Rules.

Mode of Recovery.

make such Rules and Regulations for the better ordering and management of the said Pounds as they shall judge proper, not being repugnant to the Laws of *Great Britain* or of this Province; and to set and impose a Fine, not exceeding the sum of Forty Shillings, for each and every offence against the said Rules and Regulations, or any of them; and upon due conviction of any Offender, to levy the Fine by Warrant of Distress and Sale of the Offender's Goods; and for want of Goods and Chattels, such Offender or Offenders shall be committed, and the said Justices are hereby empowered to commit him, her or them to Gaol for a space of time not exceeding Ten Days.

Application of Fines and Forfeitures.

III. And be it further enacted, by the authority aforesaid, That all Fines and Forfeitures to be recovered in pursuance of this Act shall, at the sight of the said Justices, be applied to keeping the said Pounds in repair; and if there shall be any overplus, the same shall be applied for the use of the Poor of the said Towns wherein such Pounds may be erected.

CAP. IV.

An Act to prevent the unnecessary Firing off Guns, and other Fire-Arms, in the Town and Suburbs of *Charlotte Town*.

Persons convicted before one Justice of the Peace, of firing guns, &c.

BE it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That if any person or persons, of what age or degree soever, from and after the present Session of the General Assembly, shall unnecessarily fire off any Gun, Fusee, Musket, Pistol, or other Fire-Arms, in any of the Houses, Streets, Lanes, Wharves, Yards or Gardens, in the Town or Suburbs of *Charlotte Town*, every person so offending, upon

conviction thereof, upon the oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace, shall forfeit the sum of Ten Shillings—to be levied by Warrant of Distress, under the Hand and Seal of such Justice, on the Offender's Goods and Chattels; and for want of Goods and Chattels, such Offender shall be, and the said Justice of the Peace before whom he may be convicted, is hereby empowered and required to commit him to Gaol for the space of Forty-eight Hours.

shall forfeit 10s. to be levied on the Offender's Goods;

and for want thereof, to be imprisoned 48 hours.

II. And it is hereby enacted, by the authority aforesaid, That no prosecution shall be admitted for any offence against this Act, unless complaint be made thereof within Twenty-four hours after the offence is committed. And that all Forfeitures arising by virtue of this Act, shall be one half to the person who shall prosecute for the same, and the other half to the use of His Majesty's Government.

Complaint to be made within 24 hours.

Application of Forfeitures.

CAP. V.

An Act for regulating the Fees of Magistrates and Constables in certain cases, and for amending an Act made and passed in the Sixteenth Year of His Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts.'*

16 G. 3, c. 2.

WHEREAS there is no Law for regulating the Fees of Magistrates and Constables, for issuing and serving criminal Process—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the present Session of the General Assembly, it shall and may

Justices of Peace granting Warrants for the apprehension of Offenders (except capital offences), to receive 1s. 6d. of the Complainant.

Constables to be allowed 1s., and travelling Fees.

be lawful for any of His Majesty's Justices of the Peace who shall or may grant any Warrant, for the apprehending any person or persons against whom complaint shall or may be made, of any offence (except capital offences) for which a Warrant shall be necessary to be granted, shall take and receive the sum of One Shilling and Sixpence, to be paid by the person complaining. And the said Constable shall take, for executing every such Warrant, the sum of One Shilling, together with travelling charges, the same as is allowed for the service of Executions.

*** The remainder of this Act being repealed by 2. W. 4., c. 1., s. 1., is not reprinted.

CAP. VI.

Repealed by 4 W. 4, c. 5.

An Act to prevent the running at large of Rams at improper Seasons.

CAP. VII.

Amended by 10 G. 4, c. 5.

An Act for compelling persons owning Lands adjoining to each other to make their respective Parts or Proportions of the Fence between them; and for empowering the Grand Jury to nominate Fence Viewers.

Owners of Fields adjoining to each other, obliged to make and maintain their respective proportions of Fencing.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Proprietor of any Field or Lands, adjoining to the Fields or Lands of others, enclosed or improved, in this Island, shall be obliged to erect and make his or her part or proportion of Fencing, and to maintain the same when so erected or made, with a good and sufficient Fence of Four Feet and a half high, on that part of such Land as is adjoining to his or her own: and in case the delinquent Party shall neglect so to do, within one Month after notice shall have been given him, her or

them, of such neglect, it shall and may be lawful to and for any one of the Fence Viewers, to be appointed as herein-after is directed, and the said Fence Viewer next or near unto the said improved Fields or Lands is hereby required to view the ground so proposed to be fenced, or the said Fence wanting repair, and grant a certificate of the same to the complaining party, who is hereby empowered forthwith to cause such deficient Fence to be erected or made, or otherwise to repair any Fence already made, if the same shall appear by such certificate to be insufficient; and the person or persons who of right ought to erect and maintain such Fence, shall be held to pay double the Expences, Costs and Charges expended for the doing thereof—to be ascertained by the said Fence Viewers.

Duty and power of Fence-viewers.

Delinquent party to pay double expences, &c.

II. Provided nevertheless, and it is hereby further enacted, That no Fence Viewer shall be allowed more than Three Shillings for each day in which he shall have been employed, for his own trouble and time expended therein. And if any Fence Viewer shall neglect his duty herein, when duly notified, he shall forfeit Twenty Shillings for each and every such offence.

Fence-viewers, when employed, to be allowed 3s. per day—and forfeit 20s. for neglect.

III. And be it further enacted, by the authority aforesaid, That the Penalty inflicted by this Act, in favour of the complaining party, shall and may be recovered by complaint made by him, her or them, to any Justice of the Peace, in the ordinary course of Law: And as to the Penalty hereby inflicted on the delinquent Fence Viewer, the same shall and may, in the same ordinary course of Law, before some Justice, be recovered and applied to and for the support and maintenance of the Poor in this Island.

Penalties, how to be recovered and applied.

IV. Provided always, That when it shall happen that the Land shall be wood or burnt Land, and not under any Improvement, no Proprietor shall be obliged to make any part of the Fence to the said

Proprietors not obliged to fence wood or burnt land.

wood or burnt Land—any thing herein contained to the contrary notwithstanding.

Grand Jury to
nominate Fence-
viewers.

V. And be it further enacted, That the Grand Jury, at the Supreme Court of Judicature, at the *Hilary* Term thereof in every Year, shall nominate double the number of Fence Viewers which they shall think necessary to be appointed in the several Towns and Settlements in this Island; out of which the said Court shall strike out one half; and the remaining number shall be Fence Viewers in the several Settlements in this Island.

CAP. VIII.

Executed.

An Act for emitting certain Bills or Debentures of Public Credit, within this Island.

ANNO TRICESIMO TERTIO
GEORGE II. III. REGIS.

At the General Assembly of His Majesty's
 Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
 tieth Year of the Reign of our Sovereign
 Lord GEORGE the Third, by the Grace
 of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

1792.

E. FANNING,
 Lieut. Governor.

P. STEWART,
 President of
 Council.

J. ROBINSON,
 Speaker.

And from thence continued, by several Proroga-
 tions, to the Sixth Day of *November*, 1792, and
 in the Thirty-third Year of His said Majesty's
 Reign; being the Third Session of the Sixth
 General Assembly convened in the said Island.

CAP. I.

An Act relating to Treasons and Felonies.

BE it enacted, by His Excellency the Lieutenant
 Governor, Council and Assembly, and by the
 authority of the same it is hereby enacted, That if any
 person or persons shall compass or imagine the Death

Compassing or
 imagining the
 King's Death,

levying war
against him, &c.
declared High
Treason.

of the King, or shall levy War against him, or adhere to his Enemies, or shall give them aid or comfort, or shall forge or counterfeit the King's Money, being Gold or Silver Coin of *England*, or of *Great Britain*, or shall counterfeit the King's Great Seal or Privy Seal, or the Seal of this Island, and shall thereof be duly convicted, the person or persons so offending, are hereby declared, and shall be adjudged to be Traitors, and shall suffer as in cases of High Treason; and that all Treasons declared by the Acts of Parliament of *England* or of *Great Britain* shall be deemed and adjudged to be Treasons within His Majesty's Island, and none other; and that such Acts of Parliament as directed the Proceedings and Evidence against, and Trials of, such Traitors, shall have their full force and effect, and be observed as the rule in all Trials for Treason in this Province.

All Treasons de-
clared by Acts of
the British Par-
liament, to be ad-
judged Treasons
within this
Island.

Murder & Maiming
Felony, without
Benefit of Clergy.

II. And be it further enacted, That if any person, with Malice Prepense, shall kill, or procure any other persons to kill, or shall on purpose and of malice forethought, and by laying in wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose or Lip, or cut off or disable any Limb or Member of any person, with intention to kill, or to maim or disfigure any such person, the person so offending, their Counsellors, Aiders and Abettors, privy to the offence, shall be Felons, without Benefit of Clergy:— Provided that no Attainder of such Felony shall work Corruption of Blood or Forfeiture of Dower, Land or Goods of the Offender.

Proviso.

Stabbing or
thrusting, Felony,
without Benefit
of Clergy.

III. And be it further enacted, That every person who shall stab or thrust any person that hath not then any Weapon drawn, or that hath not then first striken the Party who shall so stab or thrust, so as the person so stabbed or thrust shall thereof die within the space of Six Months, although it cannot be proved that the same was done of Malice forethought, yet the party so offending, and being thereof convicted, shall be excluded from the the Benefit of Clergy.

IV. Provided, That this Act shall not extend to any person who shall kill any person in his own defence, or by misfortune, or in any other manner than as aforesaid, nor shall extend to any person who in keeping the peace shall chance to commit Manslaughter, so as the said Manslaughter be not committed wittingly and of purpose, under pretext and colour of keeping the peace; nor shall extend to any person who in chastising or correcting his Child or Servant, shall, besides his purpose, commit Manslaughter.

As to Homicide,
not felonious.

V. And be it further enacted, That if any Woman be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Laws of the Realm of *England* be a Bastard, and she endeavour privately, either by drowning or secretly burying thereof, or any other way, either by herself, or the procuring of others, so to conceal the death thereof, as that it may not come to light whether it was born alive or not, but be concealed, the Mother so offending shall suffer Death, as in the case of Murder, except such Mother can make proof, by one Witness, that the Child whose death was by her so intended to be concealed, was born dead.

Murder of Bastard Children,
Felony, without
Benefit of Clergy.

VI. And be it further enacted, That the detestable sin of Buggery, committed with Mankind or Beast, shall be adjudged Felony, and such Process therein be used as in cases of Felony at Common Law; and the Offender or Offenders being convicted by Verdict, Confession, or Outlawry, shall suffer the pains of Death, and loss of their Goods, Lands and Tenements, as Felons; and no person guilty of such offence shall be admitted to his Clergy: and Justices of the Peace shall have power to inquire of the said offence as in other Felonies. And if any person or persons shall make an Assault with an intent to commit the sin of Buggery, such Offender or Offenders shall, on due conviction

Sodomy.

Assault, with intent to commit said crime, Pillory, &c.

thereof, be adjudged to stand in the Pillory, and may, for further punishment, be fined, imprisoned, or be bound in Sureties for his or their good behaviour, at the discretion of the Court.

Rape.

Complaint to be made within 10 days.

VII. And be it further enacted, That if any person or persons shall, by force, and against the consent of any Woman, or Infant above the age of Ten Years, have carnal Knowledge of her Body, every such Offender or Offenders shall, on due conviction of such Ravishment, suffer as Felons, without Benefit of Clergy. Provided always, that if complaint shall not be made of a Ravishment within Ten Days afterwards, before one of His Majesty's Justices of the Peace, or other Magistrate, that then such Fact shall be adjudged to have been committed by and with the consent of such Woman or Infant.

Carnal knowledge of a Girl under 10, Death.

Assault with intent to ravish, Pillory, &c.

VIII. And be it further enacted, That if any person shall unlawfully have carnal knowledge of any Female Child under the age of Ten Years, though with her consent, every such unlawful and carnal Knowledge shall be Felony, and the Offender being thereof duly convicted, shall suffer as a Felon, without Benefit of Clergy. And every violent Assault and Battery committed on the Body of such Woman or Infant, with intent to ravish, shall be punished, by adjudging the Offender or Offenders, upon due conviction thereof, to stand in the Pillory; and the Judge or Judges of the Court, wherein he shall be so convicted, may, for further punishment, fine and imprison, and require Sureties for the good behaviour, at his or their discretion.

What shall be deemed Burglary.

IX. And be it further enacted, That if any person or persons shall, by night, break open and enter any Dwelling-House, Shop or Warehouse, or any Vessel lying so near the Land that it be adjudged within the County, with an intent to

commit any Felony, whether such Felonious intent be executed or not:

X. Or shall rob any Dwelling-House in the day-time, any person being therein, or break any Dwelling-House, Shop or Warehouse thereunto belonging, or therewith used in the day-time, and feloniously take away any Money or Goods of the value of Five Shillings therein being, although no person shall be within such Dwelling-House, Shop, or Warehouse; or shall rob any other, or feloniously take away any Goods in any Dwelling-House, the Owner or any other person being therein, and put in fear: Robbery by Day:

XI. Or if any person or persons shall, by night or by day, rob, or by violence take Money or Goods from any person, putting him in fear, in any Highways, or in any Streets or Lanes of a Town: Robbery from the person, in the Highways, &c. by night or by day, or

XII. Or shall feloniously take Money or Goods from the person of any other, privily, without his knowledge: Stealing privily;

XIII. Each and every of the Offenders aforesaid, their Aiders and Abettors, shall, upon due conviction, suffer as Felons, without Benefit of Clergy. Such Offenders declared Felons.

XIV. And be it further enacted, That if any person or persons shall steal, or take by Robbery, any Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes for the Payment of Money, being the property of any other person, notwithstanding any of the said particulars are termed in Law *a chose in Action*, it shall be deemed Felony of the same nature, and with or without the Benefit of Clergy or of this Act, in the same manner as it would have been if the Offender had stolen or taken by Robbery, any other Goods Stealing Bills of Exchange, &c.

of the like value with the Money due on such Bills of Exchange, Bonds, Warrants, Bills or Notes, or secured thereby, and remaining unsatisfied, and shall suffer such punishment as if he, she or they had stolen other Goods of the like value.

XV. Provided, That no Attainder for any such offence, so made Felony, shall work any Corruption of Blood, Loss of Dower, or Disherison of Heirs.

XVI. And be it further enacted, That if any person or persons shall buy or receive any Goods that shall be stolen, knowing the same to be stolen, he, she or they shall be deemed Accessories to the Felony after the Fact; and that it shall be lawful to prosecute and punish persons buying or receiving stolen Goods, knowing the same to be stolen, or that shall be accessory to such Felony before or after the Fact, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as accessory, if the Principal shall after be convicted.

XVII. And be it further enacted, That if any person or persons shall take away with an intent to steal, embezzle, or purloin any Goods, Chattels or Furniture, which by agreement they are to use, or shall be let to them to use, in his, her or their Lodging, such taking, embezzling or purloining shall be adjudged to be Larceny and Felony.

XVIII. And be it further enacted, That if any Servant or Servants shall go away with the Caskets, Jewels, Money, Goods or Chattels, delivered to his, her or their keeping, by his, her or their Master or Mistress, with intent to steal the same, and defraud his, her or their Master or Mistress thereof, contrary to the trust and confidence in them reposed; or being in service, without assent or commandment of his or their Master or Mistress, shall embezzle or convert the

same to his or her use, with purpose to steal the same, being of the value of Forty Shillings or above, every such Offender or Offenders shall, upon due conviction, suffer Death as in cases of Felony, without Benefit of Clergy.

to suffer Death.

XIX. Provided, that any Apprentice or Apprentices within the age of Fifteen Years, shall be entitled to the Benefit of Clergy for the first offence only.

Apprentices under 15 to have Benefit of Clergy for first offence.

XX. And be it further enacted, That if any person or persons shall wilfully and maliciously burn, or cause to be burned, any Dwelling-House, Barn, Out-House, or Warehouse of another, or any Public Building, or any Hovel, Cock, Mow, Rick or Stack of Corn, Straw, Hay or Wood, of another, all and every such person or persons so offending, and their Aiders, Abettors and Counsellors, shall, upon due conviction, suffer as Felons, and be excluded from the Benefit of Clergy.

Arson, Felony without Clergy.

XXI. And be it further enacted, That whosoever shall maliciously shoot at any person or persons in any Dwelling-House, or other place, or shall knowingly send a Letter without any name, or signed with a fictitious name, demanding from any person or persons Money or other valuable thing, such Offender or Offenders, being duly convicted thereof, shall suffer as Felons, without Benefit of Clergy.

Malicious shooting, or sending threatening Letters, Felony.

XXII. And be it further enacted, That whosoever shall feloniously take and carry away any Money or Goods, in any other manner than is hereby before declared and provided for, or shall embezzle any of His Majesty's Stores, or the Utensils, Furniture or Clothing in any Storehouse or Hospital of His Majesty, if such Offender or Offenders shall be found guilty of such felonious taking or carrying away of such Money or Goods, or of embezzling any of His Majesty's Stores, other Utensils, Furniture or Clothing, in any Storehouse or Hospital of His Majesty, as aforesaid, to the value of Twenty Shil-

Persons stealing in any other manner, punishable as Felons.

lings or more, every such offence shall be **Larceny** and **Felony**; and if the **Value** shall be found, by **Verdict** or **Trial**, to be less than **Twenty Shillings**, then such offence shall be punishable as **Petit Larceny**, by such public **Whipping**, as the **Court**, before whom such **Offender** shall be convicted, shall direct; and it shall and may be lawful for such **Court** to order the **Offenders** to make full restitution, and in default thereof, to commit such **Offender** to the **House of Correction**, there to be put to hard **Labour** for a **Term** not exceeding **Three Months**, as the **Judges** in their discretion shall think fit.

Punishment of
Petit Larceny.

XXIII. And be it further enacted, by the **Lieutenant Governor, Council and Assembly**, That it shall and may be lawful for the **Court**, before whom any **Offender** shall be so convicted as of **Petit Larceny**, to punish such **Offender** by **Whipping** or **Imprisonment**, or **Commitment** of such **Offender** to the **House of Correction**, there to be put to hard **Labour**—the said **Imprisonment** or **Commitment** to the **House of Correction** not to exceed **Three Months**, and within that space, for such time as the **Judges** in their discretion shall think fit.

Restitution of stolen
Goods.

XXIV. And be it further enacted, That all **Monies, Chattels, Merchandize, or Stores** found in the possession of any **Burglar, Housebreaker, Robber, Thief** or **Purloiner**, shall be delivered by the **Justice of the Peace** who shall take the examination of such **Offender**, into the custody of the **Sheriff** or his **Deputy**, where the offence shall be committed, who shall be answerable for the same, until the **Offender** shall be convicted; and the **Judge** or **Judges** of the **Court**, wherein such **Offender** shall be convicted, shall order the said **Money, Goods** or **Stores** to be restored to the lawful **Owner** or **Owners** thereof; and where no **Owner** shall appear to claim the same, they shall be adjudged to be forfeited.

XXV. And be it further enacted, That notwithstanding the allowance of **Clergy**, and burning in the

hand, of any principal Offender, the Accessaries to such Offender shall be arraigned and tried in the same manner as if such Clergy had not been allowed.

Allowance of Clergy not to protect Accessaries against a Trial.

XXVI. And be it further enacted, That every person which once hath been admitted to the Benefit of his Clergy, being afterwards arraigned, shall not be admitted to the Benefit of his Clergy; and that every person convicted of Manslaughter shall be marked with an *M* upon the Brawn of the left Thumb; and for any other Felony the person convicted shall be marked with a *T* in the same place—these marks shall be made by the Gaoler in open Court. And if any person convicted of any Felony for which he ought to have the Benefit of his Clergy, shall pray to have the benefit of this Act, he shall not be required to read, but without any reading shall be allowed to be, and punished as, a Clerk Convict, which shall be as effectual and as advantageous to him as if he had read as a Clerk.

Clergy allowed but once.

Offenders to be burnt in the hand.

Clergy prayed and allowed, without reading.

XXVII. And after allowance of such Clergy, and Burning in the Hand, such person shall be enlarged and delivered out of Prison, by the Judge or Judges of the Court before whom such Clergy shall be granted; saving that such Judge or Judges may, for the further correction of such persons to whom Clergy shall be allowed, keep them in Prison, or send them to the House of Correction, for such convenient time as the said Judge or Judges shall think fit, so as the same do not exceed One Year's Imprisonment, or to punish them by Public Whipping.

Such Offenders then to be discharged,

unless ordered to be imprisoned or whipt.

XXVIII. And where a Man convicted of any Felony may demand the Benefit of his Clergy, a Woman convicted of the like offence, upon her prayer to have the benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded by an Outlawry for such offence, but such Woman shall suffer the same punishment as a Man that has the Benefit of his Clergy

Women admitted to the Benefit of Clergy, and punishable as men for clergiable Offences.

allowed him in the like case—that is to say, shall be burned in the Hand by the Gaoler in open Court, and may, for further punishment, be kept in Prison, or sent to the House of Correction for such time as the Judges shall think fit, so as the same do not exceed One Year, or be ordered to be publicly whipped, as the Judge or Judges, before whom such Woman is convicted, shall from the quality of the offence think meet.

Clerk to certify a transcript, &c. of Allowance of Clergy.

XXIX. And the Clerk of the Court or Assizes where such Man or Woman shall be convicted, shall, at the request of any in His Majesty's behalf, certify a Transcript containing the tenor of every Indictment and Conviction of such Man or Woman, of his having the Benefit of Clergy, or her having the benefit of this Act, and the addition of every such person, and the certainty of the Felony and Conviction, to the Judge or Judges of the Court or Assize where such Man or Woman shall be indicted; which Certificate being produced in Court, shall be a sufficient proof that such Man hath before had the Benefit of his Clergy, and that such Woman hath had the benefit of this Act, in the same manner as if the Record had been produced.

Persons standing mute, to be proceeded against as if convicted by verdict.

XXX. And if any person or persons indicted of any offence for which by virtue of this Act they are excluded from the Benefit of Clergy, or where the Benefit of Clergy shall be allowed, shall stand mute, or will not answer directly to the Felony, Judgment shall be pronounced and Execution awarded, as if such person or persons had been convicted of such offence by Verdict or Confession: and if any Prisoner indicted of said offences shall challenge peremptorily above Twenty of the Jury, such Challenge shall be overruled, and the Jurors shall be sworn for the Trial of such Prisoner, as if no such Challenge had been peremptorily made.

Right of Challenge.

XXXI. Provided nevertheless, That no Man who hath had the Benefit of Clergy allowed him, nor any

Woman who hath had the Benefit of this Act, shall have the Benefit of Clergy or of this Act for any Felony committed since his or her having had the Benefit of Clergy, or of this Act, more than once, but shall, for any Felony by him or her committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the same again.

Benefit of this Act not to be allowed more than once.

XXXII. Provided also, That if any Man admitted to his Clergy, or any Woman admitted to the Benefit of this Act, shall, before such his or her admission, have committed any offence whereupon Clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted or attainted, or pardoned, shall and may be indicted or appealed for the same, and put to answer as if no such admission to the Benefit of Clergy, or of this Act, had been.

Persons admitted to Clergy, shall answer to other felonies.

XXXIII. And be it further enacted, That every person who shall be produced to appear as a Witness on the behalf of the Prisoner upon any Trial for Murder or Felony, before he or she be admitted to give Evidence, shall first take an Oath to depose the truth, in such manner as the Witnesses for the King are by Law obliged to do; and if any Witness be convicted of wilful Perjury in such Evidence, he shall suffer all the Penalties, Forfeitures and Disabilities which by Law may be inflicted on persons convicted of wilful Perjury.

Witnesses for Prisoners punishable for Perjury.

XXXIV. And be it further enacted, That all Indictments, Process, Pleadings, and Trials, and the Rules of Evidence upon any Trials for any Felonies and Misdemeanors, either by the Common Law of *England*, or by virtue of this Act, shall be according to the Usage, Practice, and Laws of *England*.

Indictments, &c. to be according to the practice of England.

XXXV. And that all Convictions, Attainders, Judgments and Executions, for any Felonies or Misdemeanors, before the making of this Act, shall be

Former Convictions confirmed.

good and valid in Law, and the same are hereby ratified and confirmed.

Saving Clause.

XXXVI. Saving to all and every person and persons all such advantages in Law, upon any Judgment that may be depending in any Court of Record at the time of making this Act, in the same manner as if this Act had not been made.

Petit Treason
punishable with
Death.

XXXVII. Be it enacted, That if any Woman, with Malice prepense, shall kill, or procure any other person or persons to kill, her Husband; or if any Servant, with Malice prepense, shall kill, or procure any other person or persons to kill, his or her Master or Mistress, the persons so offending, their Counsellors, Aiders and Abettors, privy to the offence, shall, upon due conviction, be adjudged guilty of Petit Treason, and suffer Death, without Benefit of Clergy, accordingly.

Duty of Justices
in the Examination
and Bailment of Prisoners,
&c.

XXXVIII. And be it further enacted, That the Justices of the Peace before whom any person shall be brought for any Murder, Manslaughter or Felony, or on suspicion thereof, shall take the Examination of such Prisoner, and Information of those that bring him, of the facts and circumstances thereof; and the same, or as much thereof as shall be material to prove the fact, shall be put in writing, and the same shall certify, together with the Bailment of such Prisoner (in case the crime whereof such Prisoner is charged isailable,) at the next Sessions of Oyer and Terminer or Gaol Delivery, to be holden within the Limits of their Commission: And that the said Justices shall bind all such by their Recognizances or Obligation, as do declare any thing material to prove such Murder, Manslaughter or Felony, against such Prisoner, to appear at the next Session of Oyer and Terminer or Gaol Delivery, to be holden within the County where the Trial of such Murder, Manslaughter or Felony, shall be, then and there to give Evidence against such Prisoner; and that the said Justices

shall certify the said Bonds or Recognizances taken before them in like manner as the Examinations of such Prisoners and the Witnesses are herein-before directed to be certified.

XXXIX. And whereas a most infamous practice has long prevailed, among certain thievish and unprincipled persons in this Island, of sometimes taking Flats, Canoes, and other Boats, from their moorings or fastenings; and at other times robbing the same of their rope, chain, or other thing by which the same were moored or fastened, without licence or leave of the owners of such Flats or Boats first had and obtained: Wherefore, for the effectual suppression of such infamous practice in future—Be it enacted, by the authority aforesaid, That all persons who shall, from and after the publication of this Act, take and carry away any Flat, Canoe or other Boat, fastened and moored as aforesaid at any place whatever in this Island, or any rope, chain, or other thing by which they shall or may be so moored or fastened, or any of the oars, or other apparel or furniture thereunto belonging, without leave for that purpose first had and obtained of the owner or owners of such Flats, Canoes or Boats, or of some person or persons having lawful authority to give such licence or leave, shall be deemed and adjudged guilty of Felony; and upon conviction thereof, in due course of Law, shall, for the first offence, be sentenced to pay a Fine not exceeding Five Shillings, and for the second offence Ten Shillings, and for the third, and every other offence, Fifteen Shillings.

This clause relating to carrying away Boats, Canoes, &c. altered by 5 G. 4, c. 9.

CAP. II.

Disallowed by
His Majesty in
Council.

An Act for the rescinding, annulling and making void all and every the Proceedings had in the Years One thousand seven hundred and eighty, and One thousand seven hundred and eighty-one, which in any respect related to or concerned the Suing, Seizing, Condemning, or Selling certain Lots or Townships of Land in this Island, herein-after mentioned, or any of them, or any part thereof.

CAP. III.

Expired.

An Act in addition to and amendment of an Act made in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO TRICESIMO QUINTO
GEORGI II. REGIS.

At the General Assembly of His Majesty's 1795.
Island of *Saint John*, begun and holden at
Charlotte Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

E. FANNING,
Lt. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations,
to the Sixteenth Day of *February*, 1795, and in
the Thirty-fifth Year of His said Majesty's Reign;
being the Fourth Session of the Sixth General
Assembly convened in the said Island.

CAP. I.

An Act in addition to and amendment of an Act
passed in the Twentieth Year of the Reign of His Expired.
present Majesty, intituled *An Act for the esta-
blishing and regulating a Militia.*

CAP. II.

An Act for confirming Titles and quieting Possessions.

WHEREAS it is deemed expedient, and will tend to promote the speedy settlement and cultivation of this Island, that all *bona fide* Purchasers and Lessees of Lands, Tenements and Hereditaments, who now have, or hereafter shall have been in the quiet and peaceable possession thereof for the space of Seven Years, or who have derived their Titles from such Purchasers, be confirmed in the possession of their said Lands:

Purchasers and Lessees who have been in peaceable possession of Lands for the space of Seven Years, and all persons claiming under them, confirmed in the same.

Purchasers and Lessees under persons in possession for the space of Seven Years also quieted.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all persons who now have, or hereafter shall have been in the quiet and peaceable possession of Lands in this Island, for the space of Seven Years, by Lease or Purchase, and all persons claiming from, by, or under them, be, and they are hereby confirmed in such possession, according to the Right, Title or Interest intended to be conveyed in and by such Leases and Conveyances: And that all persons now in possession by Lease or Purchase from any person or persons who have been in the quiet and peaceable possession thereof for the space of Seven Years, previous to such Lease or Sale, shall be, and they are hereby confirmed in the peaceable and quiet possession of their said Land, in all time coming—any want of Registry thereof in terms of an Act intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled 'An Act appointing the recording all Deeds of Sale, Conveyances, and Mortgages,'* in any wise notwithstanding.

II. And be it further enacted, by the authority aforesaid, That all Deeds of Sale of any Lands

or Tenements in this Island, heretofore made by the Provost Marshal, Sheriff or Coroner, or their Deputies, under Writs of Execution to them, or any of them, directed, for the satisfaction of any Judgment, and all purchases made in terms of the preceding Clause of this Act shall be, and they are hereby confirmed—any want of legal Form in such Deeds of Sale notwithstanding.

Deeds of Sale by Sheriff also confirmed, notwithstanding defect in form.

III. And whereas there are a number of Grantees of Town and Pasture Lots, and other Lands from the Crown, who, either from ignorance of the Register Laws, or from neglect of the Register Office, have not had their Deeds registered agreeably to the provisions of the said Act—Be it therefore enacted, That all such Grants shall be, and they are hereby confirmed; any want of Registry of such Grants notwithstanding.

Grantees of Crown Lands confirmed, want of Registry notwithstanding.

IV. Provided always, and it is hereby particularly provided and declared, That nothing herein contained shall extend, or be construed to extend, to the confirming of Titles, or quieting possessions, of any persons claiming by virtue of Deeds of Sale or Conveyances from the Provost Marshal or his Deputy, of certain Lands prosecuted and sold in the Year One thousand seven hundred and eighty-one, under an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John.*

Not to extend to sales under Quit Rent Act of 13 G. 3, c. 13.

V. And provided also, That all Possessors of Lands who have been Seven Years in the quiet and peaceable possession thereof, and whose Titles are hereby meant to be confirmed, shall have the same duly proved and registered, within Ninety Days from the publication hereof.

All Titles to be recorded within Ninety days.

VI. And provided also, That nothing in the preceding Clause contained shall be construed to extend to enabling any persons claiming any Lands,

Proviso.

Tenements or Hereditaments in this Island, and who have neglected to register their respective Deeds according to Law, to set up any claim against the present actual Possessor, whose Title is duly proved or acknowledged, and registered according to Law, by now registering the same within Ninety Days as aforesaid.

Not to extend to the confirming errors in relation to Boundaries.

VII. And be it also further enacted, That nothing herein contained shall extend, or be construed to extend, to the confirming any error which may have taken place in fixing the Boundaries between the different Lots or Townships in this Island.

CAP. III.

Repealed by 3 W. 4, c. 1.

An Act to alter and amend the High Road Laws.

CAP. IV.

Repealed by 3 W. 4, c. 26.

An Act for regulating Servants.

CAP. V.

An Act to prevent the running at large of Geese within the Town of *Charlotte Town*.

WHEREAS great complaints have been made, and many inconveniences have happened, from vast numbers of Geese being kept in the Town of *Charlotte Town*:

Geese found at large in *Charlotte Town* to be forfeited.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the First day of *May* next, no Geese shall be allowed

to go or run at large in the Town of *Charlotte Town*, under the Penalty of the same being forfeited.

II. And be it further enacted, That it shall and may be lawful for any person whatever, who shall or may find any Goose or Geese at large upon the Streets of said Town, to take up and seize such Goose or Geese, and within Twenty-four hours after securing the same, to make oath before any of His Majesty's Justices of the Peace, that he or they found the said Geese at large as aforesaid: and the said Justice shall thereupon order the said Geese, within a convenient time, to be disposed of at public auction: and one half of the price for which every such Goose or Geese shall or may sell, he shall cause to be paid to the person or persons who shall find, take up, and seize the same; and the other half to be given to the Poor of the said Town—which sums are to be paid and disposed of by the Justice who shall have given the said order for the sale of such Goose or Geese.

Geese so found at large may be seized.

Proceedings thereon.

III. And it is hereby declared, That this Act shall continue and be in full force, from and after the First day of *May* next, for the space of Three Years, and to the end of the then next Session of the General Assembly of the Island, and no longer.

Continuance of Act. Made perpetual by 43 G. 3, c. 1.

CAP. VI.

An Act to repeal an Act intituled *An Act for the Publication of all the Laws within this Island*, and for recording the same in the Secretary's Office; as also for transmitting the Journals of the Council and House of Assembly into the said Office, to the end that no Person be ignorant of the Laws of this Island.

Executed.

C A P. VII.

Altered by 3 W.
4, c. 12, s. 6.

An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act for establishing the Times and Places of holding the Supreme Court of Judicature.'*

WHEREAS the attendance of Jurors at the three Terms of the Supreme Court of Judicature heretofore held, hath been productive of much inconvenience and loss of time to the Inhabitants of this Island:

Trinity and Hilary Terms to be the only issuable Terms.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That two of the said Terms heretofore established, called *Hilary* and *Trinity* Terms, shall hereafter be holden to be the only issuable Terms of the said Supreme Court; any thing in the said Act contained to the contrary notwithstanding.

Not to prevent Trials in a summary way.

26 G. 3, c. 13.

II. Provided always, That this Act shall not extend, or be construed to extend, to prevent the Trial of Actions in a Summary way, agreeable to the Provisions of an Act made and passed in the Twenty-sixth Year of His Majesty's Reign, intituled *An Act for the Trial of Actions in a Summary way.*

CAP. VIII.

An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His Majesty's Reign, ^{26 G. 3, c. 9.} intituled *An Act for more especially making Lands and Tenements liable to the Payment of Debts; and also to enable the Holders of Mortgages to sell the Premises mortgaged to them more speedily and at less Expence than heretofore; as also to repeal an Act made in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act making Lands and Tenements liable to the Payment of Debts.'*

WHEREAS in and by the said Act, Lands and Tenements are made liable to be sold within Six Calendar Months after they shall have been taken in Execution; and whereas this Provision of the said Act has been found to operate with great severity against Debtors: For remedy whereof—

Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, no Lands and Tenements hereafter to be taken in Execution, within this Island, by virtue of the said Act, shall be exposed to sale within less than Two Years after they shall have been taken in Execution; any thing in the said Act to the contrary notwithstanding.

Lands, &c. hereafter taken in Execution, not to be sold in less than two Years.

CAP. IX.

Repealed by 3 W.
4, c. 27.

An Act to amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to prevent Trespasses by unruly Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town.*

CAP. X.

An Act for raising a Duty on Wine, Rum and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer.

For other Acts relating to the Revenue, see
25 G. 3, c. 4.
52 G. 3, c. 4.
11 G. 4, c. 9.
3 W. 4, c. 34.
3 W. 4, c. 35.
3 W. 4, c. 36.
4 W. 4, c. 14.

Duties herein prescribed to be paid on Importation of Rum, &c.

WHEREAS the Duties heretofore collected within this Island have been found insufficient to pay off the Debts and support the Expences of this Government: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Tenth day of *April* next, in this current Year, the following Duties shall be paid on the several Articles herein-after enumerated:

On all Rum and other Distilled Spirituous Liquors, Four Pence *per* Gallon, over and above the present Sixpence *per* Gallon payable on the said Liquors imported into this Island:

On all Wines of every denomination, the like additional Duty of Four Pence *per* Gallon, over and above the present Duty payable on the same:

On all Porter, Ale and Strong Beer, Two Pence *per* Gallon:

Which said several Duties shall be paid and collected in manner, and under the Rules and Regulations mentioned and expressed in the Act of the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act to amend, render more*

Collection to be made under Act of 25 G. 3, c. 4.

effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, &c.

II. And be it further enacted, That the Monies arising by virtue of this Act shall be accounted for unto His Majesty in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Monies arising by virtue of this Act, how to be accounted for.

C A P. XI.

An Act for granting the Sum of Four Hundred Pounds for supporting His Majesty's Government in this Island.

Executed.

C A P. XII.

An Act for ascertaining the Standard of Weights and Measures in this Island.

Repealed by 3 W. 4, c. 19.



ANNO

TRICESIMO SEXTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1796.
Island of *Saint John*, begun and holden at
Charlotte Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations,
to the Second Day of *February*, 1796, and in
the Thirty-sixth Year of His said Majesty's Reign;
being the Fifth Session of the Sixth General
Assembly convened in the said Island.

CAP. I.

An Act for the preservation of Sheep, throughout Expired.
the Island.

CAP. II.

Repealed by 3
W. 4, c. 27.

An Act to prevent the Robbing of Gardens and Orchards, Potato and Turnip Fields, and the throwing down of Fences; and for amending an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town.*

CAP. III.

An Act to render valid Conveyances of Real Estates of Married Women, by them made, or to be made, during their Coverture.

WHEREAS it hath been heretofore usual for Married Women entitled to Dower in and to Lands and Tenements in this Island, to convey the same jointly with their Husbands during Coverture, and no inconvenience hath been found to result therefrom; nevertheless, without a Law to render such Conveyances valid, purchasers are liable to claims of Dower by such Women:

Deeds heretofore made by *Baron* and *Feme*, of Lands, &c. as valid to bar right of Dower as if made when sole, or by joining in levying Fine.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That all Grants and Deeds, and Conveyances heretofore made and executed by any Married Woman, jointly with her Husband, of any Lands, Houses or Tenements within this Island, whereof such Married Woman is dowable, shall be as good and valid in Law, as if the same had been made by a *feme sole*, or as if such Married Woman had joined in levying a Fine according to the Law and practice

in that behalf made and used in that part of *Great Britain* called *England*.

II. And be it further enacted, by the authority aforesaid, That all Grants and Conveyances, which shall hereafter be made by any Married Woman, jointly with her Husband, of Lands, Houses and Tenements, whereof she is by Law dowable, or in or to which she may have any present or future interest, either in her own right, or in or by any other way or means whatsoever, shall be as good and valid in Law, and of the same force and effect, as if the same Grants and Conveyances had been made by a *feme sole*, or as if such Married Woman had joined in levying a Fine in manner herein-before mentioned; any law, usage or custom to the contrary thereof notwithstanding.

Deeds hereafter to be made by *Baron & Feme*, of Lands, &c. as valid to bar Dower, as if made when sole, &c.

III. Provided, such Deed or Deeds, so sealed and executed by such Married Woman, shall have been acknowledged in the presence of a Judge of the Supreme Court of Judicature of this Island, or any Justice of the Peace thereof, by such Married Woman, as her free and voluntary act and deed, and to have been executed for the purposes in the said Deed or Deeds mentioned, and that the same was done without any force or compulsion from her Husband; and that a Certificate of such acknowledgment, in the words following, *mutatis mutandis*,—

Provided such Deeds be acknowledged before a Judge or Justice of the Peace.

‘ **BE** it remembered, that on the day of
 ‘ in the Year of our Lord One thousand Form of Certificate of acknowledgment.
 ‘ seven hundred and the within named
 ‘ (Wife of the within named) personally
 ‘ appeared before me one of the Justices of
 ‘ and being by me solely and separately
 ‘ examined apart from her said husband, did
 ‘ acknowledge that the within written Indenture
 ‘ of was by her duly signed, sealed and deli-
 ‘ vered, and executed, as and for her free and

‘voluntary act and deed; and that she executed the
 ‘same without the compulsion or force of her said hus-
 ‘band; and that at the time of the execution thereof
 ‘she knew the same to be a Conveyance of the
 ‘Estates and Premises within mentioned unto the
 ‘within named . . . his heirs and assigns, free and
 ‘clear of all Estate, Right, Title, Interest, Claim
 ‘and Demand, of her the said . . . in respect of her
 ‘Dower or otherwise’—under the Hand of the said
 Judge of the Supreme Court, or Justice of the Peace,
 before whom the same shall be made, be underwritten
 or endorsed on each and every such Grant, or Deed
 of Conveyance.

C A P. IV.

20 G. 3, c. 2.

An Act to explain and amend an Act made and
 passed in the Twentieth Year of His present
 Majesty's Reign, intituled *An Act to enable Pro-
 prietors to divide their Lands held in common,
 and for ascertaining the Mode of carrying such
 Division into execution.*

Upon application
 of persons own-
 ing Lands in un-
 divided Town-
 ships, &c. Gov-
 ernor and Coun-
 cil to direct Sur-
 veyor General to
 proceed to final
 division.

WHEREAS by the provisions of the above
 recited Act, no person holding less than one
 fourth part of a Lot or Township is entitled to apply
 for a division of the Lot or Township in which his
 Land lies: And whereas since the date of the said
 Act, many persons have made purchases of smaller
 parts of undivided Lots, and are without any legal
 remedy to procure possession thereof, to the great
 hinderance of the settlement of the Island, and the
 manifest injury of such Proprietors: To remedy
 which in time coming—Be it enacted, by the Lieu-
 tenant Governor, Council and Assembly, and by the
 authority of the same it is hereby enacted and
 declared, That from and after the passing hereof, as
 often as any person holding not less than One thou-
 sand acres in a Township, nor less than Five hundred

acres in a Half Township, being desirous to have his or their share or right set off and divided, such person or persons may, and they are hereby empowered, to apply to the Governor in Council, praying a division of such Township or Half Township, as the case may be; and the Governor and Council is hereby authorized and required to grant the necessary orders to the Surveyor General for dividing the said undivided Township or Half Township, and shall proceed to the final division thereof, agreeable to the mode prescribed by the before in part recited Act.

II. And be it further enacted, That the Surveyor General shall, as far as the same depends on him, be bound to complete the said division within Forty days from the date of the Governor's order to him for that purpose, on pain of forfeiting to the Proprietor petitioning for such division the sum of Ten Pounds—to be recovered in the Supreme Court, by Bill, Plaint or Information.

Such division to be completed in Forty Days.

Penalty on neglect.

CAP. V.

An Act to prevent disorderly Persons from taking and riding or using the Horses of others, without their leave or permission.

WHEREAS an unjustifiable practice has lately taken place of riding and using Horses without the consent or knowledge of the owners thereof: For remedy whereof—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the Tenth Day of *March* in the present Year, all and every person and persons whatsoever, who shall ride or use any Horse or Horses belonging to any other person or persons, without their consent first had and obtained, shall, on conviction thereof before any one

Persons riding or using the Horses of others without their permission, to forfeit 20s. or suffer 14 days' imprisonment.

Justice of the Peace, forfeit to the Party injured the sum of Twenty Shillings, or suffer Fourteen Days' Imprisonment—the said Penalty to be over and above what may be adjudged to be the hire of such Horse, during such time as the owner or owners shall be deprived the use thereof, or any damages the injured party may prove to have been sustained thereby.

C A P. VI.

Executed.

An Act for repealing two several Acts herein-after mentioned—that is to say, an Act made and passed in the Twenty-first Year of His Majesty's Reign, intituled *An Act for the Preservation of Highways*; also an Act made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act to explain and amend an Act made and passed in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act for the Preservation of Highways.'*

C A P. VII.

An Act for appointing Commissioners of Sewers.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That upon each and every application of any of the Proprietors of any Marsh, Low Lands or Meadow, the Lieutenant Governor, or Commander in Chief, with the advice of His Majesty's Council, may and is hereby authorized, by Commission, to appoint such able and discreet persons as to him shall seem meet, to be Commissioners of Sewers—in which Commission such Commissioners shall be authorized and empowered to convene and meet together from time to time as occasion may

Upon application of Proprietors of any Marsh Lands, &c. Governor and Council authorized to appoint Commissioners of Sewers.

Their power and authority.

require, to consult, consider and devise means and methods for building, erecting or repairing such Dams, Dykes and Wares, as are or may be necessary to prevent Inundations, and for the draining or drowning of Marshes, Swamps and other unprofitable Lands, and to employ Labourers and Workmen, for such reasonable wages as may be agreed on for that purpose, and to tax and assess all such persons, from time to time, as shall or may be owners of such Marshes, Meadows, Swamps, or unprofitable Lands as aforesaid, for defraying the expence thereof; having regard to the quantity of Land of each person, and benefits thereby to be received, as equally as they can, according to their best judgment: and also to appoint and swear a Collector or Collectors for collecting such Assessments, and paying the same to such persons as by said Commissioners shall be appointed; with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress; and to call before them such Collector or Collectors, to account for his or their trusts in regard to the premises; and likewise to value such Repairs as may have been made to such Dykes and Wares by the Proprietors before the date of their said Commissions, and to apportion an Assessment for the payment thereof, by those who have been, or may be, benefited thereby, in the same manner as if such Repairs had been made by their own orders—which said Commissioners shall be sworn to a faithful discharge of their duty, and may receive out of such Assessment a reasonable compensation for their trouble, to be allowed by the Governor and Council, to whom such Commissioners shall be accountable.

Commissioners to be sworn & paid for their trouble. To whom accountable.

II. And be it further enacted, That if no person shall appear to pay the Quota or Proportion of any delinquent Proprietor, in any Assessment made as aforesaid, for the dyking or draining such Lands, and no sufficient Distress shall be found to answer such

If no person appear to pay delinquent Proprietor's Assessment, Commissioners may advertise land to let.

Assessment, the Commissioners of Sewers, or major part of them, shall, by Advertisement, to be posted up on the Lands of such delinquent Proprietors, give Public Notice for letting the same; and if no person shall appear to hire the same, it shall and may be lawful for the said Commissioners, or the major part of them, by Warrant under their Hands and Seals, to order the Sheriff to sell at Public Auction, (giving Six Months previous notice by Advertisement) to the highest bidder, so much of such delinquent's Lands, so dyked in and drained, as may be sufficient to pay such Proportion or Quota due as aforesaid, with the charges of such Sale; and such Sheriff is hereby authorized and directed to execute a good and authentic Deed to the Purchaser or Purchasers thereof, their Heirs and Assigns.

If no person appear to hire, Commissioners may order Sheriff to sell so much land as will pay Assessment, &c.

Owners, &c. of Marsh, being duly notified, to assist in raising Dykes, &c.

Oxen and Carts may be employed instead of Labourers, at discretion of Commissioners.

Penalty on neglect.

How to be recovered and applied.

III. And be it further enacted, That in all ordinary cases, either in raising or repairing Dykes, or draining Lands, each and every Owner or Possessor of Marsh or Low Lands in this Island, where such Commissioners are appointed, shall, upon receiving Six days notice from the Commissioners, attend, either himself, or provide a sufficient labourer, with proper tools, to work at such time and place as by them shall be appointed, agreeable to the Rules and Regulations made for that purpose, and according to the quantity or proportion of Land belonging to such Owner or Proprietor. And where it may be necessary to employ oxen and carts, each and every Owner or Possessor of such Lands who have them, shall in like manner be obliged to attend with such oxen and carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay, over and above his Tax or Assessment, the sum of Five Shillings for every day's neglect, and so in proportion for oxen and carts—to be recovered in any Court proper to try the same; and the Monies arising from such Fines to be paid into the hands of the Commissioners, to be appropriated for Repairs of such Dykes.

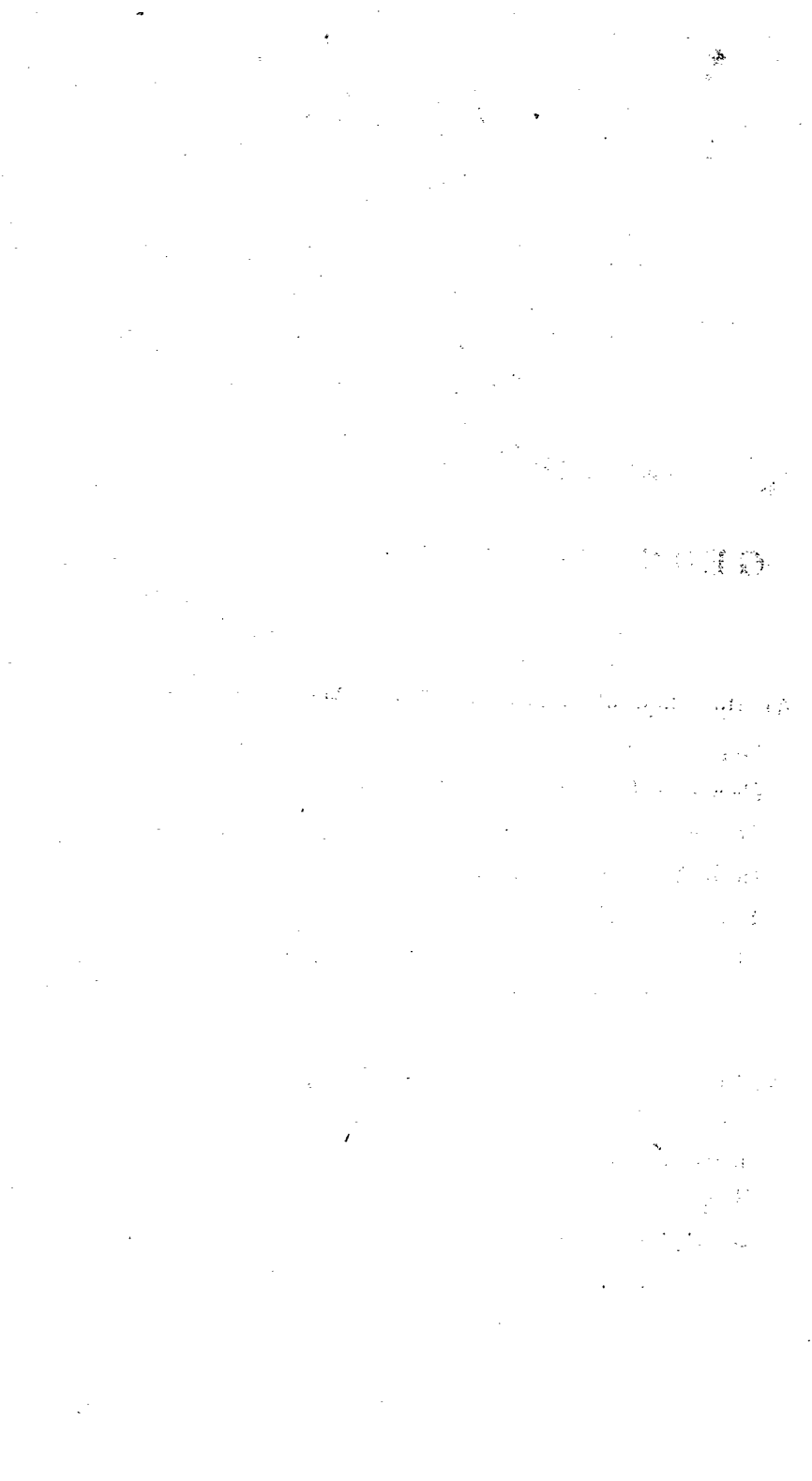
IV. And be it also further enacted, That in case of any sudden breach in any Dyke, or where the same is likely to be made, or Inundation occasioned by high tides, storms, or otherwise, each and every Owner or Possessor of Land within such Dykes, shall immediately, on notice given by one or more of the Commissioners, repair to the place directed, with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such Breach, and shall continue to work from day to day, so long as the Commissioners of Sewers shall judge necessary; or shall forfeit and pay, over and above their Tax or Assessment, the sum of Ten Shillings for each day's neglect, and so in proportion for oxen and carts—to be recovered in manner and applied to the uses aforesaid.

Breaches in Dykes, how to be repaired.

Penalty on neglect.

V. Provided always, That any person aggrieved by any procedure of such Commissioners, may prefer his or their complaint, by way of appeal, to the Governor in Council, for relief, at any time within Six Months—who are hereby authorized to grant redress, and on any groundless complaint, to tax single costs in favour of such Commissioners.

Appeal to Governor in Council.



ANNO

TRICESIMO SEPTIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1797.

Island of *Saint John*, begun and holden at
Charlotte-Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

P. STEWART,
President of
Council.

J. STEWART,
Speaker.

And from thence continued, by several Proroga-
tions, to the Eleventh Day of *July*, 1797, and
in the Thirty-seventh Year of His said Majesty's
Reign; being the Sixth Session of the Sixth
General Assembly convened in the said Island.

CAP. I.

Expired.

An Act in addition to and amendment of an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act for the establishing and regulating a Militia*; also an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for the establishing and regulating a Militia.'*

CAP. II.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO
 TRICESIMO NONO
 GEORGII III. REGIS.

At the General Assembly of His Majesty's 1798.
 Island of *Saint John*, begun and holden at
Charlotte Town, the Twenty-second Day of
March, Anno Domini 1790, in the Thir-
 tieth Year of the Reign of our Sovereign
 Lord GEORGE the Third, by the Grace of
 God, of *Great Britain, France and Ireland*,
 King, Defender of the Faith:

E. FANNING,
 Lieut. Governor.

P. STEWART,
 President.

J. STEWART,
 Speaker.

And from thence continued, by several Prorogations,
 to the Twentieth Day of *November*, 1798, and in
 the Thirty-ninth Year of His said Majesty's Reign;
 being the Seventh Session of the Sixth General
 Assembly convened in the said Island.

CAP. I.

An Act for altering and changing the name of this
 Island, from *Saint John* to that of *Prince
 Edward Island*.

WHEREAS the name of *Saint John*, by which
 this Island hath hitherto been known and called,
 has, from long experience, been frequently found to
 occasion much prejudice and inconvenience to indivi-

duals, as well as to His Majesty's service, by the miscarriage or delay of Government despatches and private letters, and even of merchandize and packages, sent out from *England* or other distant parts, addressed to persons in this Island, by being carried through mistake to *St. John's* in *Newfoundland*, or *St. John* in *New Brunswick*, or *St. John's* on the *Labrador* coast, or elsewhere; and which miscarriages and delays are likely unceasingly to occur, and most probably to multiply, from an increase of inhabitants, and the consequent more frequent occasion of intercourse between this Island and Foreign parts: For prevention whereof in future, as well as to perpetuate (*in omne volubile ævum*) the grateful remembrance of that peculiarly auspicious and happy period, of this Island having been under the command of Lieutenant-General His Royal Highness Prince Edward, Commander-in-Chief of His Majesty's Forces in the District of *Nova Scotia*, Islands *St. John*, *Cape Breton* and *Newfoundland*; Knight of the most noble order of the Garter, and of the most illustrious order of Saint Patrick, &c. &c. &c. we the Lieutenant Governor, Council and Assembly of this Island, in General Assembly convened, most humbly beseech The King's Most Excellent Majesty, that it may be enacted—

I. And be it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted by the authority aforesaid, That the name of this Island shall be altered and changed from *Saint John's Island* to that of *Prince Edward Island*.

The name of this Island changed to *Prince Edward Island*.

II. And to the end that no temporary injury or prejudice whatever may result from the change and alteration of the name or appellation of this Island—Be it further enacted, by the authority aforesaid, That all Acts of Parliament and Laws of this Island, and all Commissions, both Civil and

Not to affect any Acts of Parliament, Commis-

Military, and all Patents, Grants, Deeds, Leases, Obligations, Recognizances, and all Writs and Processes in the Courts of Law or Equity, and all other Records and Writings whatsoever, wherein the name of *Saint John's Island* now is, or heretofore hath been inserted or mentioned, or to which there is any reference or relation whatever, are hereby declared to be, and shall continue to be, of equal force, power, validity, operation and effect, to all and every intent and purpose whatsoever, as if the name or appellation of this Island had never been altered or changed.

sions, &c. where-
in the name of St.
John's Island is
used.

III. And whereas, through mistake, inadvertency, or otherwise, it may so happen, that the name of *Saint John's Island*, instead of *Prince Edward Island*, may be written or inserted in some Law, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record, or other Writing, which shall or may hereafter be passed, issued, executed, made, done or entered into, in this Island or elsewhere, having reference or relation to the name of this Island—Be it further enacted, by the authority aforesaid, That no such error or mistake as aforesaid, in the name of this Island (provided the same shall happen within the space of Seven Years from the passing of this Act, but not afterwards,) shall work any injury or prejudice whatever—but that all and every such Act of Parliament, Commission, Patent, Grant, Deed, Lease, Obligation, Recognizance, Writ, Process, Record, or other Writing whatsoever, shall notwithstanding be of equal force, validity, operation and effect, to all intents and purposes whatsoever, as if no such misnomer, error or mistake in the name of this Island had ever been made.

Provision against
mistakes occur-
ring from the
change of name.

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

Suspending
clause.

*. This Act received the Royal Allowance, February 1st, 1795.

CAP. II.

Executed.

An Act to repeal an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for indemnifying Persons who shall burn small Bushes, rotten Wind-falls, decayed Leaves, and all other Brush and Rubbish, upon the Lands and in the Woods on this Island.*

CAP. III.

Expired.

An Act in addition to and amendment of an Act made and passed in the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act for the preservation of Sheep throughout the Island.*

CAP. IV.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO

QUADRAGESIMO PRIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1801:
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Twenty-second Day of
July, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of *Great Britain, France and Ireland*,
King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

P. STEWART,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Proroga-
tions, to the Thirteenth Day of *July*, 1801, and
in the Forty-first Year of His said Majesty's
Reign; being the Eighth Session of the Sixth
General Assembly convened in the said Island.

CAP. I.

An Act for granting a Bounty for growing and cul-
tivating of Hemp in this Island, for the purpose of
Exportation. Expired.

CAP. II.

Repealed by 49
G. 3, c. 2.

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

CAP. III.

Expired.

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

* * * As this Act was only passed for three years, and does not affect Real Estate, it has not been deemed necessary to re-print it.

CAP. IV.

Repealed by 47
G. 3, c. 3.

An Act for the better Regulation of Elections.

CAP. V.

This and the other Acts on the same subject, repealed, and re-enacted, with amendments, by 3 W. 4, c. 10.

An Act to explain and amend the Laws of this Island, appointing and directing the Recording of Deeds of Sale, Conveyances and Mortgages.

WHEREAS by the provisions of the Laws passed in this Island, appointing and directing the recording of Deeds of Sale, Conveyances and Mortgages, the same are declared to be of no force or effect in Law, except against the Grantor or

Grantees, and his or their Heirs, unless such Deeds of Sale, Conveyances and Mortgages shall have been recorded in the Register Office for the said Island, within the time thereby limited:

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

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

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

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

II. And whereas there are a number of Grantees of Town and Pasture Lots, and other Lands, from the Crown, who, either from ignorance of the Register Laws, or from other causes, have not had their Deeds registered agreeable to the provision of the said Laws—Be it therefore enacted, That all such Grants shall be and they are hereby confirmed; any want of Registry of such Grants notwithstanding. Provided

Crown Grants confirmed, want of registry notwithstanding;

If registered with-
in 90 days after
passing hereof.

also, that all such Grants shall be duly registered within Ninety Days from the passing of this Act.

CAP. VI.

Repealed by 2
W. 4, c. 1.

An Act in further addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. VII.

Expired.

An Act for continuing sundry Laws that are near Expiring.

CAP. VIII.

Expired.

An Act appointing and empowering *William Knox*, Esquire, and *Thomas Knox*, Esquire, to be Colony Agents for this Island.

ANNO
QUADRAGESIMO TERTIO
GEORGII III. REGIS.

At the General Assembly of His Majesty's 1802.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Twenty-second Day
of *March*, Anno Domini 1790, in the Thir-
tieth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France* and
Ireland, King, Defender of the Faith:

E. FANNING,
Lieut. Governor.

R. THORP,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Prorogations,
to the Second Day of *November*, 1802, and in
the Forty-third Year of His said Majesty's Reign;
being the Ninth Session of the Sixth General
Assembly convened in the said Island.

CAP. I.

An Act for making perpetual certain Laws therein
mentioned, and for continuing sundry other Laws
that are near expiring.

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

Acts made per-
petual,
30 G. 3, c. 1.

35 G. 3, c. 5.

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

* * * The remaining clause of this Act merely continues, for a limited period, two Acts relating to the Militia, both of which, although several times revived, have long since expired.

C A P. II.

An Act for repealing an Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, and for the enforcing in future a due and regular Payment of the Quit Rents payable to His Majesty, His Heirs and Successors.

WHEREAS His Majesty has been graciously pleased to relinquish his claims against the Proprietors of Land in the Island of *Prince Edward*, on account of Arrears of Quit Rent, on condition of their paying, within a limited time, into the hands of the Receiver General of His Majesty's Quit Rents, a certain proportion of the sums due by them respectively, according to a Plan for that purpose, which has been approved by His Majesty:

And whereas it is highly expedient, that the regular and effectual payment and collection for the future of the Quit Rents reserved and payable to His Majesty, His Heirs and Successors, should be properly provided for and secured: And whereas the

provisions of an Act passed by the Legislature of this Province, on the Seventeenth Day of *October*, One thousand seven hundred and seventy-four, intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, apply to that part only of the Lands in the said Island upon which Quit Rents were then due; and the said provisions have been found otherwise inadequate to the purposes for which the same were enacted; and it is therefore necessary that other and more general Regulations should be made in that respect—We therefore pray Your Most Sacred Majesty, that it may be enacted—And be it therefore enacted, by the Lieutenant Governor, Council and Representatives, in this present General Assembly met, and by the authority of the same, that immediately from and after the passing of this Act, the said Act intituled *An Act for the effectual Recovery of certain of His Majesty's Quit Rents in the Island of Saint John*, and every part and clause thereof, shall be, and the same is hereby repealed.

13 G. 3, c. 12.

Recited Act repealed.

II. And be it further enacted, by the authority aforesaid, That if the Quit Rents reserved and due and payable to His Majesty, His Heirs and Successors, upon any Lots, or parts or shares of Lots, of Land in the said Island, shall at any time after the passing of this Act be in arrear and unpaid for more than one Year, it shall and may be lawful to and for the Receiver General of His Majesty's Quit Rents for the time being, or any person by him for that purpose duly authorized, to enter, in His Majesty's name, into and upon each and every of the said Lots, or parts or shares of Lots, of Land, upon which the Quit Rents shall be so unpaid and in arrear, and to distrain for such Quit Rents; and the Distress or Distresses on such Lots, or parts or shares of Lots, of Land, to take, lead, drive, carry away, impound, sell and dispose of, according to the Laws and practice of *Great Britain*, and this Island, not repugnant thereunto, for the Recovery of Rents.

Receiver General may enter, and distrain and sell, for Quit Rents in arrear and unpaid for more than one year.

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

Sheriff to post up notices of the said Proclamation.

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

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

IV. And be it further enacted, by the authority aforesaid, That the Supreme Court next sitting after the expiration of the space of One Month as aforesaid, upon application being made by the Receiver General of the Quit Rents for the time being, and proof upon oath that the Proclamation, and the Notice and publishing the same, as herein-before directed, has been made and given, and also what Quit Rents were due and in arrear at the time of such Proclamation, shall, and the Judges thereof are hereby respectively authorized and directed, to give Judgment

ment against such Lots, or parts or shares of Lots, of Land, in arrear as aforesaid, for the Quit Rents then due and in arrear, together with reasonable Costs; and shall issue a Writ of *Fieri Facias* thereupon, for such Quit Rents and Costs, directed to the Sheriff, or if necessary, to the Coroner, and returnable within a reasonable time into the said Court.

V. And be it further enacted, by the authority aforesaid, That the Sheriff or his Deputy, or the Coroner, upon receipt of such Writ, shall proceed to attach such Lots, or parts or shares of Lots, of Land, and shall give notice that he shall proceed to the sale thereof, on a fixed day therein to be mentioned, and not to be less than Twenty, nor more than Thirty Days, from the date of such notice—such notice to be posted and published in like manner as the notice of Proclamation is herein-before directed to be made—and the said Sheriff or his Deputy, or the Coroner, shall proceed to sell the same, the day fixed upon for that purpose, as aforesaid, at public sale or vendue in *Charlotte Town*, and the best Bidder shall be deemed the purchaser of such Lots, or parts or shares of Lots, of Land; and upon the payment of the purchase money, which shall be within Twenty days after such sale, the Sheriff or his Deputy, or the Coroner, as aforesaid, shall execute proper and absolute Deeds of Conveyance therefor, which Deeds shall be good and valid, to all intents and purposes, for conveying the same to the purchasers, and their heirs and assigns, for ever, subject in future to the same Quit Rents as before were payable for the said Lots, or parts or shares of Lots, of Land: Provided nevertheless, that if the Proprietors of such Lots, or parts or shares of Lots, of Land, attached as aforesaid, or any person in their behalf, shall at any time between the attachment and the time of sale, pay and discharge the Quit Rents in arrear, and the Costs attending the pro-

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

Not to be sold if Quit Rent is paid subsequent to the attachment and before the sale.

ceedings, such sale shall not take place, and the said Lots, or parts or shares of Lots, of Land, shall be freed and discharged from the Judgment given against the same, as aforesaid—any thing herein contained to the contrary notwithstanding.

Sheriff, within 20 days, to pay in the purchase money to the Receiver General.

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

Receiver General to pay the Quit Rent out of the Purchase Money, and pay the surplus to the Proprietors.

VII. And be it further enacted, by the authority aforesaid, That upon the receipt of the Balance of the purchase money from the Sheriff or his Deputy, or the Coroner, as aforesaid, the Receiver General shall deduct therefrom, and charge himself with, so much thereof as shall discharge the Quit Rents due and in arrear upon such Lots, or parts or shares of Lots, of Land, sold as aforesaid, and shall pay the surplus (if any shall be) to the Proprietors, their Heirs or Assigns, or their Attorney or Agent, upon the same being legally demanded, without any further charge or deduction whatever: and if any doubt shall arise who is the real Proprietor of the said Lots, or parts or shares of Lots, of Land, and entitled to receive the surplus of the said purchase money; or if it shall appear that any person or persons are interested in the said Lots, or parts or shares of Lots, as Mortgagees, or other legal incumbrancers, upon the same, or as claiming under any Settlement, Will, or other Instrument in the Law, or otherwise legally interested in the Land sold, it shall be lawful for the said Court, and the Judges of the said Court are hereby authorized and required, upon application of any person interested as aforesaid, or upon the application of the said

Receiver, to summon all such parties, or as many of them as they shall think fit to summon, and the said Receiver, and upon hearing of the matter in a summary way, to make such order therein, for adjusting the said claims, and determining the matter in dispute, and for paying and distributing the said surplus money, as to them shall seem meet, and cause the same to be carried into execution, in the same manner as any order or judgment of the said Court is executed by Law: and the said order shall and may be pleaded by the said Receiver General, in bar to any Action or Suit that may be brought against him, for having acted in obedience to the said order; and the said order shall also be received in evidence on behalf of the said Receiver, in any such Action or Suit, upon a Plea of the General Issue.

VIII. And whereas it may happen that Proprietors of parts or shares of undivided Lots of Land may be willing to pay a just proportion of the Quit Rents payable for the same Lots, and the other Proprietors thereof may not be willing to contribute thereto; in order, therefore, to prevent the Proprietors who shall be ready to pay a just proportion from being injured by the operation of this Act—Be it enacted, by the authority aforesaid, That, upon application of any Proprietor of such parts or shares, or upon application of His Majesty's Receiver General for the time being, to the Supreme Court, setting forth the particular state of the case, it shall and may be lawful to and for the respective Judges of the said Court, to direct a survey to be made, in such manner and by such persons as they shall think fit, of the Lot of Land so circumstanced, in which survey the said Lot shall be fairly and impartially divided into such shares, to be held in severalty, as bear a just proportion to the interest which each of the several Proprietors thereof shall be previously entitled to, in the said undivided Lots—regard being had,

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

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

IX. And whereas it may happen that the Tenants of Lots, or parts or shares of Lots, within this Island, may have duly paid their Rents to their Proprietors of the said Lots, or parts or shares of Lots, or may be ready and desirous to pay the same, at the time of the Distress to be taken by virtue of this Act, and it would be ex-

tremely injurious to the said Tenants, if the Distress made upon the said Lots, or parts or shares of Lots, was to be levied of the Goods and Chattels of the said Tenants, in order to discharge the whole of the arrears of Quit Rents due from the said Proprietors in respect of such Lots, or parts or shares of Lots—

Be it enacted, that it shall and may be lawful for any such Under Tenant to apply to the Supreme Court, and upon proof of such Tenants having paid the Rent due from him or them respectively, or upon payment of such part of the Rent as shall be in arrear to his Landlord and unpaid, to the Receiver General of His Majesty's Quit Rents, towards the discharge of the arrear of the said Quit Rents due, for or on account of the Lots belonging to the Landlords of such respective Tenants, the Goods and Chattels, absolutely the property of such Tenants, shall not be liable to be distrained or sold; and it shall be lawful for the respective Judges of the Supreme Court, and they are hereby required, on the application of any Tenant as aforesaid, to hear and determine the same, in a summary manner, and to make such order therein as the nature of the case may require; and the arrear of Rent due to the Landlord, which shall be paid by the Tenant to the Receiver General of His Majesty's Quit Rents as aforesaid, shall be applied in discharge of the Quit Rents due from the Landlord of such Tenant; and in case the same shall not be sufficient, the Lot or Lots of every such Landlord shall be sold, in order to make good the deficiency, subject to the Lease of the said Tenant. Provided always, that if such Tenant shall offer to pay the arrears of Quit Rent that shall be due, the said Receiver General shall receive the same, and the said Tenant shall be entitled to hold the Lot or Lots of Land as against his Landlord, as a security for the money so advanced in payment of the arrears of Quit Rent, and to deduct out of his future Rent what he shall so pay; but such security, or right to deduct, shall not prejudice any future payments of Quit Rents due to His Majesty, His Heirs and Successors, or prevent any remedy for recovery thereof.

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

Tenants paying Quit Rents on account of their Landlords, may hold the Lands as a security for the money so advanced.

Penalty on Sheriff
or Coroner neg-
lecting to make
Proclamation &c.

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

Proprietors resi-
ding in *Great
Britain or Ire-
land*, may pay
their Quit Rents
in *London*;

XI. And whereas many of the Proprietors of Land in the Island of *Prince Edward* are resident in *Great Britain* and *Ireland*, and cannot conveniently pay their Quit Rents in the said Island—Be it therefore enacted, by the authority aforesaid, That if any Proprietors of Lots, or parts or shares of Lots, of Land in the said Island, residing in *Great Britain* or *Ireland*, shall and do, on or before the First day of *August* next ensuing the passing of this Act, discharge and pay their Quit Rents in arrear, and shall pay their future Quit Rents, annually and regularly, in *London*, to the Receiver General of His Majesty's Quit Rents, or his sufficient Deputy, such Lots, or parts or shares of Lots, shall not be liable to be proceeded against, as directed by this Act: Provided nevertheless, that if such Proprietors do neglect to pay their Quit Rents from time to time, for the space of Six Months after the same shall become due and payable, according to their undertaking as aforesaid, the said Lots, or parts or shares of Lots, shall be liable to be proceeded against as herein directed; and the Receiver General of His

If done within
6 Months after
the same shall
become due—
otherwise their
Lands shall be
proceeded
against.

Majesty's Quit Rents, or his Deputy as aforesaid, shall, for that purpose, transmit to the proper Officer in the Island of *Prince Edward*, within Three Months from and after the expiration, from time to time, of the said Six Months, whenever such neglect shall happen, an account of such Proprietors who shall so neglect their payments, that the same may be made liable, and be proceeded against accordingly; and such account, so transmitted as aforesaid, shall be conclusive evidence, that the said Proprietors have so neglected to pay their Quit Rents, and that the said Lots, or parts or shares of Lots, are liable to be proceeded against as herein directed.

* * It appears by Governor Smith's Proclamation, of 3d February, 1818, that this Act has received the Royal Allowance.

C A P. III.

An Act to alter and amend an Act, made and passed Repealed by
6 G. 4, c. 3. in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act for the Trial of Actions in a Summary way.*

C A P. IV.

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

C A P. V.

An Act to amend an Act, made and passed in the Repealed by
4 W. 4, c. 5. Thirty-first Year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Rams at improper Seasons.*

CAP. VI.

An Act for the better and more effectual Establishment of the Church of *England* in this Island.

FORASMUCH as His Majesty, upon the Settlement of this Island, was graciously pleased, in his pious concern for the advancement of God's Glory, and the more decent celebration of the divine ordinances amongst us, to grant a sum of money, for the purpose of erecting a Church, for religious Worship, according to the usage of the Church of *England*, and which although not appropriated according to His Majesty's gracious intentions, yet no less gratitude is due to His Majesty, for this manifestation of his gracious intentions in this behalf — In humble imitation of His Royal example, and for the more effectual attainment of His Majesty's pious desires, that we might, in the exercise of religious duties, be seeking for the divine favour and protection:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the sacred Rites and Ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of *England*, shall be deemed the fixed Form of Worship amongst us; and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of *England*, as by Law established. And that for the preservation of unity and purity of doctrine and discipline in the Church, and the right administration of Sacrament, no Minister shall be admitted to officiate as a Minister of the Church of *England*, but such as shall produce to the Governor, Lieutenant Governor, or Commander in Chief for the time being, a testimonial that he hath been duly licensed by the Bishop of *London*, or by the Bishop of *Nova Scotia*, and shall publicly declare his assent and consent to the Book of Common Prayer, and shall subscribe to be conformable

The Liturgy of the Church of *England* shall be the fixed Form of Worship.

Place of Worship shall be called the Church of *England*.

No Ministers to officiate, but such as have been licensed, &c.

to the Orders and Constitution of the Church of *England*, and the Laws there established; upon which the Governor, Lieutenant Governor, or Commander in Chief for the time being, is hereby requested to induct the said Minister into any Parish that shall make presentation of him. And if any other person, pretending himself a Minister of the Church of *England*, shall, contrary to this Act, presume to teach or preach, publicly or privately, the Governor, Lieutenant Governor, or Commander in Chief, and His Majesty's Council, are hereby desired and empowered to suspend and silence the person so offending.

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

Governor and Council to suspend and silence pretended Ministers.

II. Provided nevertheless, and it is the true intent and meaning of this Act, that Protestants dissenting from the Church of *England*, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free Liberty of Conscience, and may erect and build Meeting Houses for Public Worship, and may choose and elect Ministers for performing divine service and administration of the Sacrament, according to their several opinions, and according to the Provisions of an Act of the General Assembly of this Island, made and passed in the Thirtieth Year of His present Majesty's Reign, intituled *An Act for quieting the minds of His Majesty's Dissenting Protestant Subjects in the Island of Saint John*.

Dissenters to have liberty of conscience.

30 G. 3, c. 6.



ANNO

QUADRAGESIMO TERTIO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1803.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Twenty-second Day
of *March*, *Anno Domini* 1803, in the Forty-
third Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the
Faith:

E. FANNING,
Lieut. Governor.

R. THORP,
President.

J. CURTIS,
Speaker.

Being the First Session of the Seventh General
Assembly convened in the said Island.

CAP. I.

This Act has
not received the
Royal Allowance.

An Act for effectually revesting in His Majesty, His Heirs and Successors, all such Lands as are or may be liable to Forfeiture within this Island.

CAP. II.

Expired.

An Act for the better preventing Accidents by Fire, and for appointing Fire Wards in *Charlotte Town*, and the Suburbs thereof.

ANNO

QUADRAGESIMO SEXTO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1805.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Twenty-second Day of J. F. W. DES-
March, Anno Domini 1803, in the Forty- BARRES,
third Year of the Reign of our Sovereign Lieut. Governor.
Lord GEORGE the Third, by the Grace of T. DESBRISAY,
God, of the United Kingdom of *Great* President.
Britain and Ireland, King, Defender of the J. CURTIS,
Faith: Speaker.

And from thence continued, by several Proroga-
tions, to the Twelfth Day of *November*, 1805, and
in the Forty-sixth Year of His said Majesty's
Reign; being the Second Session of the Seventh
General Assembly convened in the said Island.

CAP. I.

Repealed by
3 W. 4, c. 11.

An Act in addition to and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled *An Act for the more easy and speedy Recovery of Small Debts.*

CAP. II.

Expired.

An Act for continuing sundry Laws that are near Expiring.

ANNO

QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1806.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the First Day of *December*,
Anno Domini 1806, in the Forty-
seventh Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the
Faith:

J. F. W. DES-
BARRES,
Lt. Governor.

T. DESBRISAY,
President.

R. HODGSON,
Speaker.

Being the First Session of the Eighth General
Assembly convened in the said Island.

CAP. I.

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

Expired.

CAP. II.

Expired.

An Act for raising a Fund for the purpose of defraying Contingent Expences of the General Assembly of this Island.

CAP. III.

For Acts in addition to or amendment of this Act, see—
11 G. 4, c. 8.
2 W. 4, c. 9.
3 W. 4, c. 15.

An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled *An Act for the better Regulation of Elections*, and to regulate Elections for Members to serve in General Assembly in future.

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

Recited Act repealed.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the said Act, intituled *An Act for the better Regulation of Elections*, and every clause, matter and thing therein contained, be, and the same is hereby repealed.

This clause suspended for 10 years by 11 G. 4, c. 8.

II. And be it further enacted, by the authority aforesaid, That the Sheriff of this Island, or his Deputy, for the time being, shall, within Seven days after he shall have received His Majesty's Writ for electing Members to serve in the General Assemblies thereof, cause a sufficient number of Copies to be made of the said Writ, one whereof he shall cause, within the time aforesaid, to be posted up at each of the most inhabited parts or places of this Island, and upon each and every such Copy or Copies, there shall be fairly and distinctly written the time and place of holding the said Election; which said last mentioned

notice shall be signed by the said Sheriff or his Deputy; and the said Sheriff or his Deputy shall cause the said Election to be holden at such time and place, and in such manner, as in and by the said Writ shall or may be directed—when and where the Freeholders, Landholders and Resident Housekeepers (being Protestants) may proceed to elect the number of Members (being Protestants), resident within the said Island, required by the said Writ to be elected: and the said Sheriff or his Deputy shall thereupon make due return in writing, upon the back of the said Writ, according to the command thereof, of the persons who shall have been duly elected Members, by the major part of the Electors present at such Meeting or Election.

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

Sheriff to cause the persons elected to be summoned to attend in General Assembly—giving 7 days' Notice thereof.

IV. And be it further enacted, by the authority aforesaid, That every Sheriff or his Deputy to whom any Writ for electing a Member or Members to serve in the General Assembly of this Island shall be directed, and who shall have published and given such notice thereof as is hereinbefore prescribed and directed, shall, on the day and at the place mentioned in the said Writ, between the hours of Ten and Twelve in the Forenoon, proceed to the Election, by reading the said Writ and this Act, and shall not declare the choice upon the view, without the consent of the

Suspended for 10 years, by 11 G. 4, c. 8.

Candidates, nor by unnecessary adjournment delay the Election, but shall, if a Poll be required, fairly and indifferently proceed, from day to day, and time to time, to take the Poll, until all the Electors then and there present be polled; and before the Sheriff or his Deputy shall close the Poll so opened, unless with the consent of the Candidates, he shall make Proclamation for the Freeholders, Landholders and Resident Housekeepers (being Protestants), to come forward and give their Votes; and if after such Proclamation made, no Freeholders, Landholders or Resident Housekeepers (being Protestants), shall appear to vote for the space of one hour, the Poll shall be closed.

Sheriff, &c. to be sworn.

Oath to be annexed to the Return of Writ, under penalty of 50*l*.

Sheriff to appoint two Clerks, who shall be sworn.

Any Elector may be sworn as to his qualification.

V. And be it further enacted, by the authority aforesaid, That the Sheriff or his Deputy shall, before proceeding to any Election, take and subscribe before a Magistrate, in presence of three or more Electors, who, with the Magistrate, shall certify his having taken an Oath, the form of which appears in Schedule Number One—which Oath shall be annexed to the Return of every Writ of Election, under a penalty of Fifty Pounds upon every Returning Officer refusing or neglecting so to do; and the Sheriff or his Deputy shall, after reading the said Writ, and before he opens the Poll, appoint two Clerks, to assist in taking the Election, who shall be sworn by the said Sheriff or his Deputy, according to the form of Number Two in the said Schedule.* And if any Elector be questioned as to his qualification by any Candidate, the Sheriff or his Deputy shall administer to him the Oaths of Allegiance, and such other Oaths as are prescribed by Law for Electors in *England* to take, and shall likewise administer the Oath in Schedule Number Three;† or if Quakers, the Test or Affirmation, to the same effect. And the Sheriff or his Deputy, at the close

* The form of oath in 11 G. 4, c. 8, s. 12, is now used.

† By 11 G. 4, c. 8, no other oath is to be tendered to voters than that contained in the 10th section of said Act.

of the Poll, shall declare the person or persons having the majority of Votes, to be duly elected. And in case a Scrutiny shall be demanded in writing, within two hours after the closing of the Poll, the Sheriff or his Deputy shall grant the same, and shall, with the said two Clerks, proceed in such Scrutiny, if the party demanding the same, or some person in his behalf, shall persist in his demand, the day following the close of the Poll. Provided always, that no Vote shall be scrutinized, but such Vote or Votes as were expected to at the time of taking the Vote, and marked as such on the Poll Book; and the Sheriff shall return his proceedings on such Scrutiny to the House, to be adjudged and determined.

Sheriff shall grant a Scrutiny, if demanded within two hours after closing the Poll.

No vote to be scrutinized, unless marked as exceptionable.

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

Sheriff to give a copy of the Poll, if required.

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

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

VIII. And be it further enacted, by the authority aforesaid, That all fraudulent Conveyances of Land, to multiply Votes, or to qualify Voters at Elections, subject to an agreement to reconvey the same, shall be taken against the Grantors as free and absolute; and all collateral securities, for defeating such Estate, shall be void, and the person making such Conveyance, or voting by colour thereof, shall forfeit Ten Pounds, to any person who shall sue for the same, in any Court of Record within this Island—one half part thereof to the

Fraudulent Conveyances shall be taken as absolute against the Grantors.

All collateral securities to defeat them, void. Persons making the same, or voting by colour thereof, shall forfeit 10l.

Mode of recovery,
and application
hereof.

person or persons who shall prosecute the same to effect, and the other moiety for the use of the poor of the County or Royalty concerned in such Election.

Proclamation to
give 30 days' notice for each
County, and 20
days for each
Royalty.

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

Suspended for 10
years, by 11 G. 4,
c. 8.

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

Suspended for 10
years, by 11 G. 4,
c. 8.

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

XII. And be it further enacted, by the authority aforesaid, That no person shall be admitted to

vote at any County Election, unless he has a Freehold Estate, of the value of Twenty Shillings *per annum*; or a Leasehold Estate, at the yearly rent of Forty Shillings; or be a Resident Housekeeper, for the time aforesaid, of Tenements and Premises of the yearly value of Three Pounds.

Suspended for 10 years, by 11 G. 4, c. 8.

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

Qualifications of Members.

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

Penalty for making false return;

or for acting contrary to the directions of this Act.

XV. And be it further enacted, by the authority aforesaid, That any person or persons who

* The oath in 11 G. 4, c. 8, s. 13, is now administered to Protestant Members; and that in the second section of 11 G. 4, c. 7, to Members of the Roman Catholic persuasion.

Punishment of
Bribery, &c.

shall bribe or corrupt any Voter or Voters, at any Election within this Island, such person or persons so offending shall suffer all the Penalties prescribed by the Laws of *England* for such offences.

Assembly to continue for seven years, subject to be prorogued or dissolved.

Sec 3 W. 4, c. 15.

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

Returning Officer for any County or Royalty may be elected in another.

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

Allowance to Returning Officer.

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

Absent Candidates may be represented.

XIX. And be it further enacted, by the authority aforesaid, That any Elector present at any Election may declare himself the Representative of any Can-

didate who is an actual settler and inhabitant of this Island, but who at the time of such Election may happen to be absent from the same, without any special power to that effect.

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

Returning Officer to execute an Indenture at the close of the Election, one part whereof, together with Oaths, &c., to be transmitted to Secretary's Office.

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

Penalty on Returning Officer influencing Election.

XXII. And be it further enacted, by the authority aforesaid, That in case of any vacancy happening in the Assembly, by the death of any Member thereof, or by his being called up to His Majesty's Council, or resigning his seat on his final removal from this Island, on information thereof being given to the Speaker, by any Member rising in his place—or if such vacancy happen during any recess of the Assembly, by prorogation or adjournment, on information thereof being given to the Speaker for the time being, under the hands and seals of any two Members of the Assembly—it shall be the duty of the Speaker to report the same immediately to the Governor, Lieutenant Governor, or Commander in Chief of this Island, for the time being, who is hereby

In case of a vacancy, Speaker, on information thereof, to report the same to Governor, who is empowered to issue a new Writ, to fill up the same.

empowered and required, within Six days after such report, to issue a new Writ for the Election of a Member of Assembly, to fill up such vacancy.

Poll Books to be delivered into Secretary's Office.

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

Members of Council not entitled to Vote, nor Minors.

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

Fines and Forfeitures, how to be recovered and applied.

XXV. And be it further enacted, by the authority aforesaid, That the Fines and Forfeitures incurred by this Act, shall be recovered by Bill, Plaint or Information, or by Action of Debt, in any Court of Record, by any person suing for the same; and that one half of every such Fine or Penalty shall be paid to the Commissioners of Roads, and to be applied and laid out in making and repairing the Public Roads in the County or Royalty concerned in such Election; the other half to the Informer, suing for the same, with the Costs incurred in the Prosecution thereof, to be by him received for his own use and benefit. Provided always, that if any Suit or Action be brought against any person or persons, for any Penalty by this Act imposed, such Suit or Action shall be commenced within Six months next after the offence shall be committed, and not afterwards.

Prosecutions to be commenced within 6 months.

Suspended for 10 years, by 11 G. 4, c. 8.

XXVI. And whereas, from the extent of the several Counties in this Island, and from the unimproved state of the Roads, it is extremely difficult for the Electors of such Counties to meet and assemble at any one fixed and given place, for the

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

XXVII. And be it further enacted, by the authority aforesaid, That the application aforesaid, Suspended for 10 years, as above. for removal or adjournment of the Poll, shall be made the day on which the same is opened at the County *Court House*; and that the Sheriff, or his Deputy as aforesaid, shall, on such application duly made, forthwith notify the Electors of the County of the said adjournment, by setting up Advertisements at the County *Court House* where the Poll is then held, and at Two of the most public places in the District to which the Poll is to be adjourned, that he will, on the Seventh day next after the opening the Poll at the County *Court House*, continue the same at the place within the District to which it is adjourned, and then and there proceed to take the Poll.

How long the
Poll may be kept
open.

XXVIII. And be it further enacted, by the authority aforesaid, That the Poll for any one Election shall not be kept open at the place where begun more than Three Days, nor at the place to which it may be adjourned more than Two Days; after which time it shall and may be lawful for the Sheriff or his Deputy to close it, and return the Candidate who shall then have the majority of Votes.

Suspending
Clause.

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

* * This Act received the Royal Allowance, 26th August, 1807.

SCHEDULES to which this Act refers.

SCHEDULE, No. 1.

OATH to be taken by RETURNING OFFICER.

I *A. B.* Returning Officer for the [County or Royalty] of _____ do solemnly swear, that I have not, directly or indirectly, received any sum or sums of money, office, place, or employment, gift, gratuity, or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself, or any person to my use or benefit or advantage, for favouring the Election of any particular person or persons, or making, or endeavouring to make the Return of any particular person or persons, at the present Election of a Member [or Members] to serve in the Assembly of *Prince Edward Island*; and that I will proceed in taking

the Votes of the Electors, and will make Return of such person and persons as shall appear to me to have the majority of legal Votes; and this I solemnly swear to do, without partiality, fear, favour, ill-will or affection.

So help me GOD.

SCHEDULE, No. 2.

OATH to be taken by the POLL CLERKS.*

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

So help me GOD.

SCHEDULE, No. 3.

FORM of ELECTOR'S OATH.†

I do swear, that I verily believe I am by Law entitled to a Vote in the [*Town or County*] of _____ in the Island *Prince Edward*, and that

* Altered by 11 G. 4, c. 8, s. 12. † Altered by 11 G. 4, c. 8, s. 10.

the Title on which I claim a right to vote consists of [*here are to be inserted the particulars*] and are situate, lying and being in [*here insert the particular place*]; and that I have been in possession thereof for Six Months now last past, and the same hath not been made or granted to me fraudulently, on purpose to qualify me to give my Vote; and that I have not received or had, by myself, or any person whatever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office, employment or gift, in order to give my Vote at this Election; and that I have not before been polled at this Election; and that the place of my abode is at _____ and that I am of the age of Twenty-one years and upwards, as I verily believe
So help me GOD.

SCHEDULE No. 4.

FORM of the OATH of the ELECTED.*

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

SCHEDULE, No. 5.

FORM of an INDENTURE.

THIS Indenture made the _____ day of _____ in the Year of our Lord, One thousand eight hundred and _____ and in the _____ Year of the Reign of

* Altered by 11 G. 4, c. 8, s. 18.

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

ANNO
 QUADRAGESIMO OCTAVO
 GEORGI III. REGIS.

At the General Assembly of His Majesty's 1808.
 Island of *Prince Edward*, begun and holden
 at *Charlotte Town*, the First Day of *Decem-*
ber, Anno Domini 1806, in the Forty-
 seventh Year of the Reign of our Sovereign
 Lord GEORGE the Third, by the Grace of
 God, of the United Kingdom of *Great*
Britain and Ireland, King, Defender of the
 Faith:

J. F. W. DES-
 BARRES,
 Lieut. Governor.

 C. COLCLOUGH,
 President.

 R. HEDGSON,
 Speaker.

And from thence continued, by several Prorogations,
 to the Eighth Day of *March*, 1808, and in
 the Forty-eighth Year of His said Majesty's Reign;
 being the Second Session of the Eighth General
 Assembly convened in the said Island.

CAP. I.

An Act appointing and empowering *Philip Codd*,
 of *Kensington*, Esquire, to be Colony Agent for
 His Majesty's Island *Prince Edward*. Expired.

C A P. II.

26 G. 3, c. 15. An Act to amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled *An Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them, for the use of the Crown*—and to indemnify persons claiming under Deeds executed by the Deputy, or Under Sheriff, of this Island.

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

Persons appointed to the office of Sheriff, and refusing to serve, shall pay a Fine of £20

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

II. And whereas a practice has long prevailed, of returning Writs, executing Deeds of Conveyance of Lands, and doing such other matters and things as relate to the office of High Sheriff of this Island, in the name and as the act and deed of the Deputy or Under Sheriff by him appointed, contrary to the established Law and practice of *England*: In order, therefore, to prevent those disputes, which might otherwise arise, with respect to the validity of such

acts, to the injury of *bona fide* purchasers, and those claiming under them—Be it further enacted, by the authority aforesaid, that all Returns of Writs heretofore made, and all acts and deeds heretofore done and executed, by and in the name of any Deputy or Under Sheriff of this Island, shall have the like force and effect, as though the same had been made, done and executed, in the name of his Principal—any Law, Custom, or Usage to the contrary notwithstanding.

All acts and deeds heretofore done in name of Under Sheriff, confirmed.

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

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

CAP. III.

An Act for repealing an Act intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.

Amended by 2 W. 4, c. 6.

WHEREAS the provisions of an Act made and passed in the Thirteenth Year of His present

Majesty's Reign, intituled *An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island*, have been found inadequate to the purposes for which the same was enacted, and it is otherwise become necessary that more general regulations should be made, to preserve the navigation of the Harbours and Rivers in this Island:

Recited Act repealed.

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

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

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

Ballast Master to be sworn.

Form of Oath.

I do swear, that I will well and truly perform the duty of Ballast Master for the District to which I am appointed, to the best of my skill and judgment, without favour or affection, according to the directions of the Act of the General Assembly of this Island in such case made and provided.
' So help me GOD.'

III. And be it further enacted, by the authority aforesaid, That from and after the First day of *May* next, no Master or Masters, Owner or Owners, of any Ship, Boat, or other Vessel, nor any other person whatsoever, shall cast or unload the stones, gravel, or other ballast, which they may have on board, at or in any of the Rivers, Creeks, Ports, Havens, or Harbours of this Island, but on the Land above high water mark, or a league from shore, or in such other place as the Ballast Master of such Harbour or River wherein such Ship or Vessel shall or may arrive, shall direct and appoint, upon pain that all such Owners or Masters of Ships, Boats, or other Vessels, so casting or laying such gravel, stones, or other ballast, or permitting the same to be cast or laid, in any River, Creek, or Harbour of this Island, shall forfeit for every such offence the sum of Fifty Pounds, of *Sterling* money*—one half part thereof to be applied towards the building or repairing of Wharves, in the Harbour or River wherein the Penalty shall be incurred; and the other half to be paid to the said Ballast Master of such Harbour or River as aforesaid; and to be recovered in any Court of Record within this Island, by Action of Debt, Bill, Plaint or Information, and wherein no Essoin, Protection, or Wager of Law, shall be allowed—in which Action or Suit the Defendant or Defendants may be held to special Bail, on an affidavit being duly made and filed of the cause of action.

No Master or Owner of Ship, &c. to unload Ballast into any River or Creek, &c., but on land, or a league from shore, or as directed by Ballast Master.

Any Master or Owner not complying with this Act, shall forfeit 50*l*.

Application of Fine.

Mode of recovery.

IV. And be it further enacted, by the authority aforesaid, That every Ballast Master so to be appointed as aforesaid, shall, as soon as conveniently may be, after the arrival of any Ship or Vessel in the Harbour or River to which he shall be appointed, go on board the same, and inform the Master or Owner, or other person having charge or command thereof, of the provisions of this Act, and shall diligently attend to the delivery of the Ballast from on board the same, and shall not knowingly permit the same, or any part thereof, to be cast into the water

Ballast Master to go on board all Vessels on their arrival, and attend to the delivery of the Ballast at proper places.

* Judges of Supreme Court empowered to mitigate the Penalty by 2*W*. 4. c. 6, s. 1.

where navigable, but shall direct, and to the best of his power, cause all such Ballast to be brought and laid on shore, at some convenient place or places, where it may not obstruct navigation, nor be washed into the Channel; and in case any Master, Owner, or other person, having such charge or command as aforesaid, shall offend against the provisions of this Act, the said Ballast Master shall, and he is hereby required, without delay, to prosecute for the same.

Ballast Master shall prosecute for offences committed against this Act.

Person appointed Ballast Master, and refusing to serve, shall signify his refusal within twenty days.

In default thereof, shall pay a fine of 5*l*.

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

Mode of recovery, and application of Penalties.

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

Allowance to Ballast Master.

VI. And be it further enacted, by the authority aforesaid, That every Ballast Master shall be paid by the Master, Owner, or other person having charge or command of any Ship or Vessel, which shall unlade Ballast as aforesaid, at the rate of Ten Shillings Currency, for each day he shall be employed in attending such Ship or Vessel, and discharging the duty enjoined on him by this Act.

CAP. IV.

An Act to alter and amend an Act, made and passed in the Thirtieth Year of His present Majesty's Reign, intituled *An Act to oblige the respective Proprietors of Lots or Townships of Land, or of parts of Lots or Townships of Land, in this Island, and who have contributed nothing towards the settlement or improvement of this Island, and whose Lands lie in a waste and uncultivated state, to pay their proportion of the Public Charges, for the making and repairing of the Highways, Roads and Bridges of the said Island.*

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

CAP. V.

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

Expired.

CAP. VI.

An Act for raising a Fund for defraying the Expence of Printing the Laws of this Island, and for other purposes therein mentioned.

Expired.

CAP. VII.

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

For Acts which have reference to this subject, see Note to 26 G. 3, c. 1.

WHEREAS the want of an established Fund to make and keep in repair the Public Pumps, Wells and Streets of *Charlotte Town*, has subjected

the Inhabitants thereof to many inconveniences, and tends greatly to impede the progress of the Town:

I. Be it therefore enacted, That the Honourable *Robert Gray* shall, and he is hereby appointed Collector of all such sum and sums of money which shall be assessed on the Inhabitants of *Charlotte Town* by virtue of this Act; and that *John Cambridge*, *Ralph Brecken* and *John Frederick Holland*, Esquires, shall be, and they are hereby appointed, Overseers of the Public Pumps, Wells and Streets of the said Town, during the continuance of this Act.

II. And be it further enacted, That the said Overseers shall, and they are hereby authorized and required, to cause such improvements to be made in the said Town, by sinking Wells, procuring Pumps, repairing others, and the Streets and Shores thereof, and also procuring a Fire Engine, as they in their discretion shall think necessary; and shall render an account of the expenditure of all monies received by them in pursuance of this Act, together with proper vouchers in support thereof, to the Chief Justice and Justices of His Majesty's Supreme Court of Judicature, at the *Hilary Term* thereof, in every year—and any Overseer offending herein shall incur a Penalty of Ten Pounds, to be recovered and applied as herein-after mentioned.

III. And be it further enacted, That the said Overseers, and each of them, are hereby empowered to cause all obstructions in the Streets of the said Town to be removed, at the expence of the party offending; and to present all Nuisances to the said Supreme Court of Judicature, to be proceeded against according to the Laws of *England* and this Island, in such cases made and provided.

IV. And be it further enacted, That in order to enable the said Overseers to carry the provisions of this Act into execution, the said Collector is hereby

authorized and directed, from time to time, as he shall be required, to supply the said Overseers, or either of them, with money, taking his or their receipt for the same; and if any overplus shall remain in the hands of the said Collector out of the monies arising by virtue of this Act, the same shall continue in the hands of the said Collector, and be accounted for at the next Session of the General Assembly.

Collector to supply Overseers with money.

If any overplus, how to be accounted for.

V. And be it further enacted, That the said Collector shall be allowed at and after the rate of Ten *per Centum* on the receipt and payment of all monies raised by virtue of this Act.

Allowance to Collector.

VI. And be it further enacted, That for the purposes aforesaid there shall be paid by the owner or owners of each and every Lot in the said Town, the sum of Three Shillings yearly, during the continuance of this Act: And in order to ascertain the number of Lots which shall be granted, the Provincial Register is hereby required to cause a correct Return of the same to be made, and delivered to the Collector appointed by this Act, on or before the First day of *May* annually; and the said Collector shall, within eight days thereafter, cause three Copies of the said Return, with an Advertisement prefixed to each, to be posted up at the most public places in the said Town, warning the owners of the said Lots, or some person or persons for them, to pay, or cause to be paid, the said sum assessed by this Act on each of the said Lots, at his Office, within thirty days from the date thereof—and if the said Assessment shall not be paid agreeable to the said notice, the said Collector is hereby required, within ten days after the expiration of the aforesaid notice, to cause another Advertisement to be posted and published, notifying the owners of all such Lots as shall then be in arrear, that if the said Assessment shall not be paid on or before the last day of *Trinity* Term next following, application will be made to the said Supreme Court of Judicature, at the next Term

Annual Assessment on Town Lots.

Number of Lots, how to be ascertained.

Collector to advertise, warning land-owners to pay Assessment.

If Assessment not paid within Ten days,

Collector to advertise again, notifying that said Lots will be proceeded against to judgment.

If Assessment be not paid, Court to give judgment,

and award *Fieri Facias*.

Sheriff, on receipt of Writ, to attach Lots and give notice of sale thereof.

Time limited.

Sheriff to proceed to sale,

and on receipt of purchase money, to execute Deeds of Conveyance to Purchasers.

Proviso.

In case sufficient Goods to satisfy Execution, Lots not to be sold.

thereof, for Judgment against the said Lot or Lots so in arrear, together with costs: And in case the said Assessment shall not be paid agreeable to the said notice, the said Supreme Court, on application by the said Collector, and on proof being made to the satisfaction of the said Court, that the said Advertisements and Notices had been duly posted and made, and also what sums were then due on the said Lots respectively, shall, and they are hereby authorized and directed, to give Judgment against such Lots for the sums so due thereon and in arrear, together with reasonable costs—and thereupon a Writ of *Fieri Facias* shall or may be sued out for such sum and costs, directed to the Sheriff or Coroner, and returnable within a reasonable time into the said Court.

VII. And be it further enacted, That the Sheriff or Coroner, on receipt of such Writ, shall attach such Lots, and give notice that he will proceed to the sale thereof on a day therein to be mentioned—the time limited therein not to be less than sixty nor more than ninety days from the date thereof—and such Notices shall be posted in like manner as the Advertisements herein-before directed; and thereupon the said Sheriff or Coroner shall proceed to sell the said Lots, one after the other, on the day fixed upon and limited for that purpose, at public sale or vendue, in *Charlotte Town*, wherein the best or highest bidder shall be deemed the purchaser of such Lot or Lots; and upon payment of the purchase money, which shall be within ten days after such sale, the Sheriff or Coroner as aforesaid shall execute proper and absolute Deeds of Conveyance therefor, which Deeds shall be good and valid, to all intents and purposes, for conveying the same to the respective purchasers, their heirs and assigns, for ever. Provided nevertheless, that the Sheriff or Coroner as aforesaid shall not proceed to sell any Lot or Lots upon which there shall be any Goods or Chattels to satisfy the Execution against them respectively.

And provided also, that if the Proprietors of such Lots attached as aforesaid, or any person in their behalf, shall, at any time before the said sale, pay and discharge the sum so in arrear, together with costs and expences incurred to that time, the sale of such Lot or Lots, shall not be proceeded in, but the same, shall be wholly freed and discharged from the Judgment so rendered against them—any thing herein contained to the contrary notwithstanding.

Lots to be freed, if Assessment, with Costs, be paid before Sale.

VIII. And be it further enacted, That the Sheriff or Coroner shall, within ten days after the receipt of the purchase money of such Lots, pay into the hands of the Collector to be appointed by virtue of this Act, the balance of such purchase money, after deducting such costs and charges of proceedings and sales as shall be taxed and allowed by the said Supreme Court.

Sheriff to pay purchase monies to Collector, after deducting Costs, &c.

IX. And be it further enacted, That upon receipt of the balance of such purchase money, the said Collector shall thereupon deduct therefrom, and charge himself with, so much thereof as shall or may discharge the sums due and in arrear upon such Lots; and shall pay the surplus, if any there be, to the late owner or proprietor thereof, his or their heirs or assigns, or to any person or persons lawfully authorized to receive the same, upon the same being demanded, without any further charge or deduction whatever.

Collector, on receipt thereof, to deduct sums due on Lots, and to pay overplus, if any, to late owners.

X. And be it further enacted, That if the said Collector, Sheriff or Coroner, shall neglect to comply with the directions contained in this Act, in respect to the posting the said Advertisements, making and giving notice of Sales as aforesaid, he or they shall forfeit and incur a Penalty of Twenty Pounds each, for every neglect.

Penalty on Collector, Sheriff, &c., for neglect of duty.

XI. And be it further enacted, That the said Collector shall make up his Accounts upon oath

Collector to make up his Accounts, on oath, annually.

of all his Receipts and Payments, at the sitting of His Majesty's said Supreme Court of Judicature, at the *Hilary* Term thereof in every year, and the same shall be filed in the Clerk's Office of the said Court—and if any Collector shall offend herein, or neglect to make up his Accounts as aforesaid, he shall for ever be incapable to serve as Collector again, and also incur a Penalty of Twenty Pounds.

Penalty on neglect.

Mode of recovery, and application of Penalties.

XII. And be it further enacted, That all Penalties and Forfeitures incurred by the operation of this Act, shall or may be recovered by Bill, Plaint or Information in His Majesty's Supreme Court of Judicature, and shall be applied to and for the purpose of further improving the Pumps, Wells, Streets and Shores of the said Town, and repairs of Engine.

In case of death, &c. of Collector or Overseers,

Chief Justice to fill vacancy.

XIII. And be it further enacted, That in case of the death, absence, or other incapacity of the said Collector, or any of the said Overseers, it shall and may be lawful to and for His Majesty's Chief Justice, or in his absence, the eldest Justice of the said Supreme Court, to appoint one or more fit and proper persons to fill any vacancy that may happen.

Continuance of Act.

XIV. And be it further enacted, That this Act shall continue and be in force for and during the space of Three Years, from and after the passing thereof, and no longer.

CAP. VIII.

Expired.

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

ANNO
QUADRAGESIMO NONO
GEORGII III. REGIS.

At the General Assembly of His Majesty's
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the First Day of *Decem-*
ber, Anno Domini 1806, in the Forty-seventh
Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace of
God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the
Faith:

1809.

J. F. W. DES-
BARRES,
Lt. Governor.

C. COLCLOUGH,
President.

R. HODGSON,
Speaker.

And from thence continued, by several Proroga-
tions, to the Twentieth Day of *March*, 1809, and
in the Forty-ninth Year of His said Majesty's
Reign; being the Third Session of the Eighth
General Assembly convened in the said Island.

CAP. I.

An Act for establishing a Meridional Line, to regu-
late Surveyors in this Colony.

WHEREAS it is highly necessary, to promote
accuracy in surveying the Lands of this
Colony, that a Meridional Line should be estab-
lished by Astronomical Observation:

Governor to appoint Commissioners for establishing a Meridional Line.

How to be ascertained.

Surveyors to regulate their Instruments thereby.

Surveyors to obtain Certificates of the sufficiency of their instruments.

Variation to be expressed in the Certificate.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Commander in Chief of this Colony for the time being, to nominate and appoint Three Commissioners, (of whom His Majesty's Surveyor General of Lands in this Colony shall be one,) for the purpose of establishing a Meridional Line, in manner hereinafter directed—that is to say, that a Meridional Line, by Astronomical Observation, shall be properly drawn and ascertained, by correctly fixing Three Stones, of such sufficient height and dimensions, as will admit a full view from the most Northerly stone of the two others in the said Line, which Stones to have the Line accurately marked thereon, together with the Variation and Year in which the same was done—the said Meridional Line to be fixed in the most convenient place in or near *Charlotte Town*, by the said Commissioners, within Six Months after the passing of this Act, and by which all Surveyors shall regulate and rectify their several Instruments once in every year at least, and in the presence of the Surveyor General, or of some person by him duly authorized for that purpose, or of one or more of the said Commissioners. And all and every Surveyor of Lands is and are hereby required to demand and obtain from the said Surveyor General, or person authorized as aforesaid, or from one or more of the said Commissioners, a Certificate that the several Instruments of such Surveyor or Surveyors, to be used and employed in surveying, are good and sufficient; and in the Certificate so to be granted, shall be set down and expressed the Variation found at the period of making such Certificate so to be granted, which the Surveyor General, or some one or more of the said Commissioners, is and are hereby authorized to do.

II. And be it enacted, by the authority aforesaid, That the expence of establishing and ascer-

taining a Meridional Line, in manner before directed, shall be borne and paid out of the Treasury of this Colony; and that the Governor, Lieutenant Governor, or Commander in Chief of this Colony for the time being, by and with the advice of His Majesty's Council, shall have power to draw Warrants on the Treasurer of this Island for the time being, for the amount of the aforesaid purposes.

Expence of fixing Meridional Line, how to be defrayed.

CAP. II.

An Act to repeal an Act, intituled *An Act in addition to and amendment of an Act, made and passed in the Thirty-fifth Year of His Majesty's Reign, intituled 'An Act to alier and amend the High Road Laws.'*

Executed.

41 G. 3, c. 2.

CAP. III.

An Act for allowing a further Drawback on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and a Drawback on Porter, Ale and Strong Beer, Sugar and Tobacco, to be exported from this Island.

Repealed by 52 G. 3, c. 4.

CAP. IV.

An Act appointing the Recording of Letters or Powers of Attorney, in such cases as are therein mentioned.

Repealed and re-enacted by 3 W. 4, c. 10.

WHEREAS by the Statutes of this Colony, all Deeds of Sale, Conveyances and Mortgages, and Leases of longer duration than Ten

Years, are required to be registered in the Register Office of this Island; and although many of such Deeds and Conveyances are made and executed by persons duly authorized and empowered, by Letter of Attorney for that purpose, for, and in the name, and as the act and deed of absent Proprietors, and persons interested therein, yet no such powers or authorities have hitherto been required to be registered in like manner:

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

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

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

C A P. V.

Expired.

An Act for continuing sundry Laws that are near Expiring.

C A P. VI.

Expired.

An Act for repealing certain parts of an Act, made and passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same*, and for declaring what shall be deemed Merchantable Timber for Exportation.

C A P. VII.

An Act to repeal an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to enable the Governor, or other Commander in Chief, to Lease out certain parts of the Common of Charlotte Town, Rent free, for the space of Ten Years.*

Executed.

C A P. VIII.

An Act to confirm the Titles, and quiet the Possessions and Locations, in this Colony, of the *American Loyal Emigrants, and Disbanded Troops.*

This Act was passed with a suspending Clause, and did not receive the Royal Allowance.

C A P. IX.

An Act for raising the sum of Sixteen Hundred Pounds, for the purpose of erecting Buildings, for the meeting of the General Assembly, the Supreme Court and its Offices, and other Public Offices, in *Charlotte Town*, and for building two Gaols—*videlicet*, one in *Prince County* and one in *King's County* in this Island.

WHEREAS it is essential to the dignity and honour of His Majesty's Government in this Island—the due and regular administration of Justice—and the security of private property, that provision be made by this Assembly, for the erecting proper Buildings, for the accommodation of the General Assembly, the Supreme Court and its Offices, and the Register and Surveyor General's Offices, in *Charlotte Town*, as also for Public Buildings in

King's County and Prince County: And whereas the usual method of raising money for building Court Houses and Gaols in His Majesty's Colonies, as well as in *Great Britain*, is by Assessment on the property of the County, upon presentment by the Grand Juries thereof: And whereas, under the circumstances of this Island, where there is only one Grand Jury for the whole thereof, and where it is impossible to ascertain the abilities of the Inhabitants, otherwise than by their landed property, it appears both expedient, equitable, and least burthensome, that the same should be raised by an Assessment of Two Shillings for every hundred Acres of Land in this Island:

Assessment of 2s. per 100 Acres, in the Townships and small Islands, and 2s. for every Pasture Lot.

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

Treasurer to post advertisements calling on proprietors for payment.

II. And be it further enacted, by the authority aforesaid, That the Treasurer of this Island shall, and he is hereby required and directed, within Thirty days next after His Majesty's Royal allowance of this Act shall have been signified, to cause Advertisements in *Charlotte Town*, and Three of the principal Settlements in each of the Counties of this Island, to be published, calling upon the respective owners of the Lands charged by this Act as aforesaid, to pay the sums respectively charged thereon, within the time limited by this Act; and the Treasurer is hereby directed and required, at the next

sitting of His Majesty's Supreme Court of Judicature, after the posting of the said advertisements, on the last day of the Term, to make Proclamation of all such Lands which shall then be in arrear in payment of the sums charged thereon by this Act; and immediately thereafter to cause further Notices to be published at Three of the most public places in *Charlotte Town*, and at Three of the principal Settlements in each of the Counties of the Colony, notifying the owners of the said Lands so in arrear, that in case the sums charged on them by this Act shall not be paid on or before the First day of *Michaelmas* Term then next following, application will be made to the said Supreme Court for Judgment against the said Lands which shall then be in arrear—and the said Supreme Court shall give Judgment accordingly, and order and direct, that so much of the several delinquent Lands as shall be sufficient to pay the sum charged by this Act, together with reasonable costs, to be sold at Public Auction to the highest bidder, and shall thereupon issue a *Fieri Facias* directed to the Sheriff or Coroner for that purpose, who on such sale shall, after having given Sixty days previous notice, proceed to the said sale, and shall thereupon execute to the purchaser a good and sufficient Conveyance thereof—reasonable means having been previously used by the said Supreme Court, according to its discretion, for the ascertaining the proprietor, and for the enabling him, by due notice, to prevent the necessity of such sale, by payment of the sum charged by this Act, together with the costs attending such Inquiry and Notices as aforesaid; provided that no longer period than Twelve Months shall be allowed by the said Supreme Court for that purpose.

Transcriber to make proclamation in Supreme Court of all Land in arrear.

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

Sheriff, &c. after having given 60 days notice, to proceed to sale, and execute Deed of Conveyance to purchasers.

Twelve months allowed the Proprietor to prevent the sale.

III. Provided always, That in case any of the Lands so in arrear in payment of the sums charged thereon by this Act, shall be improved

If Lands are profitable then to be

Let, and Rents applied to satisfy execution.

or profitable Land, the said Sheriff or Coroner is hereby directed to use his utmost endeavours to let the same, and apply the Rents arising therefrom to satisfy the said Executions, together with the costs and charges of levying the same.

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

IV. And provided also, That if the Rents or Proceeds on the sale of such Lands shall be more than sufficient to defray the sums charged thereon by this Act, together with all reasonable costs and charges attending the advertising, letting, or selling the same, the surplus shall be paid to the Proprietors of such Land, or their lawful Attorneys; and in case no person shall appear within Three Years from the sale or letting of the said Land, the said surplus having been previously paid into the Treasury of this Island, shall be applied to the improving or repairing the Roads within the Township in which such Lands lie.

if claimed within three years.

Equity of Redemption.

V. And provided always, That in case of any Lands being sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former owner or proprietor, his heirs or assigns, for the space of Two Years next after the levying of the *Fieri Facias* thereon; the purchaser accounting to the former owner for the rents, issues and profits, and the former owner repaying the purchase money, with lawful interest thereon, and allowance for such improvements as shall or may be made thereon, the same to be ascertained by the Supreme Court.

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

VI. And be it further enacted, by the authority aforesaid, That the Lieutenant Governor, or Commander in Chief, with the advice of His Majesty's Council, be, and he is hereby empowered to nominate and appoint Six Commissioners, three being of the Council, and three of the Assembly, for erecting the aforesaid Buildings, in *Queen Square in Charlotte Town*; which said

Commissioners, or the major part of them, are hereby authorized to make such Contracts for the purchase of materials, for erecting and finishing the said Buildings, and for workmanship, as they, or the major part of them, shall think proper.

VII. And be it further enacted, by the authority aforesaid, That the said Commissioners, or the major part of them, shall, without delay, procure proper plans and sections for the said Buildings, to be erected in *Charlotte Town*, together with particular Estimates of the expence of materials and workmanship necessary to complete the same; which, together with all Contracts which shall be entered into by the said Commissioners, shall, previous to their being executed, be laid before the Governor, Lieutenant Governor, or Commander in Chief for the time being, for his approbation. Provided the expence thereof shall not exceed, in the whole, the sum of One thousand two hundred and forty Pounds.

Commissioners to procure Plans, Estimates, &c.

Expence not to exceed £1240.

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

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

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

Governor to appoint Commissioners in King's County, and Prince County, for erecting Jails there.

rants on the Treasurer for the sum appropriated by this Act for defraying the expence thereof.

Accounts to be
laid before Gene-
ral Assembly.

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

Allowance to
Treasurer.

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

Suspending
Clause.

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

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

ANNO
 QUINQUAGESIMO
 GEORGI III. REGIS.

At the General Assembly of His Majesty's 1810.
 Island of *Prince Edward*, begun and holden
 at *Charlotte Town*, the First Day of *Decem-*
ber, Anno Domini 1806, in the Forty-
 seventh Year of the Reign of our Sovereign
 Lord GEORGE the Third, by the Grace of
 God, of the United Kingdom of *Great*
Britain and Ireland, King, Defender of the
 Faith:

J. F. W. DES-
 BARRÈS,
 Lieut. Governor.

C. COLCLOUGH,
 President.

R. HODGSON,
 Speaker.

And from thence continued, by several Prorogations,
 to the Thirtieth Day of *July*, 1810, and in
 the Fiftieth Year of His said Majesty's Reign;
 being the Fourth Session of the Eighth General
 Assembly convened in the said Island.

C A P. I.

An Act to amend an Act intituled *An Act to prevent*
the Malicious Killing, Wounding and Maim-
ing of Cattle.

Repealed by 3
 W. 4, c. 27.

CAP. II.

Expired.

An Act for reviving two several Acts of the General Assembly, lately expired.

CAP. III.

An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service.

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

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

Sheriffs, Constables, Officers and Soldiers, to apprehend suspected persons, and bring them before Justice of the Peace.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the Sheriff of this Island or his Deputy, or for any Constable of the town or place where any person who may be reasonably suspected to be a Deserter shall be found, or for any Officer or Soldier in His Majesty's service, to apprehend, or cause such suspected person to be apprehended, and to bring, or cause him to be brought, before any Justice of

the Peace living in or near such town or place, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses, upon oath, or by the knowledge of such Justice of the Peace, it shall appear, or be found, that such suspected person is a listed Soldier, or a Sailor belonging to His Majesty's Navy, such Justice shall forthwith cause him to be conveyed to the Jail of the County, in case there shall be a Jail there, otherwise to the Jail in *Charlotte Town*, and shall transmit an account thereof to the Governor, Lieutenant Governor, or Commander in Chief of the Island; or to the Commanding Officer of His Majesty's Troops in the Garrison of *Charlotte Town*, to the end that such person may be removed, and proceeded against according to Law: and the Sheriff of this Island, and the Keeper of every Jail or Prison in which such Deserter shall at any time be confined, shall receive the full subsistence of such Deserter during the time he shall continue in his custody, for the maintenance of such Deserter, but shall not be entitled to any fee or reward on account of the Imprisonment of such Deserter; and the Keeper of every Jail or other prison shall, and he is hereby required, to receive and confine such Deserter while on the road from the place where he was apprehended to the place to which he is to be conveyed, either by Warrant of the said Justice, or by order of the Governor, Lieutenant Governor, or Commanding Officer of the Garrison of *Charlotte Town*, and shall not be entitled to any fee or reward on account of the imprisonment of the said Deserter, any Law or Usage to the contrary notwithstanding: Provided, that every such Deserter from His Majesty's Navy shall have previously entered and received His Majesty's Bounty.

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

Sheriff or Jailer to receive full subsistence for maintenance of Deserter, but to receive no fee for imprisonment.

III. And in order to give every encouragement to His Majesty's subjects in this Island to check

Five Pounds to
be paid for ap-
prehension of
Deserters from
Army or Navy.

a practice disgraceful in itself, and highly injurious to His Majesty's service—Be it further enacted, That the sum of Five Pounds be paid out of the Revenue of this Island, for the apprehension of every Deserter, either from His Majesty's Navy or Army.

* * The remainder of this Act, relating to Merchant Seamen, repealed, and re-enacted, with amendments, by 59 G. 3, c. 8.

CAP. IV.

Expired.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh Year of his present Majesty's Reign, intituled *An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island.*

ANNO

QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

At the General Assembly of His Majesty's 1812.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Tenth Day of J. F. W. DES-
August, Anno Domini 1812, in the Fifty- BARRES,
second Year of the Reign of our Sovereign Lt. Governor.
Lord GEORGE the Third, by the Grace C. COLCLOUGH,
of God, of the United Kingdom of *Great* President.
Britain and Ireland, King, Defender of the R. BRECKEN,
Faith: Speaker.

Being the First Session of the Ninth General
Assembly convened in the said Island.

C A P. I.

An Act appointing Commissioners for expediting Executed.
the Printing of the Laws of this Island.

CAP. II.

Expired.

An Act for reviving an Act of the General Assembly lately expired, intituled *An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled 'An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same,' and for declaring what shall be deemed Merchantable Timber for Exportation.*

CAP. III.

Expired.

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

CAP. IV.

An Act to alter and amend two several Acts of the General Assembly of this Island, *videlicet*, an Act intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island: and an Act intituled An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer.*

WHEREAS by the Acts above mentioned, the nature or form of the instrument of security to be given for payment of the Duties therein men

tioned is not specified or declared, nor is any Interest directed to be paid in the event of such security not being paid or discharged at the time when the same becomes, or shall become, due and payable: To remedy which defects—

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

‘ *Prince Edward Island,* }
 ‘ *County.* } **BE** it remembered,
 ‘ that on the day of in the year 18 *A. B.* and
 ‘ *C. D.* of came before me *E. F.* Collector and
 ‘ Receiver of Imposts and Duties for the District Form of Recognizance.
 ‘ of in said Island, and acknowledged them-
 ‘ selves to owe to our Sovereign Lord the King, the
 ‘ sum of £ (*double the amount of the Duties*
 ‘ *payable,*) of good and lawful money of *Prince*
 ‘ *Edward Island,* to be made and levied of their, or
 ‘ either of their, Goods and Chattels, Lands and

‘ Tenements, to the use of our said Lord the King,
 ‘ his Heirs and Successors, if the said *A. B.* and *C. D.*
 ‘ shall fail in the condition underwritten.

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

‘ Taken and acknowledged at pursuant to
 ‘ the Statute, before me,

‘ *E. F.* Collector.’ *

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

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

* By 11 G. 4, c. 9, a Warrant of Attorney is directed to be taken in addition to the Recognizance.

CAP. V.

An Act for reviving two several Acts of the General Assembly lately expired, *videlicet*, an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled *An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for the establishing and regulating a Militia'*—and an Act made and passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act in addition to and amendment of an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled 'An Act for the establishing and regulating a Militia; also an Act made and passed in the Thirty-fifth Year of His present Majesty's Reign, intituled 'An Act in addition to and amendment of an Act passed in the Twentieth Year of the Reign of His present Majesty, intituled 'An Act for the establishing and regulating a Militia.'*

Expired.

CAP. VI.

An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of *Charlotte Town*, and for other purposes therein mentioned.

For Acts which have reference to this subject, see Note to 26 G. 3, c. 1.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That within one month from the passing of this Act, the Representatives in General Assembly of the Royalty of *Charlotte Town* for the time being are, and each of them is required, to publish an advertisement at different conspicuous parts

Representatives of *Charlotte Town* to call a Meeting of Inhabitants annually.

of *Charlotte Town*, calling together the Inhabitants and Landholders of and in said Town, to assemble at the *Court House* in *Charlotte Town*, at some fixed day and hour; and in each and every succeeding year during the continuance of this Act, the said Representatives are, and each of them is hereby required, in like manner, to call a meeting of such Inhabitants and Landholders, on the *First Monday* in *April*, at noon, at the *Court House* aforesaid—eight days notice of all such Meetings being previously given; at which Meetings of the said Inhabitants and Landholders so to be held, the said Representatives of *Charlotte Town* for the time being, or either of them who shall be present, shall preside and take the Chair; and in case that neither of said Representatives shall be present at such Meetings respectively, the Inhabitants and Landholders then present shall elect a Chairman; and the Inhabitants and Landholders present at each of such Meetings shall proceed to choose Nine Inhabitants of the said Town, (any Five of whom to be a *Quorum*) who are hereby required to assess the Inhabitants and Landholders of the said Town, for such sums as shall be granted, voted and agreed upon by the majority of Inhabitants and Landholders present at such Meetings respectively.

Meeting to choose Nine persons to assess such Inhabitants.

II. And be it further enacted, That the said Inhabitants and Landholders, at such first Meetings, and at their subsequent annual Meetings respectively, shall be, and are hereby empowered to vote such sums of money as they shall judge necessary for the then current year, for the making or repairing of Pumps, Wells or Streets, or other repairs, improvements or necessary expenditures in *Charlotte Town*.

Inhabitants to vote the sum necessary to be raised.

III. And be it further enacted, That the Inhabitants so to be elected at the respective Meetings herein directed, or any Five of them, shall be, and are hereby empowered to assess the Landholders and Inhabitants of *Charlotte Town*, in just and equal

To assess according to real or personal Estate.

proportion, as near as may be, for the monies voted as aforesaid; and each particular person being assessed, according to his known estate, either real or personal; for the purpose aforesaid, shall pay the same to such person or persons as shall be appointed to collect and receive the same by the said elected Inhabitants, or any Five of them.

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

Treasurer and Collector to be appointed.

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

Persons refusing or neglecting to pay assessment, Collector to affix Notice on House or Premises.

‘ Mr. *A. B.*

‘ I do hereby give you notice, that under and by virtue of an Act of the General Assembly of *Prince Edward Island*, passed in 1812, intitled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein*

Form of Notice.

‘ *mentioned*, you have been rated and charged to
 ‘ pay the sum of _____ as your pro-
 ‘ portion of the Town Assessment for the current
 ‘ year; and unless you shall pay the amount there-
 ‘ of to me, at my house or office at
 ‘ within thirty days from the date hereof, or deli-
 ‘ ver to me an Appeal within the time aforesaid,
 ‘ with one sufficient security to prosecute the same
 ‘ before the Justices in manner by the said Act
 ‘ directed (in case you shall consider yourself to
 ‘ be overrated), I will proceed to levy and recover
 ‘ the sum before mentioned, with costs, by distress
 ‘ and sale of a sufficient part of your real and per-
 ‘ sonal Estate. Given under my hand, at *Char-*
 ‘ *lotte Town* aforesaid, the _____ day of _____ 18
 ‘ *C. D. Collector.*’

Appeal within
30 days.

VI. And be it further enacted, That if within
 thirty days from the time of delivering or posting
 such notice, as the case may be, the person or per-
 sons so thereby required to pay his, her or their
 proportion of the said Assessment, shall refuse or
 neglect to pay the same, or shall not within such
 time lodge with the Collector an Appeal as here-
 after mentioned, then the said Collector is hereby
 empowered and required again to make demand of
 the said Assessment; and within twenty days after
 the expiration of such time, if the same shall not
 have been paid, to levy the amount and proportion
 of the said Assessment by distress and sale of a
 competent part of the defaulter's Goods and
 Chattels, or of his, her or their real Estate, in
 case no Goods or Chattels shall or may be found
 whereon to levy or make distress.

The amount may
be levied by Dis-
tress and Sale of
the Defaulters'
Goods and Chat-
tels, or real Es-
tate if no Goods
or Chattels.

VII. And provided always, That in case of any
 Lands being sold under the operation of this Act,
 an Equity of Redemption shall nevertheless be
 open to the former owner or proprietor, his heirs
 and assigns, for the space of Two Years next after
 the sale of the said Land, the purchaser account-

Lands thus sold
may be redeemed
within two years.

ing to the former owner for the rents, issues and profits, and the former owner repaying the purchase money, with lawful interest thereon, and allowance for such improvements as shall or may be made thereon, the same to be ascertained by the judgment of three Magistrates of this County.

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

Appeal against Assessment to be lodged with Collector.

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

Form of Appeal.

' Witness my hand, the _____ of 18 _____
' *A. B.*

' To Mr. *C. D.* Collector.'

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

Appellant to enter into Recognizance to abide the Judgment of Justices.

' *Prince Edward Island,* }
' *Queen's County.* }
' that on the _____ day of _____

BE it remembered _____
in the year of our

Form of Recognizance.

‘ Lord 18 *A. B.* and *E. F.* of came
 ‘ before me *C. D.* Collector of the *Charlotte Town*
 ‘ Assessment, and acknowledged themselves to
 ‘ owe to Treasurer of the said Assess-
 ‘ ment, the sum of £ (*double the amount of*
 ‘ *said Assessment*) of good and lawful money of
 ‘ *Prince Edward Island*, to be made and levied
 ‘ of their Goods and Chattels, Lands and Tene-
 ‘ ments, to the use of the said Treasurer,
 ‘ or the Treasurer of the said Assessment for the
 ‘ time being, if the said *A. B.* shall fail in the con-
 ‘ dition underwritten.

‘ The condition of the above written Recogni-
 ‘ zance is such, that if the above bound *A. B.* his
 ‘ heirs, executors or administrators, shall well and
 ‘ truly pay, or cause to be paid, unto the said
 ‘ Treasurer as aforesaid, the amount of such sum
 ‘ or sums of money, and costs, as shall be adjudged
 ‘ to be due and owing by him, as his rate and
 ‘ proportion of said Assessment, by the Justices
 ‘ at their next meeting as a Court of Appeals, on
 ‘ demand thereof to be made, then this Recogni-
 ‘ zance to be void, or else to remain in full force.

‘ *A. B.*

‘ *E. F.*

‘ Taken and acknowledged at pursuant
 ‘ to the Statute, before me, *C. D.* Collector.’

And the said Collector is hereby empowered and required, to take and subscribe the acknowledgment of the said Recognizance, which shall be good and valid, to all intents and purposes.

X. And be it further enacted, That each and every of His Majesty’s Justices of the Peace who shall be resident in *Charlotte Town*, or within six miles thereof, shall, and they are hereby required, to assemble at the *Court House* in *Charlotte Town*, on the last *Monday* in *December* next, at *Twelve* o’clock, and on the first *Monday* in *June*, in each succeeding year, during the continuance of this Act; and at such meeting the Magistrate whose

Justices of the Peace in *Charlotte Town*, or within six miles thereof, to assemble annually as a Court of Appeals, and may alter the Assessment.

name shall have precedence in the Commission of the Peace shall take the chair and preside, and the Collector shall act as Clerk; and the Magistrates so attending shall form and be constituted a Court of Appeals, and shall take into consideration the merits of all Appeals to be lodged with the Collector previous to such meetings or sittings respectively, and shall either confirm the rate or amount of the Assessment so appealed from, or make such alteration therein, as the said Magistrates, or the majority of them present at such meetings, shall think fit, and shall award such reasonable sums as they shall deem proper to be paid as costs by the Appellants respectively, in case the rate or sum appealed from shall be confirmed: Provided, that such costs shall not exceed Five Shillings in the Pound, upon the amount of the rate or sum to be appealed from; and the order of the Magistrates shall be conclusive and binding upon all parties.

XI. And be it further enacted, That each and every Appellant shall pay and discharge the amount of the order so to be made by the majority of the Magistrates at any such meetings, within ten days after such meeting, together with such costs, if any, as shall be awarded—and if such Appellant or Appellants shall neglect or refuse to pay the said amount to the Collector, within ten days after such order shall have been made, it shall and may be lawful for the Collector and his assistants, to levy the amount thereof, by distress and sale of the Goods and Chattels of such defaulter, or of his, her or their joint surety or co-obligor in the Recognizance to be taken, as herein before is mentioned; and if no Goods or Chattels shall be found to answer the said amount, with costs, then the Collector is hereby authorized to levy the amount, by sale of a sufficient proportion of the defaulter's Lands, Tenements or Hereditaments, to answer and discharge such claim,

Appellant to pay
sum awarded
within ten days.

If no Goods or
Chattels, Collec-
tor may proceed
to sell the Lands,
giving thirty days
notice of the sale.

giving thirty days notice in writing of such sale: And in all cases where any Lands, Tenements or Hereditaments shall or may be sold by the Collector, by virtue of this Act, such Collector shall, and he is hereby required, to execute a Deed of Conveyance, at the expence of the purchaser, of the Lands, Tenements or Hereditaments so to be sold, which Deed of Conveyance shall operate effectually to assign, convey and make over the right, title and interest of the defaulter or defaulters in or to the Lands, Tenements or Hereditaments so to be sold, to the person or persons who shall purchase the same respectively.

Collector empowered to execute a Deed of Conveyance, and convey a good right to the purchaser.

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

Collector shall pay into the hands of the Treasurer all monies once in every three months, under a penalty of £10.

XIII. And be it enacted, That if any of the Nine Inhabitants, to be chosen as Assessors, at the meetings to be held respectively, shall refuse to serve in their respective offices, each person so

Assessors refusing to act shall forfeit 40s.

refusing shall forfeit and pay the sum of Forty Shillings, to be recovered by the Collector before any Magistrate, and paid to the Treasurer in aid of the Fund to be raised by virtue of this Act.

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

Assessors authorized and required to make improvements, and to render an account of monies received by them.

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

Assessors empowered to remove obstructions and present nuisances.

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

Treasurer authorized to pay monies to the Assessors.

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

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

Treasurer to receive monies raised under a former Act.

XVIII. And whereas a sum of money now remains in the hands of the Honorable *Robert Gray*, Treasurer, under an Act of the General Assembly of this Island, intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte Town*—Be it enacted, that the said sum shall be paid over to the Treasurer to be appointed by this Act, and shall form and constitute a part of the Fund to be raised under the same.

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

XIX. And whereas sundry Fire Buckets, and other implements and materials, have been heretofore procured, and a sum of money has been raised under and by virtue of an Act of the General Assembly of this Island, intituled *An Act for preventing Accidents by Fire, and for appointing Fire-Wards in Charlotte Town and the Suburbs thereof*—Be it enacted, that the Assessors to be appointed under and by virtue of this Act, shall have the power, and they are hereby required to demand, sue for, collect and receive, all such monies, if any, as shall or may be due under the Act last before mentioned, and also all such of the buckets, implements and materials, as shall have been furnished in pursuance thereof, and keep the same for the purposes in this Act mentioned.

Continuance of Act.

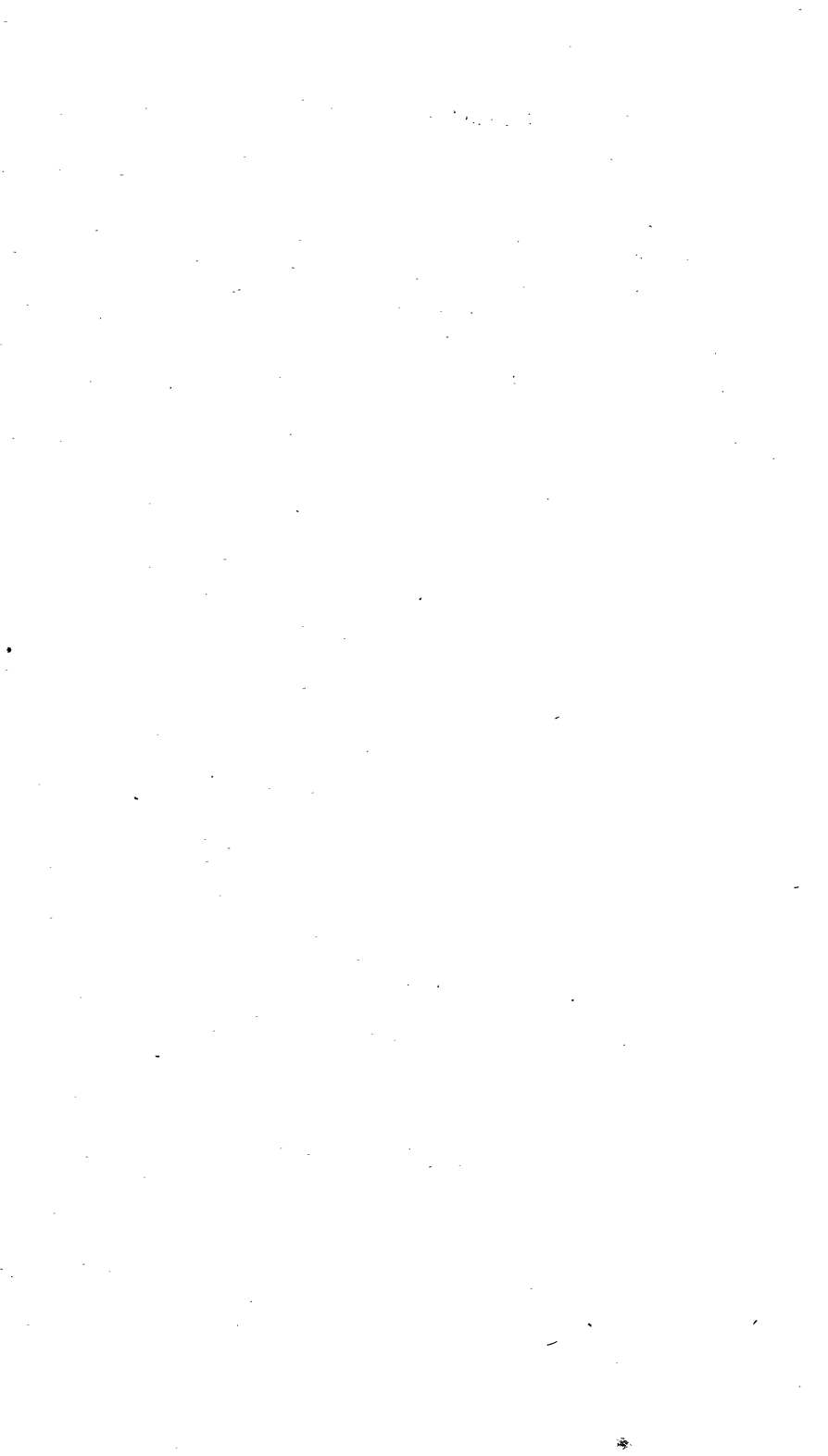
Further continued by 57 G. 3, c. 1.

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

CAP. VII.

An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh Year of His present Majesty's Reign, intituled *An Act for the purpose of defraying Contingent Expences of the General Assembly of this Island.*

Expired.



ANNO

QUINQUAGESIMO QUARTO

GEORGIUS III. REGIS.

At the General Assembly of His Majesty's 1813.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Tenth Day of *August*, C. D. SMITH,
Anno Domini 1812, in the Fifty-second Lieut. Governor.
Year of the Reign of our Sovereign Lord T. TREMLETT,
GEORGE the Third, by the Grace of President.
God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the J. CURTIS,
Faith: Speaker.

And from thence continued, by several Prorogations,
to the Fifteenth Day of *November*, 1813, and in
the Fifty-fourth Year of His said Majesty's Reign;
being the Second Session of the Ninth General
Assembly convened in the said Island.

CAP. I.

Repealed by 4
W. 4, c. 10.

An Act for better preventing Accidents by Fire
within *Charlotte Town*, and the Suburbs thereof.

CAP. II.

Executed.

An Act in addition to and amendment of an Act
for expediting the Printing of the Laws of this
Island.

ANNO
QUINQUAGESIMO SEPTIMO
GEORGI II. REGIS.

At the General Assembly of His Majesty's 1817.

Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Tenth Day of *August*, Anno Domini 1812, in the Fifty-second Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith:

C. D. SMITH,
Lieut. Governor.

T. TREMLETT,
President.

J. CURTIS,
Speaker.

And from thence continued, by several Prorogations, to the Eighth Day of *July*, 1817, and in the Fifty-seventh Year of His said Majesty's Reign; being the Third Session of the Ninth General Assembly convened in the said Island.

CAP. I.

An Act to continue an Act intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned.* 52 G. 3, c. 6.

WHEREAS an Act for raising a Fund, to make and keep in repair the Pumps, Wells and

Streets of *Charlotte Town*, and for other purposes therein mentioned, is nearly expired, and it is thought expedient to continue the same:

Recited Act continued until the 30th March, 1819.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the above recited Act, near expiring, be continued, and that every clause, matter and thing therein contained, shall be in full force until the Thirtieth day of *March*, One thousand eight hundred and nineteen, and no longer.

C A P. II.

Repealed by 3 W. 4, c. 27.

An Act to alter and amend an Act made and passed in the Twentieth Year of His present Majesty's Reign, intituled *An Act to prevent the cutting of Pine or other Trees, without permission of the Proprietor, and to prevent the cutting down and destroying of Fences.*

C A P. III.

An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors.

When one or more joint Debtors are absent out of the Island, Creditors may proceed to recover their debts by Mesne Process

WHEREAS Co-partners, and other persons, often contract Debts jointly, and some of such joint Debtors being resident out of the Island, or absent from it, the recovery of such Debts is thereby delayed and impeded: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That where Co-partners, or others, are and shall become jointly indebted by specialty or simple contract, to any person or persons, and any one or more of such joint Debtors shall be absent or resident out of the Island, the Creditor or Creditors,

in all Suits, in such cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court a Writ or Writs of Mesne Process, against all the said Co-partners or joint Debtors, which shall be served in the usual manner upon such of the Defendants as shall be within the Island; and which process so served shall be deemed as good and effectual, to all intents and purposes, as if the same had been served on all the said Co-partners or joint Debtors.

against all the joint Debtors—
May be served on such Defendants as are within the Island.

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

If the names of any joint Debtors are omitted in the Writ, or any within the Island not served with same, Court may abate the Writ, or stay proceedings.

III. And be it further enacted, That in all cases as aforesaid, the Plaintiff or Plaintiffs may file his, her or their Declaration against such of the Co-partners or joint Debtors as have been duly served with Mesne Process, and may suggest in the said Declaration that the other Co-partners or joint Debtors (*naming them*) were absent out of the Island, and without the Jurisdiction of the Court at the time of issuing the Process, and at the time of filing such Declaration; and thereupon the Plaintiff or Plaintiffs may proceed according to the usual practice of the Court, to obtain Judgment against the said Co-partners or joint Debtors, who have been so duly served with Process, in the same manner as is practised in England against a Defendant whose joint Debtor has been outlawed.

Plaintiff may file Declaration against such joint Debtors as have been served with Mesne Process, and may thereafter proceed to Judgment, as is practised in England against a Defendant whose joint Debtor has been outlawed.

IV. And be it further enacted, That it shall and may be lawful for the Plaintiffs, after Judgment re-

After Judgment, Plaintiff may take out Execution and levy the amount on the joint or separate property of said Debtors, or take their persons in satisfaction of the same.

Court may grant Imparlanee.

covered as aforesaid, to take out a Writ called a Statute Execution, and levy the amount on the Goods and Chattels, Lands and Tenements, the joint or separate property of the said Co-partners, or to take the person or persons of the said joint Debtors, or either of them, in satisfaction of the same: And provided always, that if any such Defendant shall make Affidavit that it is necessary for him to receive instruction or information respecting such Suit from his absent Partner or joint Debtor, and that he cannot safely proceed to the trial of the Cause without communication with the said Absentee, and that he is not seeking for delay only, it shall be lawful for the Court on application grounded on such Affidavit, or other sufficient cause shewn by Affidavit, to grant to the Defendant or Defendants such a reasonable Imparlanee as is allowed in common cases.

If any joint Debtor shall come into the Island before final determination of suit, he may be admitted to appear and defend the same.

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

If joint Debtor come into Island after final Judgment, Plaintiff who has not received full satisfaction may sue out *Scire Facias* against him.

Defendant may plead either in

VI. And be it further enacted, That if any such absent Debtor or Co-partner shall come into the Island after final Judgment given in any such Cause, it shall be lawful for the Plaintiff or Plaintiffs, in case he or they shall not have received full satisfaction on such Judgment, to sue out a *Scire Facias* against such last mentioned Co-partner or joint Debtor, requiring him to appear and shew cause why Execution should not be had against his person, or against his Goods and Chattels, Lands and Tenements, to satisfy the said Judgment, or whatever may remain due thereon; and such Defendant shall be

allowed to plead either in bar to the original Suit, or in answer to the said *Scire Facias*; and thereupon the Court shall proceed to try and determine the same, and to give Judgment as in other Causes instituted by such Writ.

Bar to original suit, or in answer to *Scire Facias*.

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

Nothing herein to prevent proceedings against absent Debtors, under Act of 20 G. 3, c. 9.

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

Duration of Act.

* This Act was further continued for five years by 1 G. 4, c. 2., and made perpetual by 6. G. 4, c. 1.

CAP. IV.

An Act to regulate the Admission of Barristers, Attornies and Solicitors.

WHEREAS it is of great public importance, that persons practising the profession of the Law should be regularly educated, and properly qualified to perform the duties of their employment:

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act, every person who shall apply to be admitted as a Barrister or Attorney in the Supreme Court of Judicature, or as a Barrister or Solicitor in the Court of Chancery, shall have served *bona fide* as an articled Clerk for the space of Four Years at least in the Office of one of the Barristers, Attornies or Solicitors of the said Courts; or shall produce authentic Documents to prove his having

Qualifications of persons applying to be admitted Barristers &c. in Supreme Court or Court of Chancery.

been called to the Bar in *Great Britain* or *Ireland*, or in the Colonies, or of his being qualified to be so called; or of his having been admitted to practise as an Attorney or Solicitor in one of the Superior Courts of Law or of Equity in *Great Britain* or *Ireland*, or the Colonies, or of his being qualified to be so admitted, according to the Rules and Regulations of such Courts.

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

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

Proviso, as to persons who have already qualified.

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

CAP. V.

Repealed and re-enacted, with amendments, by 1 G. 4, c. 3.

An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for regulating the Measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same*; and for declaring what shall be deemed Merchantable Timber for Exportation.

ANNO

QUINQUAGESIMO NONO

GEORGI II. REGIS.

At the General Assembly of His Majesty's 1818.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Third Day of *Novem-*
ber, *Anno Domini* 1818, in the Fifty-
ninth Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the
Faith: C. D. SMITH,
Lieut. Governor.
T. TREMLETT,
President.
A. MACAULAY,
Speaker.

Being the First Session of the Tenth General
Assembly convened in the said Island.

C A P. I.

An Act for raising a Fund, to build Gaols and Court Houses, and for appointing Commissioners to carry the same into effect. Passed with a sus-
pending clause,
and did not re-
ceive the Royal
Allowance.

CAP. II.

An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.

WHEREAS every Act of the General Assembly, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly in which such Act is passed; and whereas the same is liable to produce great and manifest injustice: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Clerk of the Council shall endorse in *English*, on every Act of the General Assembly which shall pass after the Third day of *November*, One thousand eight hundred and eighteen, immediately after the Title of such Act, the Day, Month and Year when the same shall have passed, and shall have received the Governor, Lieutenant Governor, or Commander in Chief's assent; and such endorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

Clerk of Council to endorse on every Act the day, month and year, when the same shall receive the Governor's assent, which shall be the date of its commencement.

CAP. III.

An Act to limit the Duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned.

WHEREAS the Terms of the Supreme Court of Judicature of this Island are not limited to any fixed periods of time, and grievous delays, burthens and expences have been occasioned to Suitors, Jurors, Witnesses, and others, attending the said Court, by reason of the extension of the Sessions of the same:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly of this Island, and by the authority of the same, That the Term of the said Court known and distinguished by the name of *Hilary Term*, shall begin and take its commencement on the Third *Tuesday* of *February*,* yearly, as by Law established; and shall continue and endure for the space of Fourteen Days, and no longer; and that the Term of the said Court known and distinguished as *Trinity Term*, shall begin and have its commencement on the last *Tuesday* of *June* yearly, as by Law established, and shall continue and endure for the space of Fourteen Days, and no longer; and that the Term of the said Court known and distinguished as *Michaelmas Term*, shall begin and have its commencement on the last *Tuesday* of *October*, yearly, as by Law established, and shall continue and endure for the space of Seven Days, and no longer.

Hilary Term to commence the third *Tuesday* in *February*, and continue 14 days.

Trinity Term to commence the last *Tuesday* in *June*, and continue 14 days.

Michaelmas Term to commence the last *Tuesday* in *October*, and continue 7 days.

II. And be it further enacted, That every Juridical day during the said Terms of *Hilary*, *Trinity*, and *Michaelmas*, shall be a Return day, for all Writs and Processes awarded by the said Court.†

Return days for Writs, &c.

III. And be it further enacted, That no Trial by Jury whatsoever shall take place in either of the said Terms of *Hilary* and *Trinity* after the expiration of the first Ten Days from the commencement of the said respective Terms.

No trial by Jury to take place in *Hilary* or *Trinity* Terms after the first 10 days.

* Altered to the First *Tuesday* in *January*, by 3 W. 4, c. 12, s. 6.

† Twenty successive days allowed for return of Writs, (exclusive of *Sundays*) by 3 W. 4, c. 12, s. 10—commencing with the First day of each Term, in K. & P. Counties.

CAP. IV.

An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That in all civil causes which

Justices of Supreme Court to issue Commissions for taking depositions of Witnesses residing out of this Island.

Depositions so taken to be read as evidence *de bene esse*.

Costs to be taxed and paid by the party discontinuing or losing suit;

if otherwise, to be paid by party obtaining commission.

Continuance of Act. Made perpetual by 9 G. 4, c. 6.

may at any time after the passing of this Act be depending and at issue in the Supreme Court of Judicature of this Island, in which either party shall be desirous to take the depositions of Witnesses residing out of this Island, to be read as evidence in such causes, it shall and may be lawful for the said Court, in Term time, or for any one of the Justices of the same, in vacation, upon sufficient cause being shewn, by affidavit made by or on the behalf of the party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court, for taking such depositions, in such manner, and under such rules, restrictions and regulations, as the said Court, by any rules and orders for that purpose, shall direct and appoint: and such depositions so taken shall be read in evidence as depositions taken *de bene esse* at the Trial of such causes; and the costs attending the issuing such Commissions and taking such depositions shall be taxed, and shall be paid by the party who shall afterwards discontinue any such suit, or against whom any final Judgment therein shall be given. Provided that the Judge or Officer taxing such costs shall be of opinion that such Commission was necessarily issued, and that the depositions taken thereunder were material to the matter in issue, in favour of the party who desired the same—but if otherwise, such costs shall be paid by the party obtaining the Commission.

II. And be it further enacted, That this Act shall remain and be in force for and during the Term of Five Years from and after the passing thereof, and no longer.

C A P. V.

An Act for regulating Juries, and further declaring the Qualifications of Jurors.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That no Sheriff or Bailiff shall return any person to have been summoned

as a Grand or Petit Juror, to serve in this Island, unless such person shall have been duly summoned six days before the day of appearance, and shall have resided in this Island for the space of six months next before such summons; and in case any Juror be absent from his habitation, notice of such summons shall be given, by leaving a note in writing under the hand of such Officer, at the dwelling of such Juror, with some person there inhabiting.

Jurors to be summoned six days before the day of appearance; and shall have resided six months in the Island.
If absent, notice to be left in writing.

II. And be it further enacted, That an equal number of Grand and Petit Jurors shall be summoned as aforesaid from each County of this Island, except in cases of Special Juries.*

An equal number of jurors to be chosen from each County, except on Special Juries.

III. And be it further enacted, That if any Cause, Criminal or Civil, cannot be tried when called on in Court for default of Jurors, the Justices of the Court shall have authority to command the Sheriff to summon so many other proper persons (not liable more than once in a year), of any County in this Island, to attend forthwith, as will make up a full Jury for the trial of such cause.

When sufficient number of Jurors shall not appear, Sheriff to summon other persons.

IV. And be it further enacted, That upon motion made in the Supreme Court in behalf of His Majesty, or on the motion of any Prosecutor or Defendant in an Indictment or Information for any Misdemeanor, or Information in the nature of a *quo Warranto*, or on motion of any Plaintiff or Defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper Officer, for the trial of any issue, in such manner as Special Juries are usually struck in the said Court upon Trials at Bar: And in all cases the party who shall apply for a Special Jury shall not only pay the Fees for striking such Jury, but shall also pay all the expences occasioned by the trial of the cause by such Spe-

Special Juries, how to be struck.

Expence of Special Jury to be paid by the party applying for the same.

* This clause altered by 3 W. 4, c. 12, s. 4, which enacts that no person shall be summoned as a Jurymen out of his own County.

cial Jury, and shall not have any other allowance for the same, upon taxation of costs, than such party would be entitled unto in case the cause had been tried by a Common Jury.

For non-attendance Grand Juror to be fined not more than £5, nor less than 40s.

V. And be it further enacted, That every person so summoned as aforesaid to serve as a Grand Juror, and who shall not appear after being openly called three times, upon oath made by the summoning officer that such person so making default had been lawfully summoned, shall forfeit and pay for such default such Fine, not exceeding the sum of Five Pounds, nor less than Forty Shillings, as the Judge or Judges presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by oath, affidavit, or affirmation, to the satisfaction of the said Judge or Judges: and that every Petit Juror so summoned as aforesaid to attend at any Court of Record in this Island, and making default, on proof so as above set forth of their being legally summoned, shall forfeit and pay for every such default the sum of Five Shillings, unless some reasonable cause by proof as above directed be assigned to the satisfaction of the Judge or Judges who sit to try the cause. Provided always, that the amount of the said Fines, to be levied on each Petit Juryman for the several defaults at one Term, shall not exceed the sum of Three Pounds.

Petit Jurors for every default, to be fined 5s.

Proviso.

No Juror liable to serve oftener than every third issuable Term.

VI. And be it further enacted, That no Grand or Petit Juror shall be liable to be summoned oftener than every third issuable Term.

Members of Council exempt from serving as Jurors.

VII. Provided always, and be it enacted, That the Members of His Majesty's Council shall be excused from serving as Jurors.

Duration of Act. Continued by 5 G. 4, c. 7, and 9 G. 4, c. 2.

VIII. And be it further enacted, That this Act shall continue and be in force for and during the term of Three Years from and after the passing thereof, and further until the end of the next Session of the General Assembly, and no longer.

CAP. VI.

An Act to amend and repeal certain parts of an Act intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections;'* and to regulate Elections for Members to serve in General Assembly in future.

Passed with a suspending clause, and did not receive the Royal allowance.

CAP. VII.

An Act to regulate the Sale of the Interest of Leaseholders when taken in Execution.

WHEREAS Leases and Terms for Years in this Island are liable to be sold under Execution, the same as Goods and Chattels, which has often produced great inconvenience: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Leasehold Interest, or Term of Years, in any Lands, Tenements or Hereditaments, hereafter to be taken in Execution, within this Island, shall be exposed to sale until the expiration of Six Calendar Months* after the same shall have been so taken in Execution.

No Leasehold Interest taken in execution to be sold until the expiration of six months.

II. And be it further enacted, That whenever any Leasehold Interest, or Term of Years, shall be taken in Execution, the Sheriff, Coroner, or other proper Officer, to whom such Writ of Execution shall be directed, shall duly advertise the same for sale, pursuant to this Act, and in the manner directed by Law in such cases, respecting Freehold or Real Estates taken in Execution within this Island.

Sheriff shall advertise the same for sale.

III. And be it further enacted, That if the Premises so taken in Execution, or any part thereof,

* Altered to Twelve Months, by 6 G. 4, c. 7.

If premises are under-let, under-Tenant to be notified to attorn to the plaintiff.

Plaintiff, before the determination of suit, to have power to recover so much of the Rents payable by Under-Tenant as will satisfy the Execution.

shall have been previously underlet by the Defendant or Defendants named in any such Writ of Execution, to any Under-Tenant or Under-Tenants whose Term or Terms shall not have expired at the time of such Execution being levied, then the Sheriff, Coroner, or other proper Officer, shall notify such Under-Tenant or Under-Tenants, that he, she or they must attorn and become Tenants to the Plaintiff or Plaintiffs named in the Writ of Execution; and the said Plaintiff or Plaintiffs shall from thenceforth, until sale or other sooner determination of the suit, have the like power and authority to recover and receive the Rents payable by such Under-Tenant or Under-Tenants, or so much thereof as will satisfy the Execution, as the Defendant or Defendants named in such Writ had before; and such Under-Tenant or Under-Tenants shall stand absolutely discharged of and from the claims of such Defendant or Defendants, for so much Rent as he, she or they shall pay as aforesaid, and which shall be received in liquidation of the levy marked on such Execution.

When Terms of Years are taken in Execution, Sheriff to return the Writ within 8 days after levy made.

Proviso.

IV. And be it further enacted, That in all cases where Terms of Years are taken in Execution under or by virtue of any Writ issuing out of the Supreme Court of Judicature of this Island, or out of any other Court competent, the Sheriff to whom such Writ is directed shall return the same into the said Court from which it issued within eight days after the so taking any Term of Years in Execution as aforesaid, notwithstanding any other return day in such Writ contained. Provided, that no Covenant, Agreement, or Proviso, in any such Lease or other Instrument, shall prevent the Interest of any such Leaseholder as aforesaid from being sold in terms of this Act, to pay his or her just debts; nor shall the sale thereof as aforesaid, in any case be a forfeiture of such Lease, any thing contained in such Lease or Instrument to the contrary notwithstanding.

V. And be it further enacted, That it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, at the time allowed by this Act, to expose to sale the Interest of any such Leaseholder as aforesaid; and the same shall thereupon be put up to fair Auction, and shall be sold to the highest bidder, who shall be declared the purchaser; and the Sheriff, Coroner, or other proper Officer, shall forthwith execute to such purchaser, at his (the purchaser's) expence, an absolute Deed of Sale or Assignment of such Leasehold Interest, reciting therein the Execution under which the same may have been sold, which Deed or Assignment shall be good and sufficient in Law to transfer such Leasehold Interest unto such purchaser, his executors, administrators and assigns; and it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, after such Deed or Assignment shall have been so executed, to enter into the Premises specified in such Deed or Assignment, and to put the purchaser into quiet and peaceable possession thereof.

Sheriff, &c. to expose to sale the Interest of Leaseholder at auction.

Sheriff, &c. to execute a Deed transferring such Leasehold Interest unto Purchaser.

VI. And be it further enacted, That this Act shall continue and remain in force for and during the space of Seven Years, from and after the passing thereof, and from thence until the end of the next Session of the General Assembly of this Island, and no longer.

Duration of Act. Continued and amended by 8 G. 4, c. 7.

CAP. VIII.

An Act for the better regulation of Merchant Seamen; and to repeal part of an Act passed in the Fiftieth Year of His present Majesty's Reign, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent harbouring Deserters from Ships in the Merchant Service.*

WHEREAS great loss and damage is frequently occasioned to Trade and Navigation by Sea-

No attachment
or Process for
Debt to be ser-
ved upon any
shipped Seaman.

men deserting their employ, or voyages they are entered upon, or being taken off from the same by arrest for debt, or pretence thereof: For remedy— Be it enacted, by the Lieutenant Governor, Council and Assembly, That if any Inn-keeper or seller of Rum and other strong Liquors, Shop-keeper, or any other person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the knowledge and allowance of the Master or Commander thereof, in any sum of money, no *Capias*, Arrest, or any other Process for any Debt so contracted without the knowledge and allowance as aforesaid, shall be granted against or served upon the person of such Mariner or Seaman, until he shall have performed the voyage he is then entered upon, and be discharged of the same; and every Process issued contrary to this Act shall be deemed and adjudged utterly void in Law; and any one Justice of the Court from whence such Process shall issue, to whom it shall be made to appear that any Mariner or Seaman is committed or restrained upon Process granted for any such Debt, or pretence of Debt, made whilst he was engaged and actually entered and in pay on any voyage, shall forthwith order his release, upon filing common bail to the action.

Persons hiring or
concealing any
Seaman, knowing
him to have deser-
ted, to forfeit
£20.

II. And be it further enacted, That if any Master or Commander of any Ship or Vessel, or any other person or persons, shall hire or engage, harbour or conceal, any Seaman, Mariner, or other person, who shall have signed any former contract or articles, knowing him to have deserted from any Ship or Vessel within this Colony, every such Master, Commander, or other person or persons so offending, and being thereof convicted, shall forfeit and pay the sum of *Twenty Pounds*, to the use of the party aggrieved—to be sued for in any Court of Record proper to try the same; in which Action or Suit the Defendant or Defendants may be held to Special Bail, on an Affidavit being duly made and filed of the cause of

action; and such Seaman, Mariner, or other person, who shall desert at any time during the voyage on which he is engaged by written contract, or articles, shall, over and above all penalties and forfeitures to which he is now by Law subject, forfeit all the Wages he may have agreed for, or be entitled to during the voyage, from the Master or Owner of the Ship or Vessel on board of which he shall have entered after such desertion, to the use of the owner or owners of such Ship or Vessel as he shall have deserted from.

Any Seaman deserting during a voyage, to forfeit, over and above the penalties, all the wages he may be entitled to during that voyage.

III. And be it further enacted, That if any Mariner or Seaman, having shipped himself on board any Ship or Vessel which hath been launched, or is actually preparing for sea to proceed on any voyage, and under pay, shall neglect his attendance and duty on board, or absent himself from his said service, upon complaint thereof made on oath by the Owner, Master, or other Officer of the said Ship or Vessel, to any Justice of the Peace within the same County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him, by Warrant, and upon conviction of his absenting himself as aforesaid, to commit to prison, that he may be secured and forthcoming to proceed on the voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same County; and all necessary charges attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner or Seaman's Wages, as the same becomes due. Provided always, that no Seaman shall be bound, by entering or shipping himself on board of any Ship or Vessel, unless the agreement shall be in writing, and declare what Wages such Seaman is to have for so long a time as he shall ship himself for, and also express the voyage or time for which such Seaman was shipped—any thing herein before to the contrary notwithstanding.

Penalty on Seamen for neglect of duty.

Seamen not bound unless agreement be in writing.

IV. And be it further enacted, That so much and such part of an Act of Assembly of this Island,

Repealing Clause.

50 G. 3, c. 3.

made and passed in the Fiftieth Year of His present Majesty's Reign, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service*, as relates to Merchant Seamen, be, and the same is hereby repealed.

Limitation of Action.

V. And be it further enacted, That no Action or Suit for any Penalty inflicted by this Act, shall be commenced after the expiration of Two Years from the time when the offence was committed.

C A P. IX.

An Act for Barring Estates Tail.

WHEREAS there is no Law in this Island whereby Estates Tail, or in Reversion or Remainder, may be barred, or defeated, or enlarged into Estates in fee simple, other than by levying Fines, or by suffering common Recoveries, the process of which, and of making and executing Deeds to lead to the uses, or to declare the uses, of such Recoveries, are attended with heavy expence, and with delays that are often injurious:

Deeds made and executed by Tenant in Tail, acknowledged before Chief Justice, &c. shall be as valid in Law,

to pass all Estate, right, title, &c. of the party to such Deed,

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly of this Island, and by the authority of the same, That a Deed in due form of Law made and executed, of any Lands, Tenements or Hereditaments within this Island, by any Tenant in Tail, acknowledged before the Chief Justice, or any of the Assistant Judges of the Supreme Court of Judicature of this Island, shall, to all intents and purposes, be as effectual and valid in the Law, to pass all Estate, Right, Title, Interest, and claim of the party to such Deed in or to such Lands, Tenements and Hereditaments, by such Deed granted,

conveyed, or made over to the Grantee or Bargainee, in such Deed made over, his heirs and assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders and Reversions, touching and concerning such Lands, Tenements and Hereditaments, as if the party so granting or conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements and Hereditaments, according to the Laws of *England*, duly levied in the Court of Common Pleas at *Westminster*, with Deeds properly executed to lead the uses, or declare the uses, of such Fine or Recovery of Lands, Tenements and Hereditaments lying and being in *England*. Provided always, that where such Deed of Conveyance shall be executed by *Baron* and *Feme*, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form and manner provided by an Act of the General Assembly of this Island, of the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Coverture*; and such Deed of Conveyance so acknowledged shall be as good and valid in Law as if the same had been made by a *Feme sole*, or as if such married woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of *Great Britain* called *England*, and shall effectually bar her Dower in such Lands, Tenements and Hereditaments.

as if the party so granting or conveying, had levied a Fine with Proclamation, or suffered a common recovery of such Lands, &c. according to the Laws of *England*.

Proviso,

Where Deed of Conveyance shall be executed by *Baron & Feme*, to be acknowledged in manner provided by 36 G. 3, c. 3,

and to be as valid in Law as if the same had been made by *Feme sole*.

II. And be it further enacted, by the authority aforesaid, That all Deeds in due form of Law made and executed in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments in this Island, by Tenant in Tail, and acknowledged within Three Months of the time of executing the same, before any one of the Justices of the Court of Common Pleas in *England* or *Ireland*, or any one of the Lords of Session in *Scotland*, or any Chief Justice or Assistant Justice

All Deeds, &c. how to be executed and acknowledged by Tenant in Tail out of this Island.

of the Supreme Court in the Colonies, shall be as effectual and valid in the Law to pass all Estate, Right, Title, Interest, and claim of the party to such Deed, in or to such Lands, Tenements and Hereditaments by such Deed or Conveyance granted, made over, or conveyed, to the Grantee or Bargainee in such Deed made over, and his heirs and assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders or Reversions, touching or concerning such Lands, Tenements and Hereditaments, as if the party so granting and conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements and Hereditaments, according to the Laws of *England*, duly levied in the Court of Common Pleas at *Westminster*, with Deeds properly executed to lead the uses, or declare the uses, of such Fine or Recovery of Lands, Tenements and Hereditaments lying and being in *England*. Provided always, that when such Deed of Conveyance shall be executed by *Baron* and *Feme* in *Great Britain* or *Ireland*, or in any of His Majesty's Colonies, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form provided by the aforesaid Act of the General Assembly of this Island, made and passed in the Thirty-sixth Year of His present Majesty's Reign, intituled *An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Cverture*; and such acknowledgment may be taken within Three Months of the time of executing the same, before any one of the Justices of His Majesty's Court of Common Pleas in *England* or *Ireland*, or any one of the Lords of Session in *Scotland*, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, or any Justice of the Peace in *Great Britain* or *Ireland*, or the Colonies; and such Deed of Conveyance so acknowledged shall be as good and valid in the Law as if the same had been made by a *Feme sole*, or as if such married woman had joined in levying a Fine according to the Law

Proviso.

36 G. 3, c. 3.

and practice in that behalf made and used in that part of *Great Britain* called *England*, and shall effectually bar her Dower in such Lands, Tenements and Hereditaments.

III. And be it further enacted, by the authority aforesaid, That no Deed or Instrument, executed as aforesaid, shall have any force or effect excepting against the party granting it, until the same, or a memorial thereof, shall be duly registered in the proper Office for Registry of Deeds within this Island.

Deed or Instrument executed as aforesaid to be registered.



ANNO PRIMO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1820.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Twenty-fifth Day of C. D. SMITH,
July, *Anno Domini* 1820, in the First Lieut. Governor.
Year of the Reign of our Sovereign Lord T. TREMLETT,
GEORGE the Fourth, by the Grace of President.
God, of the United Kingdom of *Great* A. MACAULAY,
Britain and *Ireland*, King, Defender of the Speaker.
Faith:

Being the First Session of the Eleventh General
Assembly convened in the said Island.

CAP. I.

An Act for more effectually securing the Title of
Purchasers and Incumbrancers of Real Estates
against claims of Dower.

Disallowed by
His Majesty in
Council 9th June,
1821.

C A P. II.

The Act of 57
G. 3, c. 2,
continued by this Act,
is made perpetual
by 6 G. 4, c. 1.

An Act to continue an Act to enable Creditors more easily to recover their Debts from Co-partners and Joint Debtors.

C A P. III.

An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.

All Ton Timber
for exportation to
be straight lined
and well squared,
&c.

BE it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, that all hewed Ton Timber, made for exportation, shall be straight lined, well squared, and square butted at both ends; and shall be free from all marks of scoring, rots, splits and worm holes, which may be detrimental to the same; and shall not have more than one perpendicular inch of wain upon an average thereon.

What shall be
deemed Mer-
chantable Tim-
ber.

II. And be it further enacted, by the authority aforesaid, That no Pine, Spruce or Hemlock Ton Timber shall be less than twelve feet in length, nor any Birch or other Hardwood Ton Timber, less than ten feet in length, nor shall any Ton Timber be considered Merchantable, unless the same shall square at least eleven inches—and where the Timber shall not exceed the length of sixteen feet, it shall be of equal dimensions at both ends.

Boards, Plank
and Scantling for

III. And be it further enacted, That all Boards, Plank and Scantling, for exportation, shall, before

they are shipped, be surveyed by a sworn Surveyor; and all Merchantable Boards and Plank shall be square edged and of equal thickness throughout, and shall not have any rots, splits, or knot holes therein, and shall have the full contents marked thereon; and that all Scantling, whether sawed or hewed, shall be sound, properly squared, parallel and square butted, and shall have the contents in running feet marked on each piece.

exportation, to be surveyed: What shall be deemed Merchantable.

IV. And be it further enacted, That all Shingles, which may hereafter be exposed for sale, of the length of eighteen inches, shall be of Pine or Cedar Wood, and free from sap, shakes, and worm holes, at least four inches broad upon an average, well shaved, and at least three eighths of an inch thick at the butt end; and all Shingles of the length of three feet shall be at least four inches broad, and half an inch thick at the butt end—each bundle shall be twenty inches broad, and shall have twenty-five courses at each end: and all unmerchantable Shingles found in such bundles shall be burnt, and the residue thereof be sold at public auction, and the money arising from such sale shall be returned to the owner, first deducting therefrom the charge of culling, surveying, telling and selling.

What shall be deemed Merchantable Shingles.

How bundles wherein unmerchantable Shingles are found shall be disposed of.

V. And be it further enacted, That all Wood designed for Fuel, commonly called Cord Wood, which may hereafter be exposed for sale in this Island, shall be at least four feet long each stick, counting half the scarff, four feet high, eight feet long, well piled, of good and sound Hardwood; and so much of the same as shall be found deficient in quality shall be forfeited.

Qualities of Merchantable Cordwood for Fuel—

If found defective to be forfeited.

VI. And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint as many fit and proper persons to be Surveyors as he may deem expedient to carry the pur-

Governor, &c. to appoint Surveyors, who shall be sworn.

poses of this Act into full effect, and the said Surveyors so appointed shall take the following Oath, *videlicet*:

Surveyors' Oath.

'**I A. B.** do swear, that I will diligently and faithfully discharge and execute the office of Surveyor of Lumber, for the whole time I may continue in my said office, according to Law, without fear, favour or affection.'

Allowance to Surveyors, one half to be paid by the seller, the other half by the purchaser:

VII. And be it further enacted, That the Surveyors of Timber shall be entitled to receive two pence *per* Ton for surveying the same, three pence *per* mile for every mile they shall necessarily travel, in coming to and going from the place of performing such duty, and at the rate of five pence for every thousand Shingles surveyed, and at the rate of two shillings for every thousand feet of Boards or Plank, and at the rate of two pence for every hundred feet of Scantling, and at the rate of six pence *per* Cord for every Cord of Hardwood surveyed: And such Surveyor shall in all cases measure Ton Timber by the girth, one quarter part of the girth to be taken as the side of the square—one half of the said Fees to be paid by the seller, and the other half by the purchaser.

Ton Timber to be measured by the girth.

Penalties on Surveyors acting contrary to this Act.

VIII. And be it further enacted, That if any Surveyor, after the passing of this Act, shall certify as Merchantable any Timber, Boards, Plank, Scantling Shingles, or Cord Wood, contrary to this Act, he shall forfeit, for every Ton of Timber the sum of Ten Shillings; for every one thousand feet of Boards or Plank, the sum of Forty Shillings; for every one hundred feet of Scantling, the sum of Five Shillings; for every one thousand Shingles, the sum of Five Shillings; and for every Cord of Cord Wood the sum of Five Shillings. Provided always, that nothing in this Act contained shall extend to such Timber as shall have been proved,

on oath of one credible Witness, to have been cut down and hewed on or before the passing of this Act.

IX. And be it further enacted, That all Fines and Forfeitures incurred under and by virtue of this Act, shall be recovered, if under Five Pounds, before one or more of His Majesty's Justices of the Peace; and if above Five Pounds, by Bill, Plaint or Information, in any Court of Record in this Island.—the one half to the use of His Majesty, his Heirs and Successors, and the other half to him, her or them who shall sue for the same. Provided, that all offences committed against the provisions of this Act shall be prosecuted within Six Months after the time the offence shall have been committed.

Fines and Forfeitures how recoverable.

Prosecutions to be within six months.

X. And be it further enacted, That an Act made and passed in the Fourteenth Year of His late Majesty's Reign, intituled *An Act for regulating the measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same*; and also an Act made and passed in the Fifty-seventh Year of His late Majesty's Reign, intituled *An Act for repealing certain parts of an Act made and passed in the Fourteenth Year of His present Majesty's Reign, intituled 'An Act for regulating the measure of Boards, and all other kind of Lumber, and for appointing Officers to survey the same,' and for declaring what shall be deemed Merchantable Timber for Exportation*, and every clause, matter and thing therein contained, be, and the same are hereby repealed.

14 G. 3, c. 3.

57 G. 3, c. 5.

Recited Acts repealed.

XI. And be it further enacted, That this Act shall continue and be in force for and during the space of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Act to continue for Five Years. Further continued by 6 G. 4, c. 2; and 3 W. 4, c. 6.



ANNO QUINTO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1825.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Fifteenth Day of
January, Anno Domini 1825, in the Fifth
Year of the Reign of our Sovereign Lord
GEORGE the Fourth, by the Grace
of God, of the United Kingdom of *Great*
Britain and Ireland, King, Defender of the
Faith: J. READY,
Lieut. Governor.
C. WORRELL,
President.
J. STEWART,
Speaker.

Being the First Session of the Twelfth General
Assembly convened in the said Island.

CAP. I.

An Act to establish a Reward for the killing of
Bears and Loupcerviers. Expired.

CAP. II.

Expired.

An Act for the preservation of Oysters.

CAP. III.

An Act to amend certain parts of an Act intituled *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town*, by the appointment of Hog Reeves.

WHEREAS the before mentioned Act, as far as respects the running at large of Hogs through the Streets of *Charlotte Town*, has been found inefficient, inasmuch as no provision is made in and by the said Act for the appointment of Hog Reeves:

Lient. Governor on first Monday in January annually, to appoint four Hog Reeves.

Persons refusing to serve shall forfeit £5, to be levied by Warrant of Distress.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for His Excellency the Lieutenant Governor, from and immediately after the passing hereof, and on the first *Monday* in *January* in each year hereafter, to nominate and appoint Four fit and proper persons within the said Town of *Charlotte Town*, to be Hog Reeves within the said Town; and the person or persons who shall refuse to serve in the said office shall forfeit and pay the sum of Five Pounds each, to be recovered before any two of His Majesty's Justices of the Peace for the said Town, and to be levied by Warrant of Distress and sale of the Goods and Chattels of such person or persons so refusing to serve in the said office; and the Lieutenant Governor is hereby authorized to nominate and choose other persons to serve in their stead.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for any of the said Hog Reeves to seize and take up, or cause to be taken up, all Hogs found at large in *Charlotte Town*, and to sell and dispose of the same at public auction; and all persons obstructing by any way or manner whatsoever the said Hog Reeves in the execution of their duty, shall forfeit and pay a fine not exceeding Five Pounds, nor less than Forty Shillings, to be recovered before any one of His Majesty's Justices of the Peace, and to be levied of the offender or offenders' goods and chattels, by warrant of distress; and in the event of the offender or offenders not having goods and chattels whereon to levy the said fine, then the said Justice of the Peace is hereby authorized and empowered to commit the said offender or offenders to the Jail of *Charlotte Town*, for a space not exceeding Thirty days, nor less than Fourteen.

Hog Reeve shall seize all Hogs found at large in *Charlotte Town*, and sell same at Auction.

Persons obstructing Hog Reeves shall forfeit not more than £5 nor less than £2, or be imprisoned for not more than thirty days nor less than fourteen.

III. And be it further enacted, by the authority aforesaid, That the owner or owners of all Hogs found running at large within the said Town, shall, over and above the forfeiture of such Hogs, pay a fine of Twenty Shillings for every such Hog so found running at large—to be recovered before any one of His Majesty's Justices of the Peace for the said Town, and to be levied by warrant of distress of the goods and chattels of such owner or owners.

Hogs found at large to be forfeited, and owners fined 20s.

IV. And be it further enacted, by the authority aforesaid, That if the said four persons, or any of them, so to be appointed Hog Reeves within the said Town, shall neglect or refuse to perform the duties of the said office, by taking up all Hogs found running at large within the said Town, and disposing of the same in the manner hereinafter prescribed, and prosecuting the owner or owners of such Hogs, in the manner herein-before men-

Hog Reeves for neglect of duty to forfeit 40s.

How to be recovered.

tioned, every Hog Reeve so neglecting or refusing to perform such duties, shall forfeit and pay the sum of Forty Shillings, to be recovered in manner last aforesaid.

All forfeitures under this Act to be paid, one half to the Hog Reeve and the other half for repairing Pumps and Wells.

V. And be it further enacted, by the authority aforesaid, That all Fines and Forfeitures recoverable under and by virtue of this Act, after deducting all costs and expences incurred, shall be disposed of in manner following—one half to the Hog Reeve, and the remaining moiety to be paid unto the Treasurer of this Island, to be applied towards the keeping in repair the public Pumps and Wells of *Charlotte Town*.

Continuance of Act. Further continued by 9 G. 4, c. 2.

VI. And be it further enacted, by the authority aforesaid, 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.

CAP. IV.

Executed.

An Act for the Relief of *Michael Burk*, an Insolvent Debtor.

CAP. V.

Expired.

An Act for the Encouragement of Education in the different Counties and Districts in this Island.

CAP. VI.

Recited Act made perpetual by 9 G. 4, c. 6.

An Act to revive and continue an Act intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island*.

CAP. VII.

An Act to continue an Act intituled *An Act for regulating Juries, and further declaring the Qualifications of Jurors.* Further continued by 9 G. 4, c. 2.

CAP. VIII.

An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings. Amended by 9 G. 4, c. 7; Repealed by 8 W. 4, c. 27.

CAP. IX.

An Act to prevent the using or taking away Boats, Flats or Canoes, without the consent of the Owners.*

BE it enacted, by the Lieutenant Governor, Council and Assembly, That any person or persons who shall, after the passing of this Act, use or take away any Flat or Canoe, or any Boat of fourteen feet of keel or under, fastened or moored at any place within this Island, without a felonious intent, and without the consent of the owner or owners of the same, shall, on proof of such using and taking away, before any one of His Majesty's Justices of the Peace for this Island, forfeit and pay to the owner, for each such offence, the sum of Twenty Shillings, over and above any loss or damage sustained by the said owner or owners—to be recovered before the said Justice of the Peace, if laid at Five Pounds or under, with reasonable costs; and if above Five Pounds, to be recovered in the Supreme Court of Judicature.

Persons taking away any flat, canoe, or boat of 14 feet keel or under, without permission, shall forfeit 20s. over and above any loss or damage sustained by owner.

How to be recovered.

* As to the felonious taking away or robbing of Boats, Canoes, &c. see 33 G. 3, c. 1, s. 39.

C A P. X.

An Act to prevent the Destruction of Sheep by
Dogs.

Dog killing any Sheep or Lamb, Owner shall cause the same to be killed, and be liable to pay Owner of Sheep or Lamb the full value thereof.

Mode of recovery.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That if any Dog or Dogs shall kill any Sheep or Lambs within this Island, the owner of such dog, upon complaint and conviction thereof before any Justice of the Peace, shall cause the same to be immediately killed, and shall be liable to pay the owner of such Sheep or Lambs the full value thereof—to be recovered before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, who is hereby authorized finally to determine the same, provided the sum so to be recovered does not exceed the sum of Five Pounds; and on non-payment thereof within three days after judgment shall be given, to issue his warrant to the next Constable to distrain so much of the offender's goods and chattels as may be sufficient to discharge the same, with the charges arising thereby, and to sell such goods at public auction, returning the overplus (if any there be) to the owner or owners thereof.

Penalty of £5 for refusing to kill such dog: to be recovered before one Justice, and levied by distress &c.

For want of distress, offender to be imprisoned not less than 14 days, nor more than one month.

II. And be it further enacted, by the authority aforesaid, That in every case where the owner of a dog shall neglect or refuse to kill such dog so having killed a sheep as aforesaid, he shall be liable in a penalty of Five Pounds, to be recovered before any one of His Majesty's Justices of the Peace, to be levied by warrant of distress on his goods and chattels; and if such person shall have no goods or chattels whereon the said penalty may be levied, then such person shall suffer imprisonment for a period not exceeding one month, or less than fourteen days—such fine to be paid, one half to the informer, and the other to the public Treasury of the Island.

III. And be it further enacted, That this Act shall continue and be in force for Three Years, and from thence to the end of the then next Session of the General Assembly.

Continuance of Act. Further continued by 9 G. 4, c. 2.

C A P. XI.

An Act to regulate the Duties and Charges of Pilots within this Island.

WHEREAS no provision has been made for the appointment and regulation of Pilots: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, on recommendation of the resident Magistrates and Merchants, to appoint one or more fit and proper person or persons to act as Pilots for the Harbour or Harbours from whence such person or persons shall or may be recommended.

Lieut. Governor may, on recommendation of resident Magistrates, &c. appoint Pilots.

II. And be it further enacted, That every Pilot so appointed shall provide himself with a good and sufficient boat, fit to board a vessel at sea; and that from and after the First day of *May* next, no Pilot for the Harbours on the South side of the Island shall be entitled to demand more than the following Rates of Pilotage:—that is to say—for every ship or vessel boarded at sea, or without the harbour, the sum of Four Shillings *per* foot, for each and every foot of water the said ship or vessel shall draw; and for every ship or vessel boarded within the bar or harbour, one-third the said pilotage: and for every ship or vessel outwards, the sum of Three Shillings and Six-pence *per* foot, for each and every foot of water which the said ship or vessel may draw: and for all Harbours on the North side of the Island, the sum of Five Shillings *per* foot, to the place of destina-

Pilots to provide sufficient boats for boarding vessels at sea.

Rates of Pilotage.

tion, provided such ship or vessel shall be boarded without the bar of such harbour; and in case such ship or vessel shall be boarded within the bar of such harbour, then one-third part of the said pilotage; and a further sum of Five Shillings *per* foot outwards from the place of loading. Provided always, that nothing herein contained shall extend, or be construed to extend, to the compelling the Masters or Owners of coasting vessels to pay pilotage, unless a signal be made for, or the Pilot requested to take charge of such vessel.

Coasters not compelled to employ Pilots.

III. And be it further enacted, That this Act shall continue and be in force for and during the space of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act. Further continued by 11 G. 4, c. 1.

CAP. XII.

An Act to regulate the Fisheries of this Island.

WHEREAS the great advantages to be derived from the Fisheries of this Island have been hitherto neglected, and Merchants and others discouraged from engaging in the same, through the want of such Laws and Regulations as are expedient for the conducting and carrying on of such Fisheries:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons whatsoever shall employ, or cause to be employed, in this Island, or the Dependencies thereof, for the purpose of carrying on the Fishery, any seaman, fisherman, or other servant, without first entering into a written agreement or contract with every such seaman, fisherman, or other servant, declaring what wages or shares such seaman, fisherman, or other servant is to have, and the time for which he shall serve, and in what manner such wages or shares are

All engagements with servants in the Fishery to be in writing.

to be paid or allowed; and in all cases where disputes shall arise concerning the wages or shares of any such seaman, fisherman, or other servant, the hirer or employer shall be obliged to produce such contract or agreement, and also at the time of entering into such contract to give a copy thereof to every such seaman, fisherman, or other servant; and in case such hirer or employer shall hire or employ any seaman, fisherman, or other servant, without first entering into such agreement, he shall forfeit for each offence the penal sum of Ten Pounds, to and for the use of His Majesty's Government.

Where disputes arise respecting shares or wages, agreement must be produced.

Hirer employing servant without written agreement to forfeit £10 to use of Government.

II. And be it further enacted, That all the Fish and Oil which shall be taken and made by the person or persons who shall so hire or employ such seamen, fishermen, or other servants, shall be liable and subject, in the first place, to the payment of the wages or shares of every such seaman, fisherman, or other servant, employed in or about the Fishery, and of the demands of such person or persons as shall *bona fide* supply Bait to such seamen or fishermen.

Fish and oil subject first to payment of servants wages or shares,

and to demands of suppliers of bait.

III. And be it further enacted, That every creditor for supplies necessary and furnished *bona fide* for the Fishery of the current season, shall be considered a preferable creditor, and shall first be paid Twenty Shillings in the pound, so far as the vessels, boats, fishing tackle, fish and oil, of any person or persons to whom such supplies are furnished, which may be realized within this Island or its Dependencies, will go. Provided always, that nothing in this Act contained shall affect the prior claims of seamen, fishermen, and other servants, actually employed in the catching and curing of Fish and Oil, upon all Fish and Oil caught by the hirers and employers of such seamen, fishermen, or servants, or the produce or value thereof.

Creditors furnishing supplies for fishery of current year to have a preferable claim on vessels, boats, fishing tackle, fish and oil,

saving claims of fishermen or other servants.

IV. And be it further enacted, That in case such seaman or fisherman shall at any time wilfully absent himself from his duty or employ without the

Seamen, fishermen, or servants, absenting them-

selfes, shall forfeit not exceeding 15 days pay for each day's absence.

If absent two days without leave, to be deemed deserters, and forfeit all wages then due.

Justices of Peace may issue warrant to apprehend deserter and imprison him not exceeding 3 months.

consent of his hirer or employer, or shall wilfully neglect or refuse to work, according to the true intent and meaning of his said contract or agreement, such seaman, fisherman, or other servant shall, for every day he shall so absent himself, or neglect or refuse to work as aforesaid, forfeit any number of days' pay or shares not exceeding fifteen, to such hirer or employer: and if any such seaman or fisherman shall wilfully absent himself from his said duty or employment for the space of two days, without such leave as aforesaid, he shall be deemed a deserter, and shall forfeit such wages or shares as may be due to him at the time of such desertion: and it shall and may be lawful for any Justice or Justices of the Peace of this Island, or the Dependencies thereof, to issue his warrant or warrants to apprehend every such deserter, and on the oath of one or more credible witness or witnesses, to commit him to prison, there to remain for any time not exceeding Three Calendar Months.

Tavern-keepers and others shall not secrete, entertain, or vend liquor to servants in the fishery without consent of employer under penalty of 40s. for each offence.

V. And be it further enacted, That no Tavern-keeper, or other person, shall secrete, harbour or entertain, or vend liquor to, any seaman, fisherman, or other servant employed in the Fishery, without the consent of the hirer or employer of such seaman, fisherman, or other servant, during the fishing season, under a penalty of Forty Shillings for every offence, to be recovered by one or more Justices of the Peace, to and for the use of His Majesty's Government.

Fishermen, &c. privileged from arrest or execution, and property embarked in fishery not to be taken in execution or attached, during current fishing voyage.

VI. And be it further enacted, That during the fishing season, such seamen, fishermen, or other servants, as are actually engaged in the said fishing, shall be privileged from arrest for debt, or from being taken in execution; and that the property actually embarked in the said Fishery shall not be liable to attachment or execution during the current fishing season; and also that no such seamen, fishermen, or other servants, shall be called on to attend Militia services during the said fishing season, any law, usage, or custom to the contrary notwithstanding.

VII. And be it further enacted, That whenever any ship or vessel shall be cleared out from any port in this Island for the Fisheries on the coasts of this Island, or for the Fisheries within the Gulf of *Saint Lawrence*, or on the coasts of *Cape Breton, Nova Scotia* or *Labrador*, without having on board any article of traffic (except only such provisions, nets, tackle, and other things as are usually employed in and about Fisheries,) the Master of any such ship or vessel shall be entitled to demand from the Collector or other principal officer of His Majesty's Customs at such port, a Certificate under his hand, that such vessel hath been specially cleared out for the said Fishery, and such Certificate shall be in force for the fishing season of the year in which the same may be granted, and no longer; and all ships or vessels having on board any such Certificate as aforesaid, and being actually engaged in the Fisheries, or in carrying coastwise, to be landed or put on board any other ship or vessel engaged in the said Fishery, any Fish, Oil, Salt, Provisions, or other necessaries for the use and purposes thereof, shall be exempt from all obligation to make any entry at, or obtain any clearance from, any Custom House in this Island, upon entering the ports or harbours of the same, or its Dependencies, during the continuance of the fishing season for which Certificates may have been granted: Provided nevertheless, that whenever any such ship or vessel as aforesaid shall finally quit the said Fishery for any country or place, not being within this Colony or the Dependencies thereof, such ship or vessel shall obtain the usual clearance from the principal officer of His Majesty's Customs at some port in this Colony.

Vessels cleared out for fishery within the Gulf, or Coasts of Cape Breton, Nova Scotia or Labrador, Masters entitled to demand certificate thereof.

Certificate shall exempt them from entering or clearing at Custom House during fishing season.

Such vessels quitting the Colony, to clear out at Custom House as usual.

VIII. And be it further enacted, That the current fishing season of the year commences on the Fifteenth day of *April*, and ends on the First day of *November*.

Fishing season begins on 15th April and ends 1st November.

IX. And be it further enacted, That this Act shall continue in full force and effect for and during

Continuance of Act.

Further continued
by 9 G. 4, c. 2.

the space of Three Years, and from thence to the end of the then next Session of the General Assembly.

CAP. XIII.

Continued by 9
G. 4, c. 2.
Repealed by 3
W. 4, c. 27.

An Act for Summary Punishment, in certain cases, of Persons wilfully or maliciously damaging or committing Trespasses on Public or Private Property.

CAP. XIV.

Continued by sub-
sequent Acts, and
Repealed by 2 W.
4, c. 1.

An Act to limit and ascertain the Jurisdiction of Justices of the Peace in matters of Small Debt.

CAP. XV.

An Act to prevent the running at large of Sheep in the Town of *Charlotte Town*.

WHEREAS the running at large of Sheep in the Town of *Charlotte Town* has of late become a very serious injury to the Inhabitants, by reason of the quantities of Sheep kept by Butchers and others:

Sheep found at
large in Char-
lotte Town may
be taken up.
Owner to pay the
taker 2s. for each
Sheep so taken,

to be recovered
before any Jus-
tice of the Peace.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for any person or persons to take up any Sheep found at large in the Town of *Charlotte Town*; and the person or persons who shall or may take up such Sheep, shall, on giving notice to the owner or owners, be entitled to the sum of two shillings for every Sheep so taken up—the same to be recovered of such owner or owners on complaint duly made before any

of His Majesty's Justices of the Peace for the said Town.

II. And be it further enacted, by the authority aforesaid, That if the person or persons so taking up said Sheep shall not happen to know who the owner or owners thereof is or are, in order to give him, her or them the aforesaid notice, then it shall and may be lawful to and for such person or persons (who is or are hereby required so to do), immediately to describe such Sheep by an advertisement posted up at three of the most public places in *Charlotte Town*; and if the said Sheep shall not have been claimed by the owner or owners thereof within four days from the posting up of such advertisement, the same to be publicly sold, by virtue of an order first obtained from a Justice of the Peace for that purpose, and which said Justice is hereby authorized and required, on application to him made by the person or persons so taking up such Sheep, to grant and make such order accordingly; and one fourth part of the produce of the sale of such Sheep shall thereupon be paid to the person or persons who have taken up the same, and the remainder shall be paid into the public Treasury of this Island, to be appropriated to keeping in repair the Pumps and Wells of *Charlotte Town*, deducting therefrom the expences incurred by the proceedings taken thereupon.

If owner of Sheep be unknown, then taker to advertise the same:

If Sheep be not claimed in 4 days, taker may obtain order for their sale from Justice of Peace.

Proceeds of sale, how to be disposed of.

III. And be it further enacted, That this Act shall continue and be in force for the space of Three Years, and from thence to the end of the next Session of the General Assembly, and no longer.

Continuance of Act. Revived and continued by 3 W. 4, c. 3.

C A P. XVI.

An Act to provide a Remedy for Injuries arising from improper burning of Woods.

Amended by 1W. 4, c. 6.

WHEREAS the practice of setting fire to Woods at improper seasons, and the careles-

ness and improvidence with which fires in the Forest are often managed, has already destroyed much valuable property, and unless restrained, threatens ruin and destruction to the Woods in this Island:

Persons setting fire to Woods and injuring thereby the Woods or property of others to answer in damage the party injured, and also pay a fine of £5.

Mode of recovery.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any person who shall set fire to the Woods at any time of the year, and thereby injure the Woods or property of another, the person so causing such injury shall be liable in damages to the person so injured, and shall also be liable to the payment of a fine of Five Pounds for each and every such offence, to be recovered before any one of His Majesty's Justices of the Peace—one half whereof shall be paid to the person who sues for the same, and the other half to the Overseer of Highways within whose precinct the fire shall have been raised.

C A P. XVII.

An Act to enable the Justices of the Peace for the Counties of *King's County* and *Prince County* to commit Debtors under the Small Debt Act, and also persons charged with Criminal Offences, to the Jail in *Charlotte Town*.

WHEREAS there does not at present exist any Law whereby the Justices of the Peace for the said Counties are authorized to commit Debtors or Criminals to the Jail in *Charlotte Town*:

Until Jails are erected in King's and Prince Counties, Justices may commit offenders and debtors to Charlotte Town Jail.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That until Jails shall be erected in the said Counties of *King's County* and *Prince County*, it shall and may be lawful for the Justices of the Peace within the said Counties to commit all offenders, or persons charged with criminal offences, to the Jail in *Charlotte Town*, and also

Debtors charged in Execution under the Small Debt Act; and the Jailer or Keeper of the said Jail is hereby required to pay due obedience to all such commitments or executions.

C A P. XVIII.

An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

For Acts in addition to this Act see
 6 G. 4, c. 12.
 9 G. 4, c. 1.
 11 G. 4, c. 16.
 1 W. 4, c. 15.
 3 W. 4, c. 13.
 4 W. 4, c. 17.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to appoint, as soon as may seem to him necessary, three fit and proper persons to be Commissioners for the purpose of issuing Treasury Notes, to any amount not exceeding Five Thousand Pounds; and that such Notes shall be issued, in three equal shares and proportions in value, of Notes of the value of Five Pounds, Two Pounds, and One Pound; and which Notes shall be signed by the said Commissioners, and countersigned by the Treasurer, and shall be in the words and figures following, to wit:

Lieut. Governor to appoint three Commissioners to issue Treasury Notes.

Issue not to exceed £5000.

Notes to be signed by Commissioners and Treasurer.

‘ No.

‘ *Prince Edward Island,*

‘ *Charlotte Town,*

1825.

Form of Note.

‘ By Law, the bearer of this Note is entitled to receive at the Treasury the sum of

And the said Commissioners are hereby authorized and required to direct the printing or engraving of such Notes, and to superintend the completing the blanks in the same.

II. And be it further enacted, by the authority aforesaid, That the whole of the Notes issued shall

All Notes to bear same date, and to be delivered to Treasurer.

bear the same date, and when subscribed by the Commissioners, shall be delivered to the said Treasurer, who shall countersign the same, and be accountable for the Notes so delivered to him.

Warrants shall be paid by Treasurer at his option, in gold, silver, or notes.

III. And be it further enacted, by the authority aforesaid, That all Warrants for payments of money, when produced to the Treasurer, shall, at his option, be paid in gold or silver, or in the said Notes, to the person entitled to receive the same—which Notes shall be again received at the Treasury, and also by the Collectors of Impost throughout the Island, at their specified value, equal to the like value in gold or silver, when and as often as the same are presented in payment of Duties.

Notes to be taken by Treasurer, and Collectors of Impost, at their specified value.

IV. And be it further enacted, by the authority aforesaid, That whoever shall alter, forge, or counterfeit any of the said Notes, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange, or barter any such altered, forged, or counterfeited Note, or any erased or altered Note, or the endorsement thereon, or shall knowingly demand to have the same exchanged or paid, with intent to defraud, shall suffer as in cases of felony, without benefit of clergy.

Forging or altering Notes, felony without Clergy.

V. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by a warrant under his hand, to require the said Treasurer to re-issue Notes received at the Treasury, or to require the Commissioners aforesaid to issue other Notes in place of these received, or any part thereof, or to re-issue the Notes already received, or any part thereof, agreeably to the said warrant. Provided always, that no Notes so to be re-issued shall exceed the amount of the Notes so from time to time received at the Treasury.

Lient. Governor may by warrant require Treasurer to re-issue Notes received at the Treasury.

Proviso.

VI. And be it further enacted, by the authority aforesaid, That if at any quarterly period, after the

Thirty-first day of *December* next—that is to say, at the Thirty-first day of *March*, the Thirtieth day of *June*, the Thirtieth day of *September*, and the Thirty-first day of *December*, in any succeeding year, any person shall tender for payment at the Treasury any number of the Notes issued or re-issued in virtue of this Act, in case the Treasurer shall not be able to pay the same in gold or silver, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by warrant under his hand and seal, to direct the Commissioners aforesaid to fund such sum or sums of Treasury Notes as shall be tendered for payment, from time to time as aforesaid, and to grant Certificates to the amount thereof on Interest; and the said Commissioners shall deliver the said Notes so presented to the Treasurer of the Island, and take his receipt for the same, and the Treasurer shall be charged with and accountable for the same; and the said Notes shall not be again issued from the Treasury, or put into circulation for any use whatsoever.

Quarterly periods when Notes may be presented for payment.

If not paid, Notes may be funded, and bear Interest.

Notes so funded not to be again issued.

VII. And be it further enacted, by the authority aforesaid, That if at the end and expiration of Three Years from the passing of this Act, all the Notes which may or have been issued under and by virtue of this Act shall not have been received and paid into the Treasury, the Treasurer is hereby directed and required to pay the amount of the same when demanded, in gold or silver, out of the Monies in the Treasury then not specifically appropriated.

Three years after passing of Act, all Notes to be paid in gold or silver.

VIII. And be it further enacted, by the authority aforesaid, That the Treasurer of this Island shall be paid for his duties and services under the authority of this Act, the sum of one *per Centum* of all Notes issued by him, over and above any other per-centage or emolument to which such Treasurer may be entitled by any Law of this Island.

Allowance to Treasurer.

C A P. XIX.

Expired.

An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors; and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.*

C A P. XX.

Expired.

An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea.

C A P. XXI.

Repealed by 1
W. 4, c. 5.

An Act for the Preservation of Sheep within the Royalty of *Charlotte Town*, by imposing a Tax on Dogs.

C A P. XXII.

See 9 G. 4, c. 8.

An Act to regulate the Performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth Year of the late King, intituled *An Act to alter and amend the High Road Laws.*

C A P. XXIII.

Executed.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and twenty-five.

ANNO SEXTO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1825.

Island of *Prince Edward*, begun and holden

at *Charlotte Town*, the Fifteenth Day of

J. READY,
Lieut. Governor.

January, Anno Domini 1825, in the Fifth

Year of the Reign of our Sovereign Lord

S. G. W. ARCHIBALD,
President.

GEORGE the Fourth, by the Grace

of God, of the United Kingdom of *Great*

Britain and Ireland, King, Defender of the

J. STEWART,
Speaker.

Faith:

And from thence continued, by several Prorogations,

to the Twelfth Day of *October*, 1825, and in

the Sixth Year of His said Majesty's Reign;

being the Second Session of the Twelfth General

Assembly convened in the said Island.

CAP. I.

57 G. 3, c. 3.

An Act to render perpetual an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors.*

WHEREAS the above recited Act will shortly expire, and the same has been found beneficial:

Recited Act made perpetual.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to enable Creditors more easily to recover their Debts from Co-partners and joint Debtors*, be, and the same is hereby made perpetual.

CAP. II.

Further continued by 3 W. 4, c. 6.

An Act to continue an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to regulate the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal Two certain Acts made and passed in the Fourteenth and Fifty-seventh Years of His late Majesty's Reign; and also for declaring what shall be deemed Merchantable; and for appointing Officers to survey the same.*

CAP. III.

Executed.

An Act to repeal an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to alter and amend an Act made and passed in the Twenty-sixth Year of His present Majesty's Reign, intituled 'An Act for the Trial of Actions in a Summary way.'*

CAP. IV.

An Act to repeal a certain Clause of an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for admitting persons to swear to their own Accounts in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island.*

WHEREAS the seventh or last Clause of the above recited Act hath been found injurious to the administration of Justice:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, the said seventh or last Clause of the said Act, intituled *An Act for admitting persons to swear to their own Accounts in certain cases, and for amending certain practical parts of the Law, in order to the more easy and speedy attainment of Public Justice in this Island*, and every part thereof, be, and the same is hereby repealed.

7th section of 51
G. 3, c. 1. re-
pealed.

Provided always, That nothing herein contained shall have any effect, until His Majesty's pleasure therein shall be known.

Suspending
Clause.

* * This Act received His Majesty's Allowance.

CAP. V.

An Act to repeal an Act made and passed in the Thirtieth Year of the Reign of His late Majesty, intituled *An Act to prevent unnecessary Expence and Delays in certain Actions, wherein Judgments have passed by Default.*

Executed.

C A P. VI.

Disallowed by
His Majesty in
Council, 20th
Nov. 1826.

An Act relating to Marriages and Baptisms, and
for making Polygamy Felony.

C A P. VII.

Executed.

An Act to repeal an Act made and passed in the
Twenty-first Year of His late Majesty's Reign,
intituled *An Act declaring that Baptism of
Slaves shall not exempt them from Bondage.*

C A P. VIII.

Expired.

An Act in addition to, and in the further amend-
ment of an Act made and passed in the Thir-
teenth Year of the Reign of His late Majesty,
intituled *An Act prohibiting the Sale (by Retail)
of Rum, or other Distilled Spirituous Liquors,
without first having a Licence for that purpose,
and for the due Regulation of such as shall be
licenced.*

C A P. IX.

Further continued
by 8 G. 4, c. 11.

An Act to revive, alter and continue an Act made
and passed in the Fifty-second Year of the
Reign of His late Majesty, intituled *An Act
for raising a Fund, to make and keep in repair
the Pumps, Wells and Streets of Charlotte-
Town, and for other purposes therein mentioned.*

WHEREAS the Act made and passed in the
Fifty-second Year of His late Majesty's
Reign, intituled *An Act for raising a Fund, to*

make and keep in repair the Pumps, Wells and Streets of Charlotte Town; and for other purposes therein mentioned, hath expired, and it is highly necessary that some provision should be made to make and keep in repair the Pumps and Wells of the said Town:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of the said Act, intituled *An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned*, as relates to the Pumps and Wells, be revived, and the same is hereby revived, and continued for the space of One Year, and from thence to the end of the then next Session of the General Assembly, and no longer.

So much of recited Act as relates to Pumps and Wells, revived and continued for one year.

C A P. X.

An Act to continue an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.'*

Expired.

CAP. XI.

Expired.

An Act to alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea.*

CAP. XII.

For other Acts relative to Treasury Notes, see
5 G. 4, c. 18.
9 G. 4, c. 1.
11 G. 4, c. 16.
1 W. 4, c. 15.
3 W. 4, c. 13.
4 W. 4, c. 17.

An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, to issue Notes of the value of Ten Shillings each.

5 G. 4, c. 18.

WHEREAS it will tend to the convenience of the Public if the Commissioners named and appointed under the Act intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, were authorized to issue Ten Shilling Notes:

Commissioners to issue Ten Shilling Notes to the amount of £800.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Commissioners named under the said Act, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*, to direct the printing and engraving of Notes not exceeding in value Ten Shillings each,

and to superintend the filling up the blanks in the same, in the way and manner, and in the form prescribed by the said Act, to the amount of Eight Hundred Pounds; which said Ten Shilling Notes the said Commissioners and the Treasurer of this Island are to dispose of in the way prescribed by the said Act with respect to Notes already issued, or to be issued, and the same are to be subject in every instance to the like rules.

II. And be it further enacted, by the authority aforesaid, That any person or persons whomsoever that shall alter, forge, or counterfeit any of the said Ten Shilling Notes, or shall erase or alter the same, or any endorsement thereon, or shall tender in payment, utter, vend, exchange or barter any such altered, forged or counterfeited Note, or any erased or altered Note, or the endorsement thereon, or shall knowingly demand to have the same exchanged or paid, with intent to defraud, shall suffer as in cases of felony, without benefit of clergy.

Felony to forge or alter Notes.

C A P. XIII.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and twenty-six.

Executed.



ANNO OCTAVO

GEORGIIV. REGIS.

At the General Assembly of His Majesty's 1827.
 Island of *Prince Edward*, begun and holden
 at *Charlotte Town*, the Fifteenth Day of J. READY,
January, Anno Domini 1825, in the Fifth Lieut. Governor.
 Year of the Reign of our Sovereign Lord S. G. W. AR-
 GEORGE the Fourth, by the Grace of CHIBALD,
 God, of the United Kingdom of *Great* President.
Britain and Ireland, King, Defender of the J. STEWART,
 Faith: Speaker.

And from thence continued, by several Proroga-
 tions, to the Twentieth Day of *March, 1827*,
 and in the Eighth Year of His said Majesty's
 Reign; being the Third Session of the Twelfth
 General Assembly convened in the said Island.

CAP. I.

An Act for regulating Apprentices.

BE it enacted, by the Lieutenant Governor,
 Council and Assembly, That from and after

Parents or guardians may bind children as apprentices, until they are 21 years of age.

the passing of this Act, it shall and may be lawful for any parent or parents, guardian or guardians, to bind out as an Apprentice, any child of any age, as an indented servant to any tradesman or farmer, or other, for a period not exceeding the time when such Apprentice shall attain the age of twenty-one years.

Infants, of the age of 12 years, may be indented, with their own consent, until they are 21.

II. And be it further enacted, by the authority aforesaid, That any Infant of the age of twelve years may be lawfully indented to any tradesman, farmer, or other, by his or her own consent, if such Infant shall have no parents or guardians within the country, until such Infant shall attain the age of twenty-one years: Provided, that every such Indenture shall be entered into by the Master or Mistress of such Infant in the presence of and by the consent of two Justices of the Peace, each of whom shall subscribe the said Indenture, and which shall be equally binding as if the said Indenture had been executed and subscribed by the parents or guardians of the said Infant. Provided, that it shall and may be in the power of the said Justices, if they shall in their discretion see it fit, to indent the said Infant for a shorter period than his or her attaining the age of twenty-one years.

Such indenture to be made in presence of two Justices, who shall subscribe the same.

Proviso.

Minors of the age of 16 years and upwards, having no parents or guardians, may be indented until the age of 21.

III. And be it further enacted, by the authority aforesaid, That all Infants of the age of sixteen and upwards, having no parents or guardians within the Island, may lawfully indent themselves to service to any tradesman, farmer, or other, until he or she shall attain the age of twenty-one years, by Indentures under Seal, and shall be fully bound thereby.

Any two Justices may indent any infant pauper, or children of paupers.

IV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for any two of His Majesty's Justices of the Peace to indent any Infant receiving parish relief as a pauper, of any age, until such Infant shall attain the age of twenty-one years, to any tradesman, farmer, or other; and in like manner to indent for a like period the Infant of any parent or parents receiving parish relief as paupers.

V. And be it further enacted, by the authority aforesaid, That if any such Apprentice so indentured as aforesaid shall desert the service of his or her said Master or Mistress, then it shall and may be lawful for any Justice of the Peace to order such Apprentice to return to such his or her service; and on failure so to do, to commit such Apprentice to prison, until he or she shall return to his or her Master or Mistress, and fulfil the conditions of the Indenture.

Any indentured apprentice who shall desert his master's service, may, on refusing to return, be committed to prison.

VI. And be it further enacted, by the authority aforesaid, That if any Master or Mistress of such indentured Apprentice shall maltreat or ill-use any such Apprentice, then it shall be lawful for any two Justices of the Peace, on proof of such ill-treatment, either to order the Master or Mistress of such Apprentice to amend his or her conduct, or in their discretion to order that the said Apprentice should be discharged from any further service, and the Indentures to be cancelled.

If any master or mistress maltreat an apprentice, 2 Justices may, on proof thereof, order the apprentice to be discharged, and the Indenture to be cancelled.

VII. And be it further enacted, by the authority aforesaid, That any person or persons wilfully harbouring an Apprentice deserting his or her Master or Mistress's service, knowing him or her to be such, shall be liable to a fine of Five Pounds, on proof thereof—to be recovered before any one of His Majesty's Justices of the Peace.

Persons wilfully harbouring apprentices who have deserted their service, liable to a fine of £5.

CAP. II.

An Act to amend an Act made and passed in the Forty-third Year of His late Majesty's Reign, intituled *An Act to amend an Act made and passed in the Thirty-first Year of His present Majesty's Reign, intituled 'An Act to prevent the running at large of Rams at improper Seasons.'* Expired.

CAP. III.

Expired. ~~REV.~~ An Act to establish an Assize of Bread within the Town and Royalty of *Charlotte Town*.

CAP. IV.

Executed. An Act to ascertain the Population of the Island.

CAP. V.

Expired. An Act to regulate Appeals from the Courts of Justices of the Peace of this Island, in amendment of an Act made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of Small Debts*.

CAP. VI.

An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways.

WHEREAS great inconvenience has been experienced from persons driving Carriages, Sleighs, Carioles and Carts, along the Highways within this Island, and the riding of Horses on the same, without a due attention to the passing each other when going in an opposite direction:

Persons driving Carts, &c. shall pass on the left of persons driving in an opposite direction.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That every person driving any Cart, Carriage, Sleigh, or Cariole, shall pass on the Highway any other Cart, Carriage, Sleigh or

Cariole coming in the opposite direction, on the driver's left hand side of the road; and that each driver shall pass his adversary towards the left of such driver's own course, so that thereby every driver may pass a person driving in an opposite direction with his right or whip hand next to the right or whip hand of such opposite driver, and that the same rule shall be observed by persons on horseback; and if any person shall wilfully drive any Cart, Carriage, Sleigh or Cariole, or ride any Horse, contrary to the directions of this Act, such person shall forfeit for every such offence the sum of Five Shillings, to be recovered before any one of His Majesty's Justices of the Peace, besides reasonable expences of recovering the same—one half whereof to be paid to the informer, and the other half to His Majesty, for the use of the Highways of the District wherein such offence shall have been committed.

Same rule to be observed by horsemen.

Persons driving Carts, &c. or horsemen riding contrary to direction of the Act, shall forfeit 5s. for each offence.

How to be recovered and applied.

II. And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, no person shall drive on the Highways any Cart, Carriage, Sleigh or Cariole, without good and sufficient reins, under a penalty of Ten Shillings for each and every offence—to be recovered and applied as aforesaid.

Penalty of 10s. for not having sufficient reins.

III. And be it further enacted, by the authority aforesaid, That no Sleigh, Cariole, or other Carriage, mounted on runners, shall be driven without one or more Bells affixed to some part of the harness of the horse or horses drawing the same, under the penalty of Five Shillings for each and every offence: Provided that no person shall be liable to more than one penalty in one and the same day; to be recovered and applied as aforesaid.—That all penalties appointed by this Act shall be sued for within forty-eight hours after the offence shall have been committed for which such penalty is enacted.

Bells to be attached to Carioles, Sleighs, &c. under a penalty of 5s.

Penalties to be sued for within 48 hours.

IV. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in

Act to continue for 3 years.

Continued by subsequent Acts.

force for the period of Three Years, and from thence to the then next Session of the General Assembly, and no longer.

CAP. VII.

An Act to continue and amend an Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution.*

59 G. 3, c. 7, continued for 10 years as herein-after amended.

BEit enacted, by the Lieutenant Governor, Council and Assembly, That the Act passed in the Fifty-ninth Year of His late Majesty's Reign, intituled *An Act to regulate the sale of the Interest of Leaseholders, when taken in Execution*, and every matter and thing therein contained, except as the same is herein-after altered and amended, be continued, and the same is hereby continued for Ten Years, and from thence until the end of the next Session of the General Assembly.

No Leasehold Interest taken in Execution to be exposed to sale until the expiry of 12 Months.

II. And be it further enacted, That no Leasehold Interest, or Term of Years in any lands, tenements or hereditaments hereafter to be taken in Execution within this Island, shall be exposed to sale until the expiration of Twelve Calendar Months after the same shall have been so taken in Execution; any thing in the said Act to the contrary thereof notwithstanding.

CAP. VIII.

An Act to authorize the Formation of a Fire Engine Company for the Town of *Charlotte Town.*

See further 4 W. 4, c. 10, s. 20.

WHEREAS a Fire Engine has been procured at a considerable expence by the Inhabitants of the said Town, but the same will be of little or

no avail in case of Fire unless it be worked by persons properly practised in the use thereof: And whereas it is deemed expedient that suitable encouragement should be given to persons appointed members of the Company herein-after mentioned, by exempting them from certain other public services to which they are now by Law amenable:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for His Excellency the Lieutenant Governor, immediately after the passing of this Act, to appoint one fit and proper person resident in *Charlotte Town* to be Captain of a Company, to be formed as herein-after mentioned, to be called the Fire Engine Company for the Town of *Charlotte Town*; which said person so appointed Captain shall, immediately after being notified of such appointment as aforesaid, nominate and appoint two fit and proper persons resident in *Charlotte Town*, one to be first Lieutenant of the said Company, and the other to be second Lieutenant of the said Company; and the said Captain and Lieutenants shall proceed to choose Thirty-two fit and proper persons, residents in the said Town, which persons, together with the said Officers, shall form and constitute a Company, to be known by the said name of 'The Fire Engine Company for the Town of *Charlotte Town*,' and shall have the care and custody of the Fire Engine of the said Town, and the hose and buckets appertaining and belonging thereto, and shall be obliged to keep the same in good order, and fit for service on all occasions; and that the said persons so chosen shall be exempted from serving the office of Constable, and working on the Highways, during their continuance in the said office, and faithfully discharging the duties thereof; any law, usage or custom to the contrary thereof notwithstanding.

Lieut. Governor to appoint Captain;

and Captain may nominate a 1st and 2d Lieutenant, who shall, with the Captain, choose 32 persons to form a Company, who shall have charge of Fire Engine, Buckets, &c.

Persons so chosen to be exempted from serving as Constables, and from labour on the Highways.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the said Company, or the major part thereof, to choose

Company may choose their own Clerk and Treasurer.

Training days.

Penalty on non-attendance or disobedience of orders.

from their own number a fit and proper person to be Clerk and Treasurer to the said Company; and also to fix and appoint the days of training in each year—six to be during the summer season, and two during the winter season; and if any person or persons shall neglect or refuse to attend on the said days of training, without a sufficient excuse, to be allowed by the Captain of the said Company, or in his absence the Lieutenant commanding, or shall be guilty of disobedience of the orders of the Captain of the said Company, or in his absence, of the Lieutenant commanding the same, he or they shall for every such offence forfeit and pay the sum of Five Shillings.

Each Member to be provided with a leathern cap, with the words 'Fire Engine' painted thereon, and a leathern tippet;

to be worn at fires and trainings.

III. And be it further enacted, by the authority aforesaid, That every member of the said Company shall be obliged to provide himself with a strong leathern cap, of such shape and form as the majority of the persons composing the said Company shall appoint, on which shall be painted or marked, in *Roman* letters, the words 'Fire Engine,' and to which cap shall be attached a cape or tippet of leather, of not less than eighteen inches in breadth; which said cap and tippet shall be worn at all Fires and times of Training, under a penalty of Five Shillings, unless the person or persons offending herein shall offer such excuse as the Captain of the said Company, or Officer commanding the same, shall deem sufficient.

Vacancies how to be filled up.

Captain shall once a year publish the names of the Company in the newspapers.

IV. And be it further enacted, by the authority aforesaid, That all vacancies occurring in the said Company by death or otherwise, except the office of Captain, shall be filled up by the choice of the said Company, or the major part of the persons composing it; and the Captain thereof, or other officer commanding, shall once in every year publish in some Newspaper printed in *Charlotte Town* the names of all persons belonging to the said Company; and shall also, on request by the Commissioner or any Overseer or Overseers of Roads for the District of *Charlotte Town*, furnish and deliver to the

said Commissioner, Overseer or Overseers, a true and correct list of the said Company, with the date of the admission of each member thereof, without being entitled to any fee therefor: and if the said Captain, or other officer commanding, shall neglect or refuse to deliver such list, or shall deliver an erroneous list, such Captain, or other officer commanding the said Company, shall, for every such offence, forfeit and pay the sum of Twenty Shillings.

Captain shall give the Road Commissioner a list of the Company when requested.

Penalty for neglect or refusal.

V. And be it further enacted, by the authority aforesaid, That all fines and penalties to be incurred under this Act, shall and may be recovered before any one of His Majesty's Justices of the Peace for the said Town, and shall be appropriated for and towards the keeping the said Engine, Hose, and Buckets in repair, and providing new Buckets for the same, and also for paying the expence of publishing the names of the persons composing the said Company as aforesaid.

Penalties how to be recovered and appropriated.

VI. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in force for and during the term of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act. Further continued by 3 W. 4, c. 4.

C A P. IX.

An Act to establish and regulate the Practice of the Supreme Court of Judicature of this Island, in Cases of Replevin.

See 3 W. 4, c. 28.

C A P. X.

An Act for raising a Fund in aid of supporting the Light House on *Cranberry Island*.

Expired.

CAP. XI.

Further continued
by 10 G. 4, c. 17.

An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled 'An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte Town, and for other purposes therein mentioned.'*

CAP. XII.

Executed.

An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island;'* and to appropriate the Monies hereby granted.

CAP. XIII.

Executed.

An Act to revive, alter, and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea, and to appropriate the Monies hereby granted.*

ANNO NONO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1828.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Fifteenth Day of
January, Anno Domini 1825, in the Fifth
Year of the Reign of our Sovereign Lord
GEORGE the Fourth, by the Grace
of God, of the United Kingdom of *Great*
Britain and *Ireland*, King, Defender of the
Faith:

J. READY,
Lieut. Governor.

G. WRIGHT,
President.

J. STEWART,
Speaker.

And from thence continued, by several Prorogations,
to the Twentieth Day of *March*, 1828, and in
the Ninth Year of His said Majesty's Reign;
being the Fourth Session of the Twelfth General
Assembly convened in the said Island.

CAP. I.

An Act to revive and continue Two certain Acts
therein mentioned.

WHEREAS the two Acts herein-after men-
tioned have been found useful and beneficial,

*videlicet—An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes—An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled ‘An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,’ to issue Notes of the value of Ten Shillings each—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and the said Act, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled ‘An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,’ to issue Notes of the value of Ten Shillings each*—and every matter, clause, and thing in the said Acts respectively contained, be revived and continued for Three Years.*

5 G. 4, c. 18, and
6 G. 4, c. 12,
continued.

CAP. II.

An Act for continuing several Laws near expiring.

WHEREAS the several Acts herein-after mentioned, which are near expiring, have been found useful and beneficial, *videlicet—An Act to regulate the Fisheries of this Island—An Act for summary punishment, in certain cases, of persons wilfully or maliciously damaging or com-*

mitting Trespasses on public or private property—
*An Act for the preservation of Sheep within the
 Royalty of Charlotte Town, by imposing a Tax
 on Dogs—An Act to amend certain parts of an
 Act intituled ‘An Act for preventing Trespasses
 by unruly Horses, Cattle and Sheep, and for
 preventing the running of Hogs at large through
 the Town of Charlotte Town,’ by the appoint-
 ment of Hog Reeves—An Act to continue an
 Act intituled ‘An Act for regulating Juries,
 and further declaring the qualifications of Jurors,’
 —An Act to prevent the destruction of Sheep by
 Dogs:*

Be it therefore enacted, by the Lieutenant Govern-
 nor, Council and Assembly, That the said Act,
 intituled *An Act to regulate the Fisheries of this* ^{5 G. 4, c. 12,}
Island—and an Act intituled An Act for summary
punishment, in certain cases, of persons wilfully ^{5 G. 4, c. 13,}
or maliciously damaging or committing Trespasses
*on public or private property**—and *An Act for*
the preservation of Sheep within the Royalty of
Charlotte Town, by imposing a Tax on Dogs†—^{5 G. 4, c. 21,}
 and an Act intituled *An Act to amend certain parts*
of an Act intituled ‘An Act for preventing Tres-
passes by unruly Horses, Cattle and Sheep, and for ^{5 G. 4, c. 3,}
preventing the running of Hogs at large through
the Town of Charlotte Town,’ by the appointment
of Hog Reeves—and an Act intituled An Act to
continue an Act intituled ‘An Act for regulating ^{5 G. 4, c. 7, and}
Juries, and further declaring the qualifications
of Jurors’—and an Act intituled An Act to prevent ^{5 G. 4, c. 10,}
the destruction of Sheep by Dogs—and every clause,
 matter, and thing therein contained, be, and the same ^{continued for 10}
 are hereby continued for the space of Ten Years, and ^{years.}
 from thence until the end of the then next Session of
 the General Assembly.

* Repealed by 3 W. 4, c. 27.

† Repealed by 1 W. 4, c. 5.

C A P. III.

An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same.

Lieut. Governor to appoint Measurers & Weighers.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to appoint such number of persons throughout the Island as he may think proper, for the purpose of measuring and weighing all sorts of Grain and Pulse.

II. And be it also enacted, by the authority aforesaid, That the Standard Weight of each Winchester Bushel of Grain and Pulse exposed to sale shall be as follows:—

Standard Weight of Grain & Pulse [altered by 10 G. 4, c. 3.]

Wheat shall weigh	Fifty-nine pounds	Avoirdupois.	
Rye,	Fifty-seven	do.	do.
Indian Corn, .	Fifty-eight	do.	do.
Barley,	Forty-nine	do.	do.
Oats,	Forty	do.	do.
Peas,	Sixty	do.	do.
Beans,	Sixty	do.	do.

Grain & Pulse, on request of buyer or seller, to be weighed and measured.

And all such Grain and Pulse as may be imported, or brought to market for sale, shall, on request of the buyer or seller, be measured and weighed by the Measurer and Weigher where the same shall be brought for sale; and that the said Measurer and Weigher shall be allowed and payed one farthing per bushel, the one half by the buyer and the other half by the seller.

Fee for weighing, &c.

When Grain is deficient in weight Measurer and Weigher, if required, may add sufficient to make the same equal to Standard:

III. And be it further enacted, That if any such Grain or Pulse shall be imported or brought for sale within any port or place within the Island, which shall not be agreeable to the Standard Weight before appointed for each sort of Grain or Pulse to weigh respectively, that it shall and may be lawful for the

Measurer and Weigher, if required either by the buyer or seller thereof, to add to each bushel a quantity sufficient to make the same weigh equal to the standard herein-before appointed for each particular sort; and if such Grain or Pulse shall weigh more than the Standard Weight herein-before appointed, it shall in like manner be lawful to deduct as much from each bushel as will make the same conformable to the said Standard.

If more than weight, to deduct in proportion.

IV. And be it further enacted, by the authority aforesaid, That if the said person or persons so appointed, and accepting the said office of Measurer and Weigher as aforesaid, shall be guilty of any neglect or fraud in his or their office, he or they shall forfeit and pay a sum not exceeding Five Pounds for each and every offence, to be recovered before any two of His Majesty's Justices of the Peace for the County where the offence is committed—one half thereof to be paid to the person or persons who sues for the same, and the other half thereof shall be paid into His Majesty's Treasury of this Island; and the said person or persons so offending shall also be liable in damages to the party injured.

Penalty on Measurer and Weigher for neglect of duty.

How recovered and applied.

To be liable also in damages to party injured.

V. And be it further enacted, That this Act shall continue and be in force for and during the space of Seven Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. IV.

An Act to continue and amend an Act of the Fifth Year of His present Majesty's Reign, intituled *An Act for the Encouragement of Education in the different Counties and Districts in this Island.*

Repealed by 11 G. 4, c. 3.

CAP. V.

Repealed by 3
W. 4, c. 8.

An Act to alter and amend an Act intituled *An Act for licensing and regulating Ferries.*

CAP. VI.

An Act to render perpetual an Act intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.*

59 G. 3, c. 4,
made perpetual.

WHEREAS the said Act will shortly expire, and the same hath been found highly beneficial, and it is deemed necessary that the same should be rendered perpetual—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island*, shall from henceforth be, and the same is hereby declared to be, in full force and effect for ever.

CAP. VII.

Repealed by 3
W. 4, c. 27.

An Act to continue and amend an Act of the Fifth Year of His present Majesty's Reign, intituled *An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings.*

C A P. VIII.

An Act to continue and amend an Act of the Fifth Year of the present King, intituled *An Act to regulate the performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth Year of the late King, intituled 'An Act to alter and amend the High Road Laws.'*

Repealed by 3
W. 4, c. 1.

C A P. IX.

An Act to continue and amend an Act made and passed in the Fifth Year of His Majesty's Reign, intituled *An Act to limit and ascertain the Jurisdiction of Justices of the Peace in Matters of Small Debt.*

See 1 W. 4, c. 11

C A P. X.

An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled *An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled "An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island;'"* and to appropriate the Monies hereby granted.

Expired.

C A P. XI.

Expired.

An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty, intituled *An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea,' and to appropriate the Monies hereby granted.*

C A P. XII.

Passed with a suspending clause and not approved of by His Majesty.

An Act for the further Increase of the Revenue, by raising a Duty of Impost on all Goods, Wares and Merchandizes imported into this Island.

ANNO DECIMO

GEORGII IV. REGIS.

At the General Assembly of His Majesty's 1829.

Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Fifteenth Day of

J. READY,
Lieut. Governor.

January, Anno Domini 1825, in the Fifth
Year of the Reign of our Sovereign Lord

E. J. JARVIS,
President.

GEORGE the Fourth, by the Grace of
God, of the United Kingdom of *Great*
Britain and Ireland, King, Defender of the
Faith:

J. STEWART,
Speaker.

And from thence continued, by several Proroga-
tions, to the Fifth Day of *March*, 1829, and
in the Tenth Year of His said Majesty's
Reign; being the Fifth Session of the Twelfth
General Assembly convened in the said Island.

C A P. I.

An Act for keeping clean the Streets of *Charlotte*
Town, and for removing Obstructions therefrom.

Expired.

CAP. II.

Altered by 1 W. 4, c. 1. An Act for the appointment of Limits and Rules for the Jail of *Charlotte Town*.

CAP. III.

9 G. 4, c. 2. An Act to amend an Act made and passed in the Ninth Year of His present Majesty's Reign, intituled *An Act for establishing the Standard Weight of Grain and Pulse, and for appointing proper Officers for measuring and weighing the same*.

WHEREAS the Standard Weight of Grain, as fixed by the above mentioned Act, has been found higher than the general average:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Standard Weight of each *Winchester* Bushel of Grain, exposed to sale in this Island, shall be as follows:—That is to say—

Standard Weight of Grain.

Wheat shall weigh	58 pounds Avoirdupois.
Rye shall weigh	56 pounds Avoirdupois.
Indian Corn shall weigh	57 pounds Avoirdupois.
Barley shall weigh	48 pounds Avoirdupois.
Oats shall weigh	36 pounds Avoirdupois.

Continuance of Act.

II. And be it further enacted, That this Act shall continue and be in force for and during the space of Six Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. IV.

An Act to enable Tenants in Tail to execute Leases, and grant Terms of Years of a long Endurance.

WHEREAS there are many extensive tracts of forest land, and others, now in the possession of Tenants in Tail, which cannot be turned to any profitable use, unless the Tenant in Tail of such lands shall be allowed by law to grant Leases, or Terms of Years, for the same, of a long endurance; and the settlement and cultivation of such lands may be very materially, if not altogether, prevented, unless some remedy be provided to enable Tenants in Tail validly to execute Leases of such endurance as are usually executed within the Island by owners of land holding the same in fee simple:

Be it enacted, by the Lieutenant Governor, Council and Assembly, That all Leases hereafter to be made of any lands, tenements or hereditaments in this Island, by Indenture under Seal, for any term of years, by any persons, being of the full age of twenty-one years, held in fee tail in their own right, or in that of their wives, or jointly with their wives, made before the coverture or after, shall be good and effectual in the Law against the Lessors, their heirs and successors, and every of them, according to such Estate as is comprised and specified in every such Indenture of Lease, in like manner and form as the same should have been if the Lessors thereof, and every of them, at the time of making of such Leases, had been lawfully seized of the same lands, tenements and hereditaments in such Indenture, of a good, perfect and pure estate of fee simple thereof to their only uses. Provided always, That this Act, or any thing herein contained, shall not extend to any Lease to be made of any

Tenants in Tail may make leases for any term of years,

and to be good in law.

Term not to exceed 999 years,

and shall be for the highest rent that can be at the time gotten.

Persons entitled to the reversion to have the same remedy against the Lessees as Lessors might have had.

Wife (when entitled to the Estate) to be a party to lease.

Rent to be reserved to husband and wife, and heirs of wife.

After decease of husband, rent to revert to person legally entitled thereto.

Suspending clause.

lands, tenements or hereditaments, above the number of Nine hundred and ninety-nine years, and which shall not be made by Indenture of Lease, mutually executed by all the parties thereto, and at the best and highest rent that can be, at the time of making such Lease, obtained for the same, and which shall be so expressed in the said Indenture of Lease; and that every person to whom the inheritance and reversion of such land shall appertain, shall, according to his right or interest in the same, after the death of such Lessors, have such remedy and advantage, to all intents and purposes, against the Lessees thereof, their executors and assigns, as the same Lessor should or might have had against the same Lessees. Provided always, That the wife be made party to every such Lease which hereafter shall be made by her husband of any lands, tenements or hereditaments to which the wife shall be entitled in Estate Tail; and that every such Lease be made by Indenture in the name of the husband and his wife, and she to seal the same; and that the Farm and Rent be reserved to the husband and to the wife, and to the heirs of the wife, according to the state of inheritance in the same; and that the husband shall not in any wise alien, discharge, grant, or give away the same rent reserved, nor any part thereof, longer than during the coverture, without it be by fine levied by the said husband and wife, but that the same rent shall remain, descend, revert, or come, after the death of such husband, unto such person or persons, and their heirs, in such manner and sort as the lands so leased should have done if no such Lease had been thereof made.

Provided, That nothing herein contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

. This Act received the Royal Allowance, 7th December, 1820.

C A P. V.

An Act to alter and amend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for compelling Persons owning Lands adjoining to each other to make their respective parts or proportions of the Fence between them, and for empowering the Grand Jury to nominate Fence Viewers.* 31 G. 3, c. 7.

WHEREAS the said Act hath been found insufficient, in cases where Line Fences between cultivated fields are thrown down, by accident or design, the said Act requiring one month's notice to be given to parties before they can be compelled to put up the same, or to pay therefor:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, in all cases where Line Fences between cultivated grounds or fields are prostrated, destroyed, or otherwise injured, either by accident, natural decay, or design, it shall and may be lawful thereupon, for either party owning or occupying the said cultivated grounds or fields, to give notice to the other party to repair or make good his, her or their proportion of the said Line Fence; and should the said party to whom notice is so given refuse or neglect to repair or make good the same within twenty-four hours after such notice, the party giving such notice is hereby authorized to call upon the Fence Viewer or Fence Viewers, in the way and manner prescribed in and by the herein-before mentioned Act, who is and are hereby empowered and required to proceed as therein also prescribed: and the party delinquent, or neglecting to make good his or their proportion of the said Line Fence, is to be answerable for all expences, costs and charges, to the party injured, as in the said Act is expressed and declared against delinquents refusing or neglecting to comply with the directions of the said Act.

Where fences between cultivated lands are in any way prostrated,

person neglecting or refusing to make good his proportion of same, after 24 hours notice, liable to be proceeded against as pointed out by 31 G. 3, c. 7.

CAP. VI.

Expired.

An Act for encouraging the Fisheries by granting Bounties.

CAP. VII.

Expired.

An Act to regulate the size of Barrels, and enforce the Inspection of such Pickled Fish as may be exported from *Prince Edward Island*.

CAP. VIII.

Repealed by 11
G. 4, c. 2.

An Act to regulate the introduction of Passengers, in Vessels arriving in this Island.

CAP. IX.

An Act for the Establishment of an Academy in *Charlotte Town*.

WHEREAS the promotion of Classical Education in this Colony is deemed an object of the first importance:

Incorporation of
Trustees.

Names of Trustees.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by Letters Patent under the Great Seal of this Island, to incorporate *Edward James Jarvis*, Chief Justice, and his successor in office; *John Stewart*, Speaker of the House of Assembly, and his successor in office; *Robert Hodgson*, Attorney General, and his successor in office; *John Lawson*, Solicitor General, and his successor in

office; and any two of the Members of His Majesty's Council and Three Members of the House of Assembly (one from each County in the Island) as he may think fit and proper, to be one Body Politic and Corporate, in deed and in name, and have succession for ever, in manner as shall be herein-after mentioned and provided for, by the name of the "Trustees and Governors of the Central Academy;" and that by the same name they shall have perpetual succession, and a common Seal, to be appointed by themselves, and also to sue and be sued, implead and be impleaded, in all Courts and places; and they, and the major part of them, shall have power, from time to time, to choose from among themselves a President and other Officers, as by the said Letters Patent shall be directed, and to nominate the Masters, make By-Laws, Rules and Ordinances for the regulation and general management of the said Academy; and to assemble together, when, where, and as often, and upon such notice, as to them shall seem fit, for the execution of their trust; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Academy, as well grants of public money, legacies, goods and chattels, as lands, tenements and hereditaments, notwithstanding any Statute or Statutes of Mortmain.

Name of Corporation.

Power of Trustees.

II. And be it further enacted, That in case of the removal from the said Council, by death or otherwise, or in case of absence from this Island of any of the said Members of Council hereafter to be appointed, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of the Council, in their room.

On removal of any of the Trustees, Members of Council, vacancy how filled up.

III. And be it further enacted, That in case of the death of any of the said Members of the House

On removal of any of the Trustees.

tees, Members of the Assembly, vacancy how filled up.

of Assembly hereafter to be appointed as aforesaid, or if they, or either of them, shall cease to be Members of the House of Assembly by means of the dissolution of the said House, or otherwise, or shall be absent from this Island, it shall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Trustees, Members of Assembly for the respective Counties as aforesaid, in their room.

Masters to be allowed £150 per annum each.

IV. And be it further enacted, That the two Masters to be appointed by the said Trustees, shall be allowed and paid the sum of One hundred and fifty Pounds currency *per annum* each, to be paid quarterly, to commence from the time of their, or either of their, appointment; the said sums to be drawn by warrant under the hand and seal of the Lieutenant Governor, or Commander in Chief for the time being, upon the Treasurer of this Island, on the production to the said Lieutenant Governor, or Commander in Chief for the time being, of a certificate under the hands of the said Trustees, or a majority of them, of the said Master or Masters conducting himself, or themselves, to the satisfaction of the said Trustees; and the tuition money paid by the Scholars at the said Academy, to be fixed by the said Trustees, shall be equally divided between the said Masters.

Tuition money to be divided equally between the Masters.

No Clergyman having spiritual charge of a congregation, eligible as a Master.

V. And be it further enacted, That no benefited Clergyman of the Established Church, or Clergyman of the said Church having spiritual charge of a congregation, or Minister of any other sect or denomination of Christians having the spiritual charge of any parish or congregation, shall be eligible, or be appointed Master in the said Academy.

Lieut. Governor to be Patron and Visitor.

VI. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the

time being, shall be the Patron and Visitor of the said Academy.

VII. And be it further enacted, That the branches taught in the said Academy shall be the *Greek* and *Latin* Languages, *Belles Lettres*, the *French* Language; Geography connected with Astronomy, and combined with General and Natural History; *English* Reading, Grammar and Elocution; Elementary and Practical Mathematics, and Theoretical and Practical Arithmetic. And the said Trustees shall, if they see fit, require one or both of the Masters to be employed in the said Academy to receive Boarders, and have power to fix the rate or terms at which such Boarders shall be received, and regulate their mode of living.

Branches to be taught in the Academy.

Masters to keep Boarders, if required, and Trustees to fix the rate of board, &c.

VIII. And be it further enacted, That the said Trustees, or any five of them, shall have power to remove the said Masters, or either of them, in case they shall think fit, and expel or suspend any of the Scholars of the said Academy who shall offend against the By-Laws, Rules, Regulations or Ordinances by them made for the due governance of the said Academy.

Trustees may remove Masters, and expel or suspend scholars, for misbehaviour.

IX. And be it further enacted, That no religious Test whatever shall be used in the said Academy, in order that the classes in the same may be free and open to all.

No religious Test to be used.

C A P. X.

An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their Formation.

See further 3 W. 4, c. 9, and 4 W. 4, c. 16.

WHEREAS in the Grants or Patents of the different Townships of this Island, His Ma-

jesty has been pleased to make a reservation of all such parts of the said Townships as had been set apart for public roads at the time of passing the same, as also all such other parts of the Lots or Townships as should hereafter be set apart for laying out highways for the communication between one part of the Island and another: and whereas it daily becomes more and more necessary to open roads through different parts of Townships, which may and do sometimes interfere with lands under cultivation, and occasion much loss, injury, and expence to the person through whose lands the same run, and no remedy having been provided for the same, nor any Law whereby to enable the Lieutenant Governor, or Commander in Chief, to alter or change any road now made, or hereafter to be made, or to make compensation to the parties who might be injured thereby: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That when and as often as it shall be considered necessary by the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to cause a Highway to be made through cultivated lands, or to alter or change the direction of the roads already by lawful authority made in this Island, for other roads, the accomplishment of which may be attended with injury and damage to the Proprietors or Tenants of the soil through which the same may pass, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, or on the application of any party interested in the said lands, to order a Writ to be issued out of His Majesty's Supreme Court of Judicature for this Island—and the said Court is hereby empowered to issue such Writ, directed to the Sheriff of the said Island (or in case he shall be interested therein, to the Coroner), commanding him to summon twelve good and lawful men,

Lieut. Governor by advice of Council, causing roads to be made through cultivated lands, or changing direction of roads already made,

may, on application of any party interested, order a Writ to issue out of Supreme Court,

directed to Sheriff or Coroner, to summon 12 Freeholders or Leaseholders from the

Freeholders or Leaseholders, who are no wise interested in the said lands and tenements, from the County through which the road contemplated is to run, to meet at such time and place as may be appointed by the said writ; and the said Jury so summoned shall be duly sworn faithfully to appraise the damages, if any, which will accrue to the Proprietor or Tenant through whose grounds the road is intended to run; which said Jury shall not only take into their consideration the loss or damage that the said Proprietor or Tenant may incur, but also the advantage, if any, that may accrue to him by the road or alteration increasing the value of such lands.

County through which the road is to pass,

to be sworn to appraise damages (if any) accruing to persons through whose lands the same is to run.

Jury to consider also the advantage that may accrue by reason of the road increasing the value of the land.

II. And be it further enacted, That the verdict of the said Jury, under their hands and seals, and the hand and seal of the Sheriff or Coroner, shall be duly returned into the office of the Prothonotary of the Supreme Court, within thirty days after the teste of the said writ.

Verdict to be returned into Prothonotary's Office within 30 days after teste of Writ.

III. And be it further enacted, That it shall and may be lawful for either the Governor, Lieutenant Governor, or Commander in Chief for the time being, or the Proprietors or Tenants of the soil, who may think themselves aggrieved by such verdict, to cause an appeal to be entered against the same at the term next after the finding thereof; and if, after hearing such appeal, it shall appear to the said Court that justice hath not been done, it shall and may be lawful for the said Court to order and direct that an *alias* Writ be issued, and a new Jury summoned, the verdict found by which said second Jury shall be final and conclusive, and when returned as aforesaid, shall be entered of record in the said Court.*

Right of Appeal.

Court may order a new Jury to be summoned, whose verdict shall be final.

IV. And be it further enacted, That upon payment or tender to the Tenants or Proprietors of the

On payment or tender of the sum

* This clause amended by 3 W. 4, c. 9.

found, the right of highway to be vested in the Crown.

Mode of payment.

No payment to be made until lands are taken possession of.

soil of the sum so found, made by such person as may be appointed for that purpose, the right of highway in and over the said lands shall be and remain vested in the Crown; and the Lieutenant Governor, or other Commander in Chief for the time being, is hereby authorized to grant his warrant, under his hand and seal, to the Treasurer of this Island, for the payment of all such sums of money as shall be assessed as aforesaid. Provided always, that no such payment shall be made to the Proprietor or Tenant, until the lands shall have been actually taken possession of for the said Highway.

Lines of road opened through wilderness lands, a Jury to be summoned as aforesaid, who shall declare what advantage the Proprietor may derive therefrom.

Jury shall also estimate the value of land through which the road may pass—such estimate to form part of verdict—to be returned within 30 days.

V. And whereas lines of road through wilderness lands are often of great benefit to the lands through which the same do pass, and tend to increase greatly the value of such lands, and it is but just and reasonable that the Proprietors thereof should contribute to the formation of such roads—Be it therefore enacted, by the authority aforesaid, that when and so often as the Lieutenant Governor, or other Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall deem it necessary to cause roads to be opened through unsettled lands, it shall and may be lawful for him to order a Writ to be issued, and a Jury to be summoned as aforesaid, (due notice being given to the Proprietor or his Agent, if resident within the Island, to attend if he may see fit,) who shall be sworn well and truly to ascertain and declare what advantage it may be to the Proprietor through whose lands the said road is intended to be opened or pass, and what sum of money shall be paid by him for the same; which said Jury having found such amount, shall then proceed to estimate the value of the lands *per acre*, adjoining such roads, or through which such roads shall pass, which estimate shall form part of the verdict, and the whole shall be duly returned into the said Supreme Court within the time limited and prescribed as aforesaid: and the sum or sums so assessed by the Jury as aforesaid shall be paid by the Proprietor or Pro-

prietors into the Treasury of this Island, to be applied to the making and repairing the said road, and to no other purpose whatsoever—subject nevertheless to an appeal to the Supreme Court, in manner and under the regulations in all respects as provided and declared in the third section of this Act. *

Sum assessed by Jury to be applied in making said road—subject to appeal.

VI. And be it further enacted, That it shall be at the option of the Proprietors to pay the sum so assessed by the said Jury, either in money or in land, at the value estimated as aforesaid; and the lands so surrendered shall be vested in the Crown to and for the purposes of this Act, and none other: and the Lieutenant Governor, or Commander in Chief for the time being, is hereby authorized and empowered to grant his warrant, under his hand and seal, to the Treasurer of the said Island, for the payment of all such expences, costs and charges as shall be incurred in carrying into effect the provisions of this Act, as herein-before mentioned.

Proprietors may pay in money, or land at the estimated value.

Costs, how to be paid.

VII. And be it further enacted, by the authority aforesaid, That in case the Proprietors or their Agents shall neglect or refuse to pay such sum or sums of money so assessed as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to issue his warrant, under his hand and seal, directed to the Surveyor General, or other competent Surveyor, commanding him to cause so much of the said lands as will amount to the sum assessed, at the price estimated, to be surveyed, and plans and descriptions thereof made, one of which shall be duly returned into the office of the Registrar of Deeds and Conveyances in this Island, who shall register the same, and the other shall be kept in the office of the said Surveyor General.

Proprietors neglecting or refusing to pay sum assessed, so much of the lands as will amount to sum assessed to be surveyed, and plans lodged in the Register and Surveyor General's Offices.

VIII. And be it further enacted, That the said lands shall be set up at public auction by the Sheriff

Said lands to be sold by Auction.

* This clause amended by 4 W. 4, c. 16.

Monies arising
therefrom to be
expended on said
roads.

or Coroner, at such upset price as the Governor, Lieutenant Governor, or Commander in Chief for the time being, shall think reasonable, and sold to the highest bidder; and the monies arising therefrom shall be expended upon making, altering or repairing the said roads, and for no other purpose whatever.

Sheriff to execute
a conveyance to
purchasers.

IX. And be it further enacted, That the Sheriff or Coroner shall, and he is hereby authorized and empowered to make and execute a sufficient Deed or Conveyance of the said land to the purchaser or purchasers, which shall be held and deemed to be good and effectual in the law for the vesting the said land in the purchaser or purchasers thereof, their heirs and assigns, for ever.

Suspending
clause.

Provided nevertheless, That nothing herein contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

. This Act received the Royal Allowance, 22d December, 1830.

C A P. XI.

An Act for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded, upon the Coasts of this Island, and for punishing Persons who shall steal Shipwrecked Goods, and for the Relief of Persons suffering Loss thereby.

WHEREAS the preservation of shipwrecked goods, as well as the punishment of persons who shall plunder or conceal the same, are objects of great importance—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That any ship

or vessel which shall be in distress, or wrecked, stranded, or cast a-shore, or any goods, merchandize, or articles of any kind, belonging to such ship or vessel, or otherwise, which shall be forced on shore, wrecked or stranded, upon the Coasts of this Island, or which shall be found floating in the Rivers, Bays, or Harbours thereof, or so near to the Coasts thereof as to be within soundings, shall be carefully preserved and taken care of, for the right owner or owners; and the person or persons discovering or finding the same shall give immediate notice to any one or more of the several officers hereafter named, *videlicet*—to the Sheriff of the Island, Coroner, Officers of the Customs, Officers of Impost, or Justices of the Peace, whichever of them, or either or any of them, shall be nearest at hand; and such officer or officers, or a majority of them (if more than one shall attend), shall immediately take all necessary measures for securing and preserving of all such ships, vessels, goods, effects, and property of every kind, and shall proceed therewith as herein-after directed: And if any person or persons whatsoever shall plunder, steal, take away or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore as aforesaid, or any goods, merchandize, or articles of any kind, belonging to such ship or vessel, or otherwise, or which shall be wrecked, lost, stranded, or cast on shore on the Coasts of this Island, or shall steal or take away any kind of ship-wrecked or lost goods, wares, or merchandize which shall be found floating in the Rivers, Bays, or Harbours of this Island, or contiguous to the Shores thereof, except so far as it may be necessary to take possession of them for security, or shall beat or wound, with intent to kill or destroy, or otherwise wilfully obstruct the escape of any person or persons endeavouring to save his, her or their life or lives, from such ship or vessel, or shall put out any false light or lights with intention to bring any ship or

Wrecked ships, goods, &c. to be preserved for owners.

Persons discovering same to give notice to the Sheriff, Coroner, Officers of Customs, Officers of Impost, or Justices of Peace.

Stealing or destroying any part of wrecked vessel or goods;

beating or wounding shipwrecked persons,

or putting out false lights, punishable by death.

Stealing under 20s. Petit Larceny.

Justices of the Peace to issue warrants to search for stolen goods.

Persons convicted of having same in possession, to forfeit, besides the value of goods, a sum not exceeding £5, or be committed to Jail.

Persons exposing goods, &c. for sale, taken, or

vessel into danger—then and in all such cases, the person or persons so offending shall be deemed guilty of felony, and being lawfully convicted thereof, shall suffer death, as in cases of felony, without benefit of clergy. Provided always, that when any goods or effects which are under the value of Twenty Shillings shall be lost, stranded, or cast on shore as aforesaid, and shall be stolen, without any circumstances of cruelty, outrage or violence, then and in such cases it shall be lawful for any person or persons to prosecute for such offence by way of Indictment for Petit Larceny, and the offenders being lawfully convicted thereof, shall suffer such punishment as the Laws in cases of Petit Larceny do enjoin or require.

II. And be it further enacted, That if any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall, by virtue of a search warrant, to be granted by any one of His Majesty's Justices of the Peace, (who is hereby authorized and required, upon information on oath, to grant the same,) be found in the possession of any person, or on the premises of any person with his knowledge, and such person being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on conviction of such offence before the Justice, shall forfeit and pay, over and above the value of the goods, merchandize or articles, a sum of money not exceeding Five Pounds, or shall be committed to prison for a term not exceeding Three Months, at the discretion of the said Justice.

III. And be it further enacted, That if any person shall offer or expose for sale, any goods, merchandize, or articles whatsoever, which shall

have been unlawfully taken, or reasonably suspected so to have been, from any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case, any person to whom the same shall be offered for sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of such seizure, to some Justice of the Peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such goods, merchandize or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender, on conviction of such offence by the Justice, shall forfeit and pay, over and above the value of the goods, merchandize or articles, a sum of money not exceeding Five Pounds, or be committed to prison for a term not exceeding Three Months, at the discretion of the Justice.

suspected to be taken, from any wreck, the same may be seized,

and in default of shewing that they were lawfully come by,

offender to forfeit a sum not exceeding £5, over value of the goods &c. or be committed to Jail for a term not exceeding 3 months.

IV. And be it further enacted, That the officers herein-before named, or any one or more of them, when any ship or vessel shall be in danger of shipwreck, or when any vessel or goods shall be wrecked or cast on shore, or shall be discovered floating as aforesaid, are authorized to require and command as many men of the neighbourhood as shall be thought necessary to aid and assist in the preservation of the lives of the people on board such ship or vessel, and to preserve and save the vessels, goods, or whatever else may be wrecked or lost, or in danger thereof; and such officer or officers may, if necessary, command or order the master or principal officer of any ship or vessel which may be at anchor near to the place where such assistance shall be required, to furnish assistance

Officers hereinbefore named empowered to demand assistance of Inhabitants contiguous to a wreck,

and of master or officers of any ship or vessel at anchor near the same.

with his or their boats, and as many men as they can conveniently spare; and all persons so ordered by such officer or officers to aid and assist for the purposes aforesaid, are required to give their attendance accordingly, and to yield ready obedience to the orders which such officer or officers shall from time to time give for the accomplishment of the purposes aforesaid; and if any person or persons whatsoever, when commanded by such officer or officers to give his or their attendance for the purposes aforesaid, or when notified so to do by a person appointed by such officer or officers for that purpose, shall refuse to attend and give his assistance, or shall disobey any of the lawful orders which such officer or officers shall give to such person or persons touching or concerning the premises, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint thereof made on oath, to commit such offender or offenders to the nearest Jail for trial, unless he or they shall give good security to appear and answer to such complaint at the next sitting of the Supreme Court of Judicature; and if such person or persons shall, on information to be exhibited against him or them, be found guilty, the person or persons so convicted shall each pay a fine not exceeding Twenty Pounds, or be imprisoned in the nearest Jail for a term not exceeding Six Months, at the discretion of the Justices of said Court, and according to the nature and circumstances of the offence: And for the encouragement of such person or persons as give assistance to such ships or vessels so in distress, or to the people or crew thereof who may be in danger, or who shall assist in the securing and preserving for the right owners any property whatsoever which shall be wrecked, lost, cast on shore, or found floating, as aforesaid, such person or persons shall, within thirty days after the service performed, be paid a reasonable reward for the same by the commander, principal officer, mariners, seamen or own-

Persons refusing to assist, &c.

to be committed to Jail for trial, unless security be given;

and if found guilty, to forfeit a sum not exceeding £20, or be imprisoned for a term not exceeding six months.

Persons to be paid for assisting.

ers of the vessel, goods or property preserved as aforesaid; and the goods and property so saved, or, in default thereof, the vessel or her materials, shall remain and be held in the custody of any or either of the herein-before named officers, until such charges be paid; and the officer or officers, and all others who shall aid in performing such service, shall be reasonably compensated for the assistance which he or they have actually and fairly given touching or concerning the premises. Provided always, that no person or persons shall be entitled to receive any compensation for his aid or their service, if during the time thereof, he or they shall have been guilty of dishonesty, misbehaviour, or disorderly conduct of any kind; and unless the officer or officers, if any such shall attend and direct the making of such salvage, shall certify the services actually performed by each and every person who shall demand compensation; and the *quantum* of such reward or compensation to be paid to the officer or officers, person or persons, claiming the same, shall be adjusted and settled on a reference to be made to three of the neighbouring Justices of the Peace, to be mutually chosen by the parties; which Justices shall adjust the *quantum* of the reward or compensation to be paid to the persons employed in making such salvage, and such adjustment shall be binding to all parties: and the officer or officers in whose custody the said goods so saved may be, shall sell so much thereof as will be sufficient to satisfy and pay the sum and sums of money adjusted and allowed for the salvage thereof, with incidental charges incurred—or if the goods are in danger of perishing or of being otherwise lost by delay, then the whole to be sold—and shall put some principal officer of His Majesty's Customs, or some other responsible person, in case no such officer is present to receive the same, into immediate possession of the goods or money remaining, after payment of the salvage and costs aforesaid, first tak-

Proviso, as to persons guilty of dishonesty, misbehaviour, &c.

Quantum of reward to be settled by 3 Justices.

Officer to sell part of goods, to pay salvage;

if goods are in danger of perishing, the whole to be sold.

If no person appear to claim property, the proceeds to be paid into the Treasury.

ing an account in writing of the said goods or money, to be signed by the officer of the Customs, or person receiving the same: and if the said money or goods shall not be legally claimed within the space of Twelve Months next ensuing by the owner thereof, such of the goods as may be on hand shall be forthwith sold at public auction, and the monies arising from such sale or sales (reasonable charges being first deducted), with a fair and just account of the whole, shall be paid into the Treasury of this Island for the use of His Majesty's Government.

Proviso, if the property be found in lawful charge of any person, no one to interfere unless requested.

V. Provided always, and be it further enacted, That it shall not be lawful for any person or persons whatsoever, under pretence of making salvage under the authority of this Act, or under any pretence whatsoever, to meddle or interfere with any kind of property whatsoever, if there be found any person or persons whatsoever in the lawful possession thereof, unless such person or persons shall require his, her or their assistance, in which case notice shall be immediately given to one or more of the officers herein-before named that such assistance is wanted: and it shall and may be lawful for the master, or other person or persons having charge of any ship or vessel, or property, so wrecked or in distress, or for the officer or officers who shall come to his or their assistance, to repel by force any person or persons who shall dare to enter such ship or vessel or to meddle with such property, without his or their leave, consent, or orders; and the person or persons who shall molest, insult, or disturb the officer or officers herein-before named, and those acting under his or their authority in and about the premises, such person or persons, if convicted thereof in the Supreme Court of Judicature, shall be punished as for a Misdemeanor.

Persons in charge may repel force by force.

Persons improperly interfering to be punished as for a misdemeanor.

Act may be given in evidence.

VI. And be it further enacted, That if any person or persons whatsoever shall be sued or prosecuted for any thing done in pursuance and execution of this Act, such person or persons, in whatever Court such

suit or prosecution shall be commenced, may give this Act and the special matter in evidence on the general issue, and shall have his costs awarded him, if entitled thereto, from the plaintiff or prosecutor, with the usual remedy for the recovery thereof.

VII. And be it further enacted, That if any person or persons whatsoever shall make, or aid or assist in the making, any hole or passage in the bottom, side, or other part of any ship or vessel, whether in distress or otherwise, if done with an intention wilfully to cause or increase the distress of such ship or vessel, or shall steal or take away, or wilfully destroy, or in any other way wilfully render useless the pump of a ship or vessel, whether in distress or not, if so done with a wilful intention to produce the loss or other danger of such ship or vessel, or shall wilfully do any other matter or thing whatsoever tending to produce the loss or destruction of any ship or vessel whatsoever, such person or persons shall be and are hereby made guilty of felony, without any benefit of his, her or their clergy.

Persons to suffer death who make any hole in a vessel, or otherwise attempt to destroy her.

Provided always, That nothing herein contained shall have any force or effect, until His Majesty's pleasure therein shall be known.

Suspending clause.

* * This Act received the Royal Assent, 7th December, 1829.

C A P. XII.

An Act to alter, amend and repeal certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.*

This Act not approved of by His Majesty.

C A P. XIII.

Not assented to
by His Majesty.

An Act to confirm certain Marriages heretofore solemnized in this Island.

C A P. XIV.

Expired.

An Act to amend an Act intituled *An Act to render perpetual an Act intituled 'An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island.'*

C A P. XV.

See 3 W. 4, c. 2.

An Act in further amendment of an Act made and passed in the Fifth Year of the present King, intituled *An Act to regulate the performance of Statute Labour on the Highways, and to suspend an Act made and passed in the Thirty-fifth Year of the late King, intituled 'An Act to alter and amend the High Road Laws.'*

C A P. XVI.

Executed.

An Act to indemnify the Treasurer of this Island, and all other Persons concerned, in paying certain Monies on Warrants issued since the last Session of the General Assembly.

C A P. XVII.

An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled 'An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells, and Streets of Charlotte Town, and for other purposes therein mentioned.'* Repealed by 4 W. 4, c. 11.

C A P. XVIII.

An Act to continue and amend an Act made and passed in the Eighth Year of His present Majesty, intituled *An Act for raising a Fund, in aid of supporting the Light House on Cranberry Island.* Expired.

C A P. XIX.

An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to negotiate a Loan, for the purpose of erecting a Government House and a Building for an Academy. Repealed by 3 W. 4, c. 13.

C A P. XX.

An Act to continue an Act made and passed in the Ninth Year of His present Majesty, intituled *An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty, intituled An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for increasing the Revenue, by levying a Duty on Tobacco and Tea,' and to appropriate the Monies hereby granted.* Expired.

CAP. XXI.

Expired.

An Act to continue and amend an Act made and passed in the Ninth Year of His present Majesty, intituled *An Act to continue and alter an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled An Act for increasing the Revenue, by levying an additional Duty on all Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors imported into this Island; and to repeal and amend certain parts of an Act passed in the Twenty-fifth Year of His late Majesty's Reign, intituled An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island; and to appropriate the Monies hereby granted.*

CAP. XXII.

Executed.

An Act for appropriating certain Monies therein mentioned.

ANNO UNDECIMO

GEORGIIV. REGIS.

At the General Assembly of His Majesty's 1830.

Island of *Prince Edward*, begun and holden

at *Charlotte Town*, the Fifteenth Day of J. BEADY,
Lieut. Governor.

January, Anno Domini 1825, in the Fifth

Year of the Reign of our Sovereign Lord E. J. JARVIS,
President.

GEORGE the Fourth, by the Grace of

God, of the United Kingdom of *Great* J. STEWART,
Speaker.

Britain and Ireland, King, Defender of the

Faith:

And from thence continued, by several Proroga-

tions, to the Fourth Day of *March*, 1830, and

in the Eleventh Year of His said Majesty's

Reign; being the Sixth Session of the Twelfth

General Assembly convened in the said Island.

C A P. I.

An Act to continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled *An Act to regulate the Duties and Charges of Pilots within this Island.*

5 G. 4, c. 11,
continued for 10
years.

WHEREAS the above Act is about to expire, and it is deemed expedient to continue the same—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled *An Act to regulate the duties and charges of Pilots within this Island*—be, and the same is hereby continued in full force and effect, for and during the space of Ten Years, and from thence to the end of the next Session of the General Assembly, and no longer.

C A P. II.

Executed.

An Act to repeal an Act made and passed in the Tenth Year of His present Majesty's Reign, intituled *An Act to regulate the introduction of Passengers, in Vessels arriving in this Island.*

C A P. III.

Expired.

An Act for the Establishment and Support of Schools, and to repeal the Acts heretofore passed for that purpose.

C A P. IV.

Repealed by 2
W. 4, c. 1.

An Act to explain certain parts of an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty, intituled *An Act for the Relief of Insolvent Debtors.*

C A P. V.

An Act to require Clergymen and others authorized to solemnize Marriages, to return Certificates thereof to the Surrogate of the Island, and to require Clergymen to keep a Record of Baptisms.

WHEREAS much serious inconvenience has arisen, and may continue to arise, from Clergymen and others neglecting to transmit proper Returns or Certificates of Marriages by them performed: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Clergymen and others authorized to solemnize Marriage Contracts shall, and they are hereby required to transmit, within the period of six months, a Certificate of the celebration of each Marriage by them performed, together with the names of the parties witnessing the same, to the Surrogate of the Island; which Certificate shall be in manner and form following:

Persons authorized to solemnize Marriages, to transmit, within six months, a certificate thereof to the Surrogate.

Names of the Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By Licence or Banns.	Names of Witnesses.

Form of Certificate.

‘I hereby certify that the above named parties were this day married by me under Licence from the Lieutenant Governor, [or by Publication of Banns, as the case may be,] in the presence of the above named Witnesses.’

And the Surrogate is hereby required, on receiving the fee herein-after mentioned, to record the said Certificate in a book, to be kept for that purpose; which Record shall be deemed due and sufficient evidence in any Court of Law or Equity to establish the proof of such Marriage.

Surrogate to record the same.

Said record to be evidence of such Marriage in any Court.

Clergymen, &c
on celebrating
Marriages, entit-
led to demand
from the parties
1s. 6d. to be paid
to the Surrogate
for recording the
same.

Surrogate to give
a certified copy of
such Record on
receiving a fee of
1s. 6d.

Clergymen to
keep a Record
of Baptisms:

and on giving a
Certificate from
such Record, en-
titled to a Fee of
1s. 6d.

Clergymen, &c.
neglecting to
comply with this
Act, to forfeit £5
to His Majesty.

To be recovered
before one Jus-
tice.

Suspending
clause.

II. And be it enacted, That any person authorized to celebrate Marriage Contracts shall be entitled (in addition to his usual fee) to demand and receive from the parties married by him the sum of One Shilling and Sixpence, which sum he is hereby required to pay to the Surrogate as a fee for recording such Certificate; and every person desirous of a certified copy thereof from the Record, shall be entitled to the same on paying to the said Surrogate the sum of One Shilling and Sixpence.

III. And be it enacted, That every ordained Clergyman within this Island shall keep a Record of the names and ages of the children by him baptized, together with the names of the parents, and the date of the celebration of the rite in each case; and for every Certificate from such Record such Clergyman shall be entitled to receive the sum of One Shilling and Sixpence.

IV. And be it enacted, That each and every Clergyman, or other person authorized to solemnize Marriages, who shall refuse or neglect to comply with the provisions of this Act, shall, for each and every neglect or refusal, forfeit and pay into the Treasury of this Island the sum of Five Pounds, for the use of His Majesty—to be recovered before any one of His Majesty's Justices of the Peace.

V. And be it further enacted, That nothing herein contained shall have any force or effect, until His Majesty's pleasure be known.

* * This Act received the Royal Allowance, 6th February 1832.

CAP. VI.

An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth Year of His late Majesty's Reign, intituled *An Act for better preventing Accidents by Fire within Charlotte Town, and the Suburbs thereof.*

Expired.

C A P. VII.

An Act for the Relief of His Majesty's Roman Catholic Subjects.

WHEREAS the Imperial Parliament of the United Kingdom of *Great Britain* and *Ireland* has seen fit, in its wisdom and equity, to grant relie to the Roman Catholics of *Great Britain* and *Ireland*: and whereas His Majesty's Government has recommended the adoption of a similar measure in this Colony: wherefore, for the relief and benefit of His Majesty's Roman Catholic Subjects of this Colony—Be it enacted, by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this Act, all such part or parts of any Statute or Statutes of this Colony as has or have a tendency or power to render ineligible or incapacitate for various offices, and to impose civil or political disabilities upon any of His Majesty's subjects professing the Roman Catholic Religion, be, and the same is and are hereby repealed.

So much of any Acts as impose disabilities on Roman Catholics, repealed.

II. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to elect and be elected a Member of the House of Assembly, being otherwise duly qualified; and to hold, exercise and enjoy all civil and military offices and places of trust or profit under His Majesty, his heirs and successors, in this Colony; and to exercise any other franchise or civil right, upon taking the following Oath, instead of the oaths of allegiance, supremacy and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purposes aforesaid, by any of His Majesty's subjects professing the Roman Catholic Religion:—

Roman Catholics may vote at Elections, and be elected Members of the Assembly;

and may hold civil and military offices,

on taking the following Oath:

‘ **I** *A. B.* do sincerely promise and swear, that **I**
 ‘ will be faithful and bear true allegiance to His
 ‘ Majesty King *George* the Fourth; and will de-
 ‘ fend him to the utmost of my power against all
 ‘ conspiracies and attempts whatever which shall
 ‘ be made against his person, crown, or dignity;
 ‘ and I will do my utmost endeavour to disclose
 ‘ and make known to His Majesty, his heirs and
 ‘ successors, all treasons and traiterous conspira-
 ‘ cies which may be formed against him or them:
 ‘ and I do faithfully promise to maintain, support
 ‘ and defend, to the utmost of my power, the suc-
 ‘ cession of the Crown, which succession, by an
 ‘ Act, intituled *An Act for the further limitation*
 ‘ *of the Crown, and better securing the rights and*
 ‘ *liberties of the subject*, is and stands limited to
 ‘ the Princess *Sophia*, Electress of *Hanover*, and
 ‘ the heirs of her body, being Protestants; hereby
 ‘ utterly renouncing and abjuring any obedience
 ‘ or allegiance unto any other person claiming or
 ‘ pretending a right to the Crown of this Realm:
 ‘ and I do further declare, that it is not an article
 ‘ of my faith, and that I do renounce, reject and
 ‘ abjure the opinion, that Princes excommunicated
 ‘ or deprived by the Pope, or any other authority
 ‘ of the See of *Rome*, may be deposed or murdered
 ‘ by their subjects, or by any person whatsoever:
 ‘ and I do declare that I do not believe that the
 ‘ Pope of *Rome*, or any other foreign prince,
 ‘ prelate, person, state, or potentate, hath, or
 ‘ ought to have, any temporal or civil jurisdiction,
 ‘ power, superiority, or pre-eminence, directly or
 ‘ indirectly, within this Realm. I do swear, that
 ‘ I will defend, to the utmost of my power, the
 ‘ settlement of property within this Colony, as
 ‘ established by the laws; and I do hereby dis-
 ‘ claim, disavow, and solemnly abjure any inten-
 ‘ tion to subvert the present Church Establish-
 ‘ ment, as settled by law within this Realm.
 ‘ And I do solemnly swear, that I never will exer-
 ‘ cise any privilege to which I am or may become

‘entitled, to disturb or weaken the Protestant Religion or Protestant Government in this Colony, or any other part of His Majesty’s Dominions: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without any evasion, equivocation, or mental reservation whatsoever.—So help me GOD.’

III. And be it further enacted, That wherever in the Oath hereby appointed and set forth the name of His present Majesty is expressed or referred to, the name of the Sovereign of this Realm for the time being, by virtue of the Act for the further limitation of the Crown and better securing the rights and liberties of the Subject, shall be substituted, from time to time, with proper words of reference thereto.

The name of the Sovereign for the time being to be used in the Oath.

IV. And be it further enacted, That no person in Holy Orders in the Church of *Rome* shall be capable of being elected to serve in Parliament as a Member of the House of Assembly; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void: and if any person, being elected to serve in Parliament as a Member of the House of Assembly, shall, after his election, take or receive Holy Orders in the Church of *Rome*, the seat of such person shall immediately become void: and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a Member of the House of Assembly, he shall be subject to the same penalties, forfeitures and disabilities as are enacted by an Act of the Imperial Parliament, passed in the Forty-first year of the Reign of King *George* the Third, intituled *An Act to remove doubts respecting the eligibility of persons in Holy Orders to sit in the House of Commons*: and proof of the celebration of any religious service by such person,

No Roman Catholic Priest to sit in the House of Assembly.

What shall be deemed evidence of being in Holy Orders.

according to the rites of the Church of *Rome*, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in Holy Orders, within the intent and meaning of this Act.

Not to exempt Roman Catholics from taking any other Oaths required.

V. Provided always, and be it enacted, That nothing herein contained shall be construed to exempt any person professing the **Roman Catholic Religion** from the necessity of taking any oath or oaths, or making any declaration, not herein before mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit, as aforesaid.

Time and manner of taking oaths of office.

VI. And be it further enacted, That any person professing the **Roman Catholic Religion** who shall, after the commencement of this Act, be appointed to any office or place of trust or profit under **His Majesty**, his heirs or successors, in this Colony, shall, within three calendar months next before such appointment, or otherwise, before he presumes to exercise or enjoy, or in any manner to act in such office or place, take and subscribe the Oath herein-before appointed and set forth, either in **His Majesty's High Court of Chancery**, or **Supreme Court of Judicature**, in this Colony, or before any Judge of the **Supreme Court** aforesaid, or in any Court of **General or Quarter Sessions of the Peace** in this Colony for the County or place where the person so taking and subscribing the Oath shall reside: and the proper officer of the Court in which such Oath shall be so taken and subscribed shall cause the same to be preserved amongst the **Records** of the Court; and such officer shall make, sign, and deliver a certificate of such Oath having been duly taken and subscribed as often as the same shall be demanded of him, upon payment of **Two Shillings and Six-pence** for the same; and such Certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such Oath.

VII. And be it enacted, That if any person professing the Roman Catholic Religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under His Majesty in this Colony, or of any other office or franchise, not having, in the manner and at the times aforesaid, taken and subscribed the Oath herein-before appointed and set forth, then and in every such case, such person shall forfeit to His Majesty the sum of Two hundred Pounds, and the appointment of such person to the office, place or franchise so by him held, shall become altogether void, and the office, place or franchise shall be deemed and taken to be vacant, to all intents and purposes whatsoever.

Penalty on acting in offices without taking the Oath.

VIII. And be it enacted, That all penalties imposed by this Act shall and may be recovered as a Debt due to His Majesty, by Information to be filed in the name of His Majesty's Attorney General for this Island, in the Supreme Court of the said Island.

Penalties how to be recovered.

C A P. VIII.

An Act to alter, amend and suspend certain parts of an Act made and passed in the Forty-seventh Year of His late Majesty's Reign, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better Regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future.*

See further 2 W. 4, c. 9.

WHEREAS the said Act, by which Members for the General Assembly are now elected and chosen, requires alteration and amendment—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act no person shall be admitted to vote at the

Qualifications of Electors for Counties.

Election of a Member to serve in General Assembly for any County in this Island, unless he is possessed of a Freehold Estate of the value of Forty Shillings *per annum*; or a Leasehold Estate for a term of years of the yearly rent of Forty Shillings; or shall be a resident Housekeeper of a House and Premises of the yearly rent of Five Pounds, and so being a resident Housekeeper, shall have been in possession thereof for the space of six months before the teste of the Writ or Writs of Election.

Qualifications of Electors for Towns and Royalities.

II. And be it further enacted, by the authority aforesaid, That each and every person within any Town or Royalty in this Island possessed in his own right as of fee of a dwelling house or Messuage of the yearly value of Ten Pounds, or a whole Town, Pasture, Common or Water Lot, shall be admitted to vote for a Member or Members to serve in General Assembly for such Town or Royalty; and that no resident Tenant within such Town or Royalty in this Island shall be entitled to vote for any Member to serve in General Assembly to represent the same, unless he shall occupy a dwelling house, or other premises, of the yearly rent of Ten Pounds, and shall have been in possession thereof for the space of twelve months before the teste of said Writ or Writs of Election—and the same shall not extend, nor be construed to extend, to entitle him to vote for Members to serve in General Assembly for the County in which such Town or Royalty is situated.

Not to extend to entitle such persons to votes for Counties.

Possession of Freehold or Leasehold qualification for 6 months to be deemed sufficient,

if registered one month before teste of Writ.

III. And be it further enacted, by the authority aforesaid, That if any person or persons shall be seised or possessed of a Freehold or Leasehold qualification to vote for any Member to serve in General Assembly as aforesaid, six calendar months before the issuing of the Writ or Writs of Election, the same qualification shall be deemed and held sufficient, if the same be duly registered in the Register Office one month before the teste of such Writ or Writs of Election.

IV. And whereas the places for holding Elections for Members to serve in General Assembly for the respective Counties in this Island, as they are now by Law established, have, by the increase of population, been found inconvenient—Be it therefore enacted, by the authority aforesaid, that for the County of *Queen's County*, the Poll, after due proclamation, as by Law established, shall be first opened at *Charlotte Town*, where the Returning Officer is hereby empowered and required to take the votes of all persons duly qualified, who shall appear and offer their votes, for the space of three days—and from thence shall adjourn the Poll, at the request of any candidate, or any elector representing him, to *Campbelltown*, Lot Number *Twenty-one*, on the South side of *Stanley River*, where the Poll shall be kept open for the space of two days, to receive the votes of all the voters duly qualified, who shall appear and offer their votes—and from thence shall adjourn, at the request of any candidate, or any elector representing him, to at or near *Pinette Mill*, where the Poll shall be kept open for the space of Two Days, to receive the votes of all the voters duly qualified, who shall appear and offer their votes: And for the County of *King's County*, the Poll, after due proclamation, as by Law established, shall be first opened at *Georgetown*, where the Returning Officer is hereby empowered and required to take all the votes of persons duly qualified, who shall appear and offer their votes, for the space of three days—and from thence shall adjourn, at the request of any of the candidates, or any elector representing him, to at or near the Presbyterian Meeting-House, North side of *Murray Harbour*, on Township Number *Sixty-three*, where the Poll shall be kept open for the space of two days, to receive the votes of all the voters duly qualified, who shall appear and offer their votes—and from thence shall adjourn, at the request as aforesaid, to at or near the Bridge at the Head of *Saint Peter's Bay*, where the Poll shall be kept open for a like number of days, to receive the votes

Poll for Queen's County to be opened at Charlottetown,

there to be kept open for 3 days:

May be adjourned to Campbelltown, and there kept open for 2 days:

May be adjourned to Pinette Mill, and there kept open 2 days.

Poll for King's County to be opened at Georgetown;

there to be kept open for 3 days:

May be adjourned to Murray Harbour, there to be kept open 2 days:

May be adjourned to Head of Saint Peter's Bay, and there kept open for 2 days.

Poll for Prince
County to be
opened at Prince-
town or Royalty;

there kept open
for 3 days:

May be adjourn-
ed to Bedeque,

and there kept
open for 2 days.

May be adjourned
to Hillstown,
and there kept
open 2 days.

of all the voters duly qualified, who shall appear and offer their votes: And for the County of *Prince County*, the Poll, after due proclamation, as by Law established, shall be first opened at *Princetown*, or *Princetown Royalty*, where the Returning Officer is hereby empowered and required to take all the votes of persons duly qualified, who shall appear and offer their votes, for the space of three days—and from thence shall adjourn, at the request of any candidate, or any elector representing him, to the settlement called *Bedeque*, on the South side of *Dunk River*, near the Baptist Chapel, where the Poll shall be kept open for the space of two days, to receive the votes of all the voters duly qualified, who shall appear and offer their votes—and from thence shall adjourn, at the request as aforesaid, to at or near *Hillstown*, on Township Number *Five*, where the Poll shall be kept open for a like number of days, to receive the votes of all the voters duly qualified, who shall appear and offer their votes.

Sheriff within 7
days after receipt
of Writ of Elec-
tion, to post cop-
ies thereof.

V. And be it further enacted, by the authority aforesaid, That the Sheriff of this Island, or his Deputy, for the time being, shall, within seven days after he shall have received His Majesty's Writ for electing Members to serve in the General Assembly thereof, cause a sufficient number of copies to be made of the said Writ, one whereof he shall cause, within the time aforesaid, to be posted up at each of the most inhabited parts or places of this Island; and upon each and every of such copy or copies there shall be fairly and distinctly written, the time of holding the said Election, which said last-mentioned Notice shall be signed by the said Sheriff or his Deputy: and the said Sheriff or his Deputy shall cause the said Election to be holden at such time and place, and in such manner, as in and by the said Writ shall or may be directed, when and where the Freeholders, Landholders and Tenants may proceed to elect the Member or Members resident within the said Island, required by the said Writ to be elected:

and the said Sheriff or his Deputy shall thereupon make due return in writing upon the back of said Writ, according to the command thereof, of the persons who shall have been duly elected Members by the major part of the Electors present at such Meeting or Election.

Sheriff to make return of the persons elected.

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

When the Poll shall be opened.

Sheriff not to declare the choice on view, unless by consent of Candidates.

VII. And be it further enacted, by the authority aforesaid, That every application for removal or adjournment of the Poll shall be made on the day on which the same is first opened, as heretofore mentioned: and the Sheriff, or other Returning Officer, shall, on such application being made, forthwith notify the Electors of the County of the said adjournment, by posting advertisements at three of the most public places in the District or Districts to which the Poll is to be adjourned, that he will, on the seventh day next after the opening of the Poll at the place where the same is first opened, continue the same at the place directed by this Act for the first adjournment; and that he will on the fourteenth day next after the opening of the Poll where the same is first opened, continue the same at the place directed by this Act for the second adjournment.

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

Returning Officer to notify Electors thereof.

2d, 4th, 10th,
11th, 12th, 26th
and 27th sections
of 47 G. 3, c. 3,
suspended.

VIII. And be it further enacted, by the authority aforesaid, That the second, fourth, tenth, eleventh, twelfth, twenty-sixth and twenty-seventh Sections of the said Act, made and passed in the Forty-seventh Year of the Reign of His late Majesty, intituled *An Act to repeal an Act made and passed in the Forty-first Year of His present Majesty's Reign, intituled 'An Act for the better regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future*—be, and the same are hereby suspended during the continuance of this Act.

Poll not to be
closed unless by
consent of Candi-
dates, without
Proclamation
being made.

IX. And be it further enacted, by the authority aforesaid, That no Sheriff or Returning Officer for any Town or County shall close the Poll, unless with the consent of the Candidates, at any place where the same is opened, without making Proclamation for the Freeholders, Landholders and Tenants, duly qualified to vote at the Election, to come forward and give their votes; and if, after such proclamation made, no voters come forward for the space of one hour, the Poll shall be closed.

X. And whereas much inconvenience has been felt in administering the oaths to voters, prescribed by the said Act—Be it enacted, by the authority aforesaid, that no other or further Oath shall be tendered or administered to any Voter at the hustings than the following:

Form of Elec-
tor's Oath.

' I do swear, that I verily believe I am by Law
' entitled to a vote in the Town [or County] of _____ ;
' and that I have been in possession thereof [as the
' case may be] for _____ months now last past; and
' the same hath not been made fraudulently, on pur-
' pose to qualify me to give my vote; and that I have
' not received or had, by myself, or any person what-
' ever in trust for me, or for my use and benefit,
' directly or indirectly, any sum or sums of money,
' office, place or employment, gift or reward, or any

‘ promise or security for any money, office, employ-
 ‘ ment, gift, or reward of any kind, in order to give
 ‘ my vote at this Election; and that I have not before
 ‘ been polled at this Election; and that the place of
 ‘ my abode is at _____, and that I am of the age of
 ‘ Twenty-one years and upwards, as I verily believe.
 ‘ So help me GOD.’

XI. And whereas by the before-mentioned Act there is no provision made for the Return of the Sheriff, or other Returning Officer, in the event of two or more candidates, at any one Election, having the same number of votes—Be it therefore enacted, by the authority aforesaid, that from and after the passing of this Act, no Sheriff or Returning Officer shall make return as duly elected of any one such candidate having an equal number of votes, to the exclusion of the other candidate or candidates, but shall, in every such case, return the whole of the candidates having an equal number of votes, with the proceedings thereon, to be disposed of by the House of Assembly. Provided always, that nothing herein contained shall prevent, or be construed to prevent, the Sheriff or Returning Officer from proceeding on a Scrutiny, according to law, and making a return of his proceedings on such Scrutiny to the House of Assembly, to be adjudged and determined.

Candidates having an equal number of votes, Sheriff, &c. to return the whole.

Not to prevent a Scrutiny.

XII. And be it further enacted, That the Oath prescribed to be taken by the Poll Clerks under and by virtue of the said Act, be, and the same is hereby suspended; and instead thereof that the following be substituted—

‘ I do swear, that I will, at the ensuing Election of a Member or Members to serve in General Assembly for the County of [or Town and Royalty of] _____ truly and indifferently take the Poll, and set down the name of each Voter, and for whom he shall poll and give his vote; and that I will not enter on the Poll Books the name or vote of any

Oath of Poll Clerks.

‘ person but such as shall be permitted by the
 ‘ Sheriff or Returning Officer to vote at this
 ‘ Election; and that I will truly enter all and
 ‘ every vote upon the Poll Books, without parti-
 ‘ ality:

‘ So help me GOD.’

XIII. And be it further enacted, That instead of the Oath prescribed to be taken by the Elected, in and by the before-mentioned Act, the following be substituted:—

‘ **I** *A. B.* do swear, that I truly and *bona fide*
 ‘ have such a Freehold or Personal Estate in this
 ‘ Island, to and for my own use and benefit (over
 ‘ and above what will satisfy and clear all incum-
 ‘ brances that may affect the same), of the value
 ‘ of Fifty Pounds, as doth qualify me to be elected
 ‘ and returned to serve as a Member for
 ‘ of _____, according to the tenor and true
 ‘ meaning of the Act of the General Assembly of
 ‘ this Island, in such case made and provided:

‘ So help me GOD.’

Oath to be taken
 by Members of
 Assembly.

Continuance of
 Act.

XIV. And be it further enacted, That this Act shall continue and be in force for and during the space of Ten Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Suspending
 clause.

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

. This Act received the Royal Allowance, 6th February, 1832.

C A P. IX.

An Act for the further Security and Recovery of Monies due to His Majesty upon Duties of Impost and Excise—and for regulating the Offices of Treasurer and Collector of Impost.

WHEREAS it is deemed necessary that, in addition to the present mode of securing monies due to His Majesty upon Duties of Impost and Excise, a further mode of securing the same should be provided—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Collectors of Impost and Excise, in addition to the Recognizance now by law directed to be taken as security for the payment of the Duties of Impost and Excise, shall take from the Principal and Sureties a Warrant of Attorney by them duly executed under their hands and seals, to which Warrant of Attorney shall be annexed a written or printed Defeasance, stating the nature and true intent and meaning of such Warrant of Attorney, directed to the Attorney General or Solicitor General, authorizing them, or either of them, if any such sum or sums of money shall have become due and unpaid on the said Warrant of Attorney, to appear either in the said Supreme Court during any of its sittings, or before the Chief Justice, or any of the Judges of the said Court, and to confess judgment in the names and on the behalf of the persons who are the King's Debtors under and by virtue of any such Warrant of Attorney, for the full amount of the sum thereby secured and promised to be paid to the King; and it shall and may be lawful for the said Supreme Court, or for the Chief Justice, or any of the Judges thereof, and they are hereby required to direct the Prothonotary of said Court to file the said Warrant of Attorney, and to cause a Judgment to be regu-

With recognizance taken for duties, Collectors of Excise to take a Warrant of Attorney,

directed to the Attorney or Solicitor General.

Judgment to be entered up on such Warrant of Attorney.

Execution may be issued thereon for debt and costs.

larly entered up, docketed and signed, for the amount of the debt secured in such Warrant of Attorney; together with the costs; and it shall and may be lawful to sue out Execution on behalf of the King for the amount of the debt and costs specified in every such Judgment.

Treasurer and Collectors of Excise to keep regular books,

to be produced when called for by Lt. Governor in Council,

and to be handed over to their successors in office;

on pain of forfeiting £500.

II. And be it enacted, That the Treasurer of this Island and the several Collectors of Impost and Excise shall, and they are hereby required to keep a regular set of books, in which the accounts belonging to each office shall be duly entered, kept and balanced; which books shall be produced for inspection, with their general accounts, when called for by the Lieutenant Governor in Council: and upon the retirement or removal from office of the said Treasurer, or any of the said Collectors, the said books shall be handed over to his successor, together with all papers and documents to the said office belonging; and should the said Treasurer or any of the said Collectors refuse or neglect to keep such books, or to produce them when called for as aforesaid, or to hand them over, together with the other papers and documents, to his successor in office, he shall, for such neglect or refusal, forfeit and pay to His Majesty the sum of Five hundred Pounds.

Treasurer to grant a search in his books, on receiving a fee of one shilling.

III. And whereas the Office of Treasurer not being declared by law to be an office of public record, and there being no right of access to the Bonds therein kept, great uncertainty prevails in the purchase of Real Estate—Be it therefore enacted, That from and after the publication hereof, when and as often as any person shall make application to the Treasurer to ascertain what sum or sums of money may at any time be due and owing by any particular individual to His Majesty, he shall be entitled to a search for that purpose; and the Treasurer is hereby required, between the hours of Eleven and Twelve in the

forenoon, to grant such search, for which he shall receive the sum of one shilling, and no more.

IV. And be it enacted, That from and after the expiration of twelve months from the passing of this Act, it shall not be lawful for any person holding the office of Treasurer of this Island, to engage, directly or indirectly, in trade or commerce; nor shall such person, at any time, now or hereafter, exchange any of the Public Monies for premium or profit, on pain of forfeiting to His Majesty, in either of the above cases, the sum of Five hundred Pounds, and being ever after rendered incapable of holding the said office of Treasurer.

Treasurer not to engage in trade or commerce, or exchange public money for premium or profit, on pain of forfeiting 500l. &c.

V. And be it enacted, That all penalties or forfeitures arising by operation of this Act, shall and may be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

Fines and forfeitures how to be recovered.

C A P. X.

An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island, and to regulate the Duty of Surveyors.

* * The operation of this Act was suspended until approved of by His Majesty, and no such approbation having been signified, it has been repealed, and re-enacted, with amendments, by 4 W. 4, c. 15.

C A P. XI.

An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled *An Act for providing Pounds in the several Royalties in this Province.*

WHEREAS the said Act hath been found insufficient for the purposes intended—Be it therefore enacted, by the Lieutenant Governor, Coun-

Lieut. Governor,
&c. may cause
Pounds to be
erected in the dif-
ferent Towns and
Royalties.

cil and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to cause to be erected a common Pound or Pounds in each of the Town Plots or Royalties of *Charlotte Town, Princetown and Georgetown*, in such places or parts thereof, and of such extent and dimensions, as may be judged necessary.

Lieut. Governor,
&c. on the Inha-
bitants of any dis-
trict offering a
site for a pound,
may cause one to
be erected.

II. And whereas inconvenience hath been felt from the want of Pounds in the different settlements and districts of this Island—Be it therefore enacted, That as often as it shall appear to the Lieutenant Governor, or Commander in Chief for the time being, on the petition of the Inhabitants of any district, township or settlement, that a common Pound is requisite in such district, township or settlement (the Petitioners offering a good and proper site for the erection of said Pound), it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to cause a Pound to be erected of such extent and dimensions as may appear necessary, for such district, township or settlement.

Horses, cattle &c.
breaking into en-
closures, the fen-
ces of which are
not less than 4
feet in height,

may be impound-
ed until the own-
ers claim the
same.

Proceedings
thereunder.

III. And be it further enacted, That if any damage shall be done by any horses, sheep, goats, swine or neat cattle, by breaking into any enclosure, the fence whereof shall not be less than four feet in height, and destroying any of the produce thereof, it shall and may be lawful for the person or persons whose fence or fences shall have been broken, and whose enclosure shall have received such damage, to cause the horses, sheep, goats, swine or neat cattle to be impounded until the owner or owners of such trespassing beasts shall claim the same: and the keeper of the Pound shall cause the said trespassing beasts so impounded to be advertised, by posting up written notices in three of the most public places of the town, royalty, district, township or settlement in which such Pound is situate, within Twenty-four hours after they shall have been impounded: and the person or persons

injured may proceed against the owner or owners of such horses, sheep, goats, swine or neat cattle, refusing to pay for the damage done by such horses, sheep, goats, swine or neat cattle, as is directed by an Act made and passed in the Thirty-sixth year of the reign of His late Majesty, intituled *An Act to prevent the robbing of Gardens and Orchards, Potato and Turnip Fields, and throwing down of Fences—and for amending an Act made and passed in the Twentieth year of His present Majesty's reign, intituled 'An Act for preventing Trespasses by unruly Horses, Cattle and Sheep—and for preventing the running of Hogs at large through the Town of Charlotte Town.'* and the owner or owners of such horses, sheep, goats, swine or neat cattle, shall pay to the keeper of the Pound, over and above the amount of damages which shall be adjudged to have been done by the said horses, sheep, goats, swine or neat cattle, for each and every day the same shall be impounded, for every horse and head of neat cattle, the sum of one shilling and three pence; and for every sheep, goat or swine, the sum of six-pence: and if the owner or owners of such horses, sheep, goats, swine or neat cattle shall refuse to pay the same to the keeper of the Pound, together with the charge of advertising, within fourteen days after the trespassing beasts shall be impounded, then the said keeper of the Pound shall cause the horses, sheep, goats, swine or neat cattle so impounded as aforesaid, to be publicly sold, and the money arising therefrom, after deducting the charge of the said keeper for his fees, and for supporting the said horses, sheep, goats, swine or neat cattle, whilst so impounded, and the damages adjudged to the person or persons injured as aforesaid, shall be paid to the owner or owners of the horses, sheep, goats, swine or neat cattle so impounded and sold as aforesaid—and if no owner or owners shall appear within six months, the money so remaining shall be paid into the Treasury

36 G. 3, c. 2.

Poundkeeper's Fees.

If not paid, with expences, in 14 days, impounded beasts to be sold.

Proceeds of sale, how to be applied.

of this Island, to and for the purpose of erecting and maintaining such Pounds.

IV. And be it further enacted, That if any person or persons shall rescue any horses, neat cattle, sheep, goats or swine, from any Hog Reeve or other person driving such horses, neat cattle, sheep, goats or swine, found trespassing as aforesaid, to any common Pound within the town or royalty, district, township or settlement, where such trespass is alleged to have been committed, the offender shall forfeit and pay for such offence the sum of twenty shillings, together with reasonable costs of recovering the same, over and above all damages that may be sustained by the trespass of such horses, neat cattle, sheep, goats or swine—which penalty and damages shall be recovered, on the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the County where the offence shall have been committed, and shall be levied by warrant of distress and sale of the offender's goods and chattels: and if any person or persons shall make any breach of the said Pound or Pounds, or shall by any other indirect means rescue any horses, neat cattle, sheep, goats or swine out of the same, the person so offending, on being duly convicted thereof before any two of His Majesty's Justices of the Peace, shall forfeit and pay the sum of Five Pounds, to be levied as aforesaid—and the said penalties for every such rescue and Pound-breach shall, after deducting the expence of repairing the breach or breaches of said Pound, be paid into the Treasury of this Island, to be applied as herein-before directed: and if, in either of the said cases, the person or persons offending shall have no goods or chattels whereon to levy for the said Fines, the said Justice or Justices is or are hereby authorized and empowered to commit the person or persons so offending to the Jail of *Charlotte Town*, for a period not exceeding two months. Provided always, that nothing herein contained shall extend,

Persons rescuing
cattle, &c.

to forfeit 20s. he-
sides costs and
damages.

Mode of recovery.

Persons break-
ing any Pound,
or rescuing Cat-
tle, &c. out of
the same, to for-
feit £5.

Application of
penalties.

Mode of punish-
ment, where of-
fenders have no
Goods or Chat-
tels.

or be construed to extend, to prevent the Lieutenant Governor, with the advice of His Majesty's Council, ^{Proviso.} from declaring such Pounds as are already erected Pounds under the authority of this Act.

V. And be it further enacted, That the said Act made and passed in the Thirty-first year of the ^{31 G. 3, c. 3, suspended.} Reign of His late Majesty, intituled *An Act for providing Pounds in the several Royalties in this Province*, be, and the same, and every part and clause thereof, is hereby suspended during the continuance of this Act.

VI. And be it enacted, That this Act shall continue and be in force for Five Years, from and after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer. ^{Continuance of Act.}

C A P. XII.

An Act to authorize the Conviction and Punishment, ^{Expired.} in a Summary Way, of Persons committing Common Assaults and Batteries.

C A P. XIII.

An Act to authorize the Lieutenant Governor, or other Administrator of the Government for the ^{Executed.} time being, to appoint Commissioners for building a Jail in *Charlotte Town*.

C A P. XIV.

An Act to regulate Hawkers and Pedlars, travelling ^{Expires 26th April, 1835.} within this Island.

CAP. XV.

Expired. An Act to continue an Act imposing a Duty of Impost on Tobacco and Tea.

CAP. XVI.

For other Acts relative to Treasury Notes, see
5 G. 4, c. 18.
6 G. 4, c. 12.
9 G. 4, c. 1.
1 W. 4, c. 15.
3 W. 4, c. 13.
4 W. 4, c. 17.

An Act to authorize a further Issue of Treasury Notes, and to continue an Act intituled *An Act to revive and continue two certain Acts therein mentioned.*

9 G. 4, c. 1,
continued for 5
years.

WHEREAS the above mentioned Act will soon expire—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act made and passed in the Ninth Year of His present Majesty's Reign, intituled *An Act to revive and continue two certain Acts therein mentioned*, be, and the same is hereby continued in force for Five Years from the passing hereof.

Further issue of Treasury Notes, to the amount of £3000.

II. And whereas the former Issues of Treasury Notes have greatly assisted trade, but have been found insufficient for general accommodation, it is therefore deemed expedient to make a further issue—Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, to order a further issue of Treasury Notes, to the amount of Three Thousand Pounds, of which one moiety shall be of the value of Twenty Shillings each, and the other moiety of the value of Ten Shillings each.

Subject to provisions of 5 G. 4, c. 18, and

III. And be it further enacted, by the authority aforesaid, That this further issue of Treasury Notes to the amount of Three Thousand Pounds, shall be in the form, and subject to the enactments and provisions of an Act made and passed in the Sixth year

of His present Majesty, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*— and the Act made and passed in the same year, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the Reign of His present Majesty, intituled 'An Act to empower the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes'—to issue Notes of the value of Ten Shillings each.* 6 G. 4, c. 12.

IV. And be it enacted, That this Act shall be and continue in force for Five Years from the passing hereof, and no longer. Continuance of Act.

C A P. XVII.

An Act for raising a Fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island.

WHEREAS it is essential to the dignity of His Majesty's Government in this Island, that provision be made for the erection of a suitable residence for His Majesty's Representative; and it is highly necessary to provide a Building for an Academy in *Charlotte Town*: and whereas it is also necessary to provide for erecting Jails in the different Counties, and other Public Buildings within this Colony: and whereas the usual method of raising money for Public Buildings in His Majesty's Colonies is by an Assessment on Real Estate, it appears both expedient and least burdensome that the same should be raised by an Assessment on Land within this Colony:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there

Rates of Assessment.

shall be paid annually, during the continuance of this Act, into the hands of the Treasurer of this Island, the sum of Two Shillings lawful money thereof for every hundred Acres of Land contained in the several Townships thereof, and in the several Islands belonging thereto: and the sum of Two Shillings for every Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Town and Royalty of *Charlotte Town*; and the sum of One Shilling and four-pence for every Town Lot, Pasture Lot, Common Lot and Water Lot, in the Towns and Royalties of *Georgetown* and *Princetown*—the said several sums of money to be paid as aforesaid by the several and respective owners, proprietors or occupiers thereof, within Six Months after His Majesty's Royal allowance of this Act shall have been signified.

Treasurer to cause notices to be published, calling on Proprietors for payment.

If default be made, mode of further proceeding.

II. And be it further enacted, by the authority aforesaid, That the Treasurer of this Island shall, and he is hereby required and directed, within Twenty days after His Majesty's Royal Allowance of this Act shall have been signified, to cause Advertisements in *Charlotte Town*, *Georgetown* and *Princetown*, to be posted—and also in the Island Newspapers to be published—calling on the respective owners of land charged by this Act as aforesaid to pay the sums respectively thereon charged within the time limited by this Act: and the said Treasurer is hereby directed and required, at the next sitting of His Majesty's Supreme Court of Judicature, after the expiration of Six Months as aforesaid, on the last day of the Term, to make Proclamation of all such lands as shall then be in arrear for non-payment of the sums charged thereon by this Act; and immediately thereafter to cause further notices to be published in *Charlotte Town*, *Georgetown* and *Princetown*, and in the Island Newspapers, notifying the owners of the said lands so in arrear, that in case the sums charged on them by this Act

shall not be paid within **Ten Days** before the next **Term** of the **Supreme Court of Judicature**, application will be made to the said **Supreme Court** for judgment against the said lands so in arrear; and the said **Supreme Court** shall give judgment accordingly; and shall order and direct that so much of the several lands so in arrear as shall be sufficient to pay the sum charged by this Act, together with reasonable costs, to be sold at **Public Auction** to the highest bidder; and shall thereupon issue a *Fieri Facias*, directed to the **Sheriff** for that purpose, who, after having given **Thirty Days** previous notice, shall proceed to the said sale, and shall thereupon execute to the purchaser a conveyance thereof, which shall be good and valid in **Law**, to all intents and purposes whatsoever.

Supreme Court to give judgment, and direct a sale of lands at Public Auction,

and issue a *Fieri Facias*: Sheriff, after having given 30 days notice, to proceed to sale, and execute a conveyance to purchaser.

III. Provided always, and be it further enacted, That in case of any lands being sold under the authority of this Act, an **Equity of Redemption** shall nevertheless be open to the former owner or owners, proprietor or proprietors, his, her or their heirs or assigns, for the space of **Two Years** next after the levying of the *Fieri Facias* thereon—the former owner or owners, proprietor or proprietors, his, her or their agents, heirs or assigns, repaying the purchase money, with lawful interest thereon, and also all expences attending the same, and a fair allowance for such improvements as shall or may be made thereon—the same, in case of a dispute, to be ascertained by the **Supreme Court**.

Equity of Redemption.

IV. And be it further enacted, by the authority aforesaid, That there shall be granted unto **His Majesty, His heirs and successors**, for the purpose of defraying the expences of erecting a suitable residence for **His Majesty's Representative** in this **Island**—and also for erecting a **Building** for an **Academy** in *Charlotte Town*, the sum of **One thousand Pounds** annually during the continuance

Appropriation clause.

of this Act; and the overplus of such monies as may be raised under and by virtue of this Act shall be applied for the purpose of erecting Jails in the several Counties, and towards finishing such other Public Buildings within this Island as the Legislature of this Colony may deem necessary.

Lieut. Governor
to appoint five
Commissioners.

Commissioners
authorized to
make contracts,

and procure plans
and estimates,

to be laid before
Lieut. Governor
in Council, for
his approbation.

Proviso.

Lieut. Governor
to appoint Com-
missioners for
superintending
the building of
Jails in each
County.

V. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government of this Island for the time being, and he is hereby empowered, on His Majesty's Royal allowance of this Act being signified, to nominate and appoint Five Commissioners to superintend the building of the Government House and Academy in *Charlotte Town*—which Commissioners are hereby authorized to make such contracts for the purchase of materials for erecting and finishing such Buildings, and for workmanship, as they, or the major part of them, shall think proper; and shall without delay procure proper Plans for the said Buildings, together with particular Estimates of the expence of materials and workmanship necessary to complete the same—which, with all contracts that shall be entered into by them, shall, previous to their being executed, be laid before the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, for his approbation. Provided always, that the expence of building the said Government House and Academy shall not in the whole exceed the sum of Four thousand Pounds.

VI. And be it further enacted, That the Lieutenant Governor, or other Administrator of the Government for the time being, shall appoint Three Commissioners in each County, for superintending the building of Jails in the different Counties of this Island, with like power and under the like regulations as are specified in the foregoing clause.

VII. And be it further enacted, That the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of His Majesty's Council, be, and he is hereby empowered to draw Warrants on the Treasurer, at the requisition of the said Commissioners, or the major part of them, respectively, for the sums appropriated by this Act for the said different buildings, or any part thereof, at such times and in such proportions as they may deem necessary.

Lieut. Governor &c. to draw warrants on the Treasurer, at the requisition of the Commissioners.

VIII. And be it further enacted, That a particular account of the expenditure of the monies to be raised and applied by virtue of this Act shall be laid before the Assembly at the then next Session.

Accounts to be laid before the Assembly.

IX. And be it further enacted, That the Treasurer shall keep a specific and separate account of all monies raised by virtue of this Act, and shall be allowed at and after the rate of Five Pounds *per Centum* for receiving and paying the same, and for the other duties hereby enjoined.

Treasurer to keep separate account of monies raised by this Act.

X. And be it enacted, That the said Treasurer shall, and he is hereby required, upon receiving any sum or sums of money under and by virtue of this Act, to grant a receipt for the same, specifying therein the name of the person paying the same, and the quantity of land for which and on what Township the same has been paid—or if situated in any of the Royalties, specifying the Number of the Lot, and whether a Town, Common, Pasture or Water Lot.

Treasurer to grant receipts for all monies received by him.

XI. And be it further enacted, That this Act shall continue and be in force for and during the space of Five Years, from the time that His Majesty's Royal allowance thereof shall be published, and from thence to the end of the then next Session of the General Assembly, and no longer.

Commencement and continuance of Act.

XII. And whereas this Act has been passed in the confident expectation that His Majesty, taking into consideration the very depressed state of this

Act not to go in-
to operation un-
less His Majesty
shall relinquish
his claim to Quit
Rent during its
continuance.

Colony, and the small advancement heretofore made in its improvement, will be graciously pleased to forego his claim to the Quit Rents during the continuance of this Act—Be it therefore enacted, that the operation of this Act shall be suspended, and it shall be of no force or effect, until it shall be ascertained that His Majesty shall have been pleased to relinquish all claim to the said Quit Rents during the continuance of this Act.

Suspending
clause.

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

. This Act received the Royal Allowance, 14th March, 1832, and the signification thereof was published in this Island on the 21st of August following.

C A P. XVIII.

Repealed by 3
W. 4, c. 33.

An Act for granting Licences to Tavern or Inn-keepers and Storekeepers, and for regulating Persons Licensed; and to suspend the operation of the Acts therein mentioned.

C A P. XIX.

Passed condition-
ally, and did not
go into operation.

An Act to amend an Act made and passed in the Tenth Year of His present Majesty's Reign, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned.*

CAP. XX.

An Act for increasing the Revenue, by levying a Duty on Molasses and Sugar. Disallowed by His Majesty, 6th February, 1832.

CAP. XXI.

An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors. Expired.

CAP. XXII.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and thirty. Executed.

ANNO PRIMO

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's 1831.

Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Third Day of *February*, Anno Domini 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith:

J. READY,
Lieut. Governor.

E. J. JARVIS,
President.

W. MACNEILL,
SPEAKER.

Being the First Session of the Thirteenth General Assembly convened in the said Island.

C A P. I.

An Act to repeal an Act made and passed in the Tenth Year of the Reign of the late King *George* the Fourth, intituled *An Act for the appointment of Limits and Rules for the Jail of Charlotte Town*, and to make other Provisions in lieu thereof.

BEit enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, made and passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act*

10 G. 4, c. 2.
repealed.

Now, the condition of this obligation is such, that if the said shall not go or be at large out of the boundaries of *Charlotte Town*, or escape at any time while he has the liberty of the same as aforesaid, then this obligation shall be void, otherwise the same shall remain in full force and virtue.

Sealed and delivered in presence of

}	<i>A. B.</i>
	<i>C. D.</i>
	<i>E. F.</i>

Which said Bond the Sheriff or his Deputy, or the executors or administrators of the Sheriff, at the request of the plaintiff in such action, or his attorney, shall assign to the said plaintiff in such action, by endorsing the same, under his hand and seal; in the presence of two or more credible witnesses; and if the said Bond shall happen to be forfeited, the plaintiff in such action, after such assignment made, may bring an action and sue therefor in his own name; and the Court where the action shall be brought may, by rule or rules of the same Court, give such relief to the plaintiff and defendant in the original action, and to the sureties in the said Bond, as shall be agreeable to justice and equity; and such rules shall have the effect of a Defeasance to such Bond. Provided, that in all cases, the Sureties entering into such Bonds shall justify on oath before one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or a Commissioner for taking Special Bail in that Court, in the amount of the penalty of the Bond; and notice in writing that the Sureties intend to justify, shall be given by the prisoner to the plaintiff, his attorney or agent, at least Fourteen days before the time of justification, in which notice shall be expressed the names and place or places of residence of the Sureties, and the time and place of justification. Provided also, that after such Bond shall have been duly executed, and before the Sureties therein

Sheriff, on request, to assign Bond to the Plaintiff.

Court where action is brought may give relief to parties, agreeably to justice and equity.

Sureties to justify on oath.

Mode of justification.

Notice to be given to the Plaintiff or his Attorney 14 days before justification.

Requisites of notice.

If Sheriff allow Prisoner to be at

large before Sureties justify, to be liable for any breach of Bond before justification.

If assignment of Bond be not demanded, Sheriff, on going out of office, to assign the same to the Plaintiff, and file it in the Prothonotary's office.

Defendant to pay Prothonotary's Fee.

Sheriff, if sued, may plead the general issue.

Sureties may surrender their Principal.

shall have justified, the Sheriff may immediately set any such prisoner at liberty; but the Sheriff shall nevertheless be liable for any breach of the Bond which may happen until the Sureties shall duly justify as aforesaid: and if the assignment of the said Bond shall not be demanded by the plaintiff or plaintiffs in any action as aforesaid, at the time of such Sheriff going out of office, or at any other time as prescribed by this Act, then it shall and may be lawful for the said Sheriff, and he is hereby directed, on his going out of office, to cause the said Bond to be assigned to the plaintiff, and filed in the office of the Prothonotary of His Majesty's Supreme Court; and he is hereby authorized to demand from the defendant and sureties in any such action, in addition to the sum of five shillings as aforesaid, the amount of the Prothonotary's charge for filing and entering such Bond.

III. And be it further enacted, That no Sheriff shall be liable to any action of escape, or other suit or information for or on account of any liberty that may be granted to any confined debtor, under the provisions and according to the true intent and meaning of this Act: and in case the Sheriff should be sued for any thing done by him in pursuance of this Act, he may plead the general issue, and give this Act and the special matter necessary to his defence in evidence under that plea.

IV. And be it further enacted, That the Sureties in any such Bond as aforesaid, or either of them, shall be, at any time before the same shall be forfeited, permitted to surrender the defendant or defendants for whom they are sureties, into the custody of the Sheriff, in like manner as Special Bail are now by law allowed to do; and after such surrender made, and notice thereof given to the plaintiff or plaintiffs, or his, her or their attorney, with a certificate of the Sheriff or Jailer that the defendant or defendants is or are in his custody, pursuant to such

surrender, the Sureties in the Bond shall be entitled to have the same delivered up, on request, to be cancelled.

V. And be it further enacted, That the Act passed in the Twenty-sixth year of the reign of King George the Third, intituled *An Act for the relief of Insolvent Debtors*, shall not, so far as the same may relate to the allowance of Bread to be granted by virtue of that Act, extend, or be construed to extend, to any debtor or debtors who shall have obtained the benefit of the Limits under and by virtue of this Act: Provided always, that it shall and may be lawful for the Court from whence the process issued, or any two of the Justices thereof, on application made by any prisoner who shall have so obtained the benefit of the Limits, the whole amount of whose debts shall not exceed One hundred Pounds, and who shall have complied with the several provisions of the said Act for the relief of Insolvent Debtors, to order the detaining creditor or creditors to furnish and give to the prisoner so within the Limits the same allowance of bread, and in the same way and manner, and subject to the same rules and regulations as are prescribed in and by the said Act, on the said Court, or the said two Justices, being satisfied that the said prisoner so within such Limits is utterly unable to provide or procure his necessary support.

Persons on the Limits not entitled to allowance of Bread under Insolvent Debtor Act;

Unless where a Prisoner's debts do not exceed £100, and Court certifies that he is unable to procure subsistence.

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

Continuance of Act.

C A P. II.

An Act for the further Regulation of Statute Labour, and to amend and continue Two certain Acts therein mentioned.

Repealed by 3 W. 4, c. 1.

CAP. III.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue and amend an Act made and passed in the Tenth Year of the present King, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors.*

CAP. IV.

Expired.

An Act to continue an Act made and passed in the Eleventh Year of the late King, intituled *An Act to continue an Act imposing a Duty of Impost on Tobacco and Tea.*

CAP. V.

Executed.

An Act to repeal an Act intituled *An Act for the preservation of Sheep within the Royalty of Charlotte Town, by imposing a Tax on Dogs.*

CAP. VI.

An Act to amend an Act made and passed in the Fifth Year of His late Majesty's Reign, intituled *An Act to provide a Remedy for Injuries arising from improper Burning of Woods.*

Fine directed to be imposed by 5 G. 4, c. 16, how to be recovered and applied.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Fine directed to be imposed in and by the said Act, intituled *An Act to provide a remedy for injuries arising from improper burning of Woods*, shall be recovered, with costs, before any one of His Majesty's Justices of the Peace, and shall be paid into His Majesty's

Treasury of this Island, for the repairs of Roads and Bridges—the same to be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to the Jail of *Charlotte Town*, for a period not exceeding Two Months. Provided, that all offences committed against the provisions of this Act shall be prosecuted within Six Months after the time the offence shall have been committed, and not afterwards.

For want of sufficient distress, offender to be imprisoned for a period not exceeding 2 months.

Offences to be prosecuted within 6 months.

C A P. VII.

An Act to continue an Act intituled *An Act to establish an Assize of Bread within the Town and Royalty of Charlotte Town*—and an Act intituled *An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways*.

S. G. 4, c. 3.

S. G. 4, c. 6.

* * * The first of the above recited Acts hath expired—the second hath been further continued by 3 W. 4, c. 5.

C A P. VIII.

An Act to authorize the Appointment of Commissioners for erecting certain Public Works therein mentioned.

Executed.

C A P. IX.

An Act to authorize Justices of the Peace to enforce the Attendance of Witnesses, in certain Cases.

WHEREAS it is deemed expedient to the furtherance of justice, that authority be given to Justices of the Peace to enforce the attendance of

Justices of the
Peace empowered
to summon wit-
nesses;

and if they neg-
lect or refuse to
attend;

or when appear-
ing, refuse to be
sworn and give
evidence, how to
be punished.

Application of
Fine.

Mode of recovery.

Witnesses in all cases where they shall be considered necessary, and where the same may not be provided for by Statute:—Be it enacted, by the Lieutenant Governor, Council and Assembly, That upon complaint being made before any Justice or Justices of the Peace of any offence committed against the provisions of any Act or Acts of the General Assembly now in force, or which may hereafter be in force, in this Island, and which may be cognizable before the said Justice or Justices, it shall and may be lawful for the said Justice or Justices to issue his or their Summons or Subpœna, requiring the attendance of such witness or witnesses, whose evidence may be deemed necessary in the premises; and in case any person or persons, who shall have been duly served with a Summons or Subpœna, as aforesaid, requiring him, her or them, at a certain time and place therein mentioned, to give evidence as aforesaid, and such person or persons neglecting or refusing to appear, as therein required, and no cause of absence having been shewn to the satisfaction of the said Justice or Justices—or, when appearing, shall refuse to be sworn and give evidence; and oath having been made by the party or parties, at whose instance or on whose behalf such Summons or Subpœna issued, that he, she or they, hath or have reason to believe that the person or persons served therewith was or were a material witness or witnesses for the party or parties, then it shall be lawful for such Justice or Justices to impose a Fine on such delinquent party, not exceeding Fifty Shillings, nor less than Five Shillings, together with Costs—which Fine shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government; and in default of payment thereof, when directed by the said Justice or Justices, the same to be recovered by warrant of distress, and sale of the offender's goods and chattels; and in case no goods and chattels shall be found, then the said Justice or Justices shall commit the said offender or offenders to the Jail of *Charlotte Town* for a time not exceeding one Calendar Month.

II. And be it enacted, That it shall and may be lawful for such Justice or Justices to award and order such costs to the said witness or witnesses, for his, her or their attendance as are now by law allowed to witnesses.

Justices may award to witnesses their expenses.

C A P. X.

An Act to prevent the running at large of Rams at improper Seasons, and to regulate the Appointment of Sheep Reeves, and to suspend two certain Acts therein mentioned.

Repealed by 4 W. 4, c. 3.

C A P. XI.

An Act for the Recovery of Small Debts, and to continue and amend the several Acts therein mentioned.

Repealed by 2 W. 4, c. 1.

C A P. XII.

An Act to alter an Act made and passed in the Tenth Year of the late King, for regulating the Size of Barrels and the Inspection of Pickled Fish.

Expired.

C A P. XIII.

An Act to discourage Litigation, by regulating the Sett-off of Mutual Debts in Actions at Law.

WHEREAS a provision for setting mutual debts one against the other in actions at Law is highly just and reasonable at all times, and tends to prevent the multiplicity of Law Suits—Be it there-

Mutual Debts may be set off in any Court of Record,

and may be given in evidence on the general issue.

Particulars to be first delivered.

In replevin for Rent, mutual debts may be set off.

In Actions on Bond or Specialty, Plaintiff's declaration and Defendant's set off to state the sum claimed.

If Plaintiff become nonsuit, &c. he shall pay Defendant's costs.

If the Plaintiff be overpaid, Jury may find a verdict for Defendant.

fore enacted, by the Lieutenant Governor, Council and Assembly, That where there are mutual debts between the plaintiff and defendant in any Court of Record in this Island, or if either party sue or be sued as Executor or Administrator where there are mutual debts between the Testator or Intestate and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue, so as at the time of his pleading the general issue, when any such debt due from the Plaintiff, his Testator or Intestate, is intended to be insisted on in evidence by the Defendant, notice shall be given of the particular sum or debt so intended to be insisted on, and upon what occasion it became due, or otherwise such matter shall not be allowed in evidence.

II. And be it further enacted, That by virtue of this Act mutual debts may be set against each other as well in Replevin for Rent as in other actions, notwithstanding that such debts may be deemed in Law to be of a different nature: and in case any debt shall have accrued by reason of a penalty contained in any Bond or Specialty, the declaration of the plaintiff, and notice of set-off from the defendant, shall respectively show how much is claimed to be justly and truly due on either side; and judgment shall be entered for either the plaintiff or defendant for no more than shall appear to be justly due after one debt being set against the other as aforesaid: and if, upon the trial of any Issue, the plaintiff shall become nonsuit, or the Jury shall not assess damages to the plaintiff over and above the sum proved at such trial on behalf of the defendant, and of which notice of set-off shall have been given as aforesaid, then the plaintiff shall pay to the defendant costs, to be taxed; and if upon such trial it shall appear to the Jury that the plaintiff has been overpaid, then they shall not only find a verdict for the defend-

ant, but shall also therewith certify in writing to the Court how much they find the plaintiff to be indebted to the defendant; and the sum or sums so certified shall be recorded with the verdict, and shall be deemed a debt of record; and the defendant shall have execution for the recovery thereof, with costs of the said action—any law, usage or custom to the contrary in any wise notwithstanding.

C A P. XIV.

An Act to establish a Reward for the Destruction of Bears and Loupcerviers.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That a reward of Fifteen Shillings shall be given to each and every person who shall bring to the Treasurer of this Island the snout of any Bear killed within the same, after the passing of this Act, with a certificate from the nearest Justice of the Peace (who is hereby required to grant the same), that such Bear had been actually so killed, on the person so applying making oath before the said Justice to that effect: and that the sum of Five Shillings shall be paid to any person or persons who shall bring to the said Treasurer the snout of any Loupcervier killed within the said Island, after the passing of this Act, with such certificate, to be granted on oath as aforesaid.

Fifteen shillings to be paid on presenting the Snout of a Bear at Treasurer's office, with the certificate of a Justice;

and in like manner 5s. for Snout of a Loupcervier.

II. And be it enacted, That this Act shall continue and be in force for the period of Five Years after the passing of the same, and no longer.

Continuance of Act.

CAP. XV.

For Acts which relate to Treasury Notes, see note to 11 G. 4. c. 16.

An Act to authorize a further Issue of Treasury Notes.

Further Issue of Treasury Notes, to the amount of £3000.

WHEREAS it is deemed expedient to make a further Issue of Treasury Notes—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, or Administrator of the Government for the time being, to order a further issue of Treasury Notes, to the amount of Three thousand Pounds—whereof one moiety shall be in Notes of the value of Ten Shillings each, and the remainder in the following proportions, (that is to say)—One thousand Pounds thereof shall be in Notes of the value of One Pound each, and Five hundred Pounds in Notes of the value of Five Shillings each.

Subject to provisions of 5 G. 4, c. 18, and

II. And be it further enacted, That this further Issue of Treasury Notes, to the amount of Three thousand Pounds as aforesaid, shall be in the form and subject to the enactments and provisions of an Act made and passed in the Sixth year of His late Majesty's reign, intituled *An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in the same year, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Sixth year of the reign of His present Majesty, intituled 'An Act to empower his Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,' to issue Notes of the value of Ten Shillings each.*

6 G. 4, c. 12.

Allowance to Commissioners.

III. And be it enacted, That the Commissioners named and appointed under and by virtue of the

Act first above mentioned, shall be paid at and after the rate of One half *per Centum* each, as a remuneration for their trouble in issuing Treasury Notes, from and after the passing of this Act.

IV. And whereas no provision hath been made by any former Act authorising the issue of Treasury Notes, for the punishment of persons who may be found guilty of stealing such Notes—Be it therefore enacted, that any person or persons who shall hereafter be found guilty of feloniously stealing any Treasury Note or Notes heretofore issued, or which shall be hereafter issued, under and by virtue of any law of this Island, shall be liable to such punishment for the offence as he, she or they would by law be liable to in case such person or persons had been found guilty of feloniously stealing the same amount in any coin which may be current within this Island at the time of committing such felony.

Punishment for
stealing Treasury
Notes.

V. And be it enacted, That this Act shall be and continue in force Four Years from the passing thereof, and no longer.

Continuance of
Act.

C A P. XVI.

An Act to amend an Act made and passed in the Eleventh Year of His late Majesty's Reign, intituled *An Act for granting Licences to Tavern or Innkeepers and Storekeepers, and for regulating persons licensed, and to suspend the operation of the Acts therein mentioned*—and to suspend part of an Act passed in the Thirty-fifth Year of the Reign of King George the Third, intituled *An Act for regulating Servants*.

Repealed by 3
W. 4, c. 33.

C A P. XVII.

Repealed by 3
W. 4, c. 37.

An Act to amend an Act made and passed in the Tenth Year of the Reign of His late Majesty, intituled *An Act to continue an Act made and passed in the Eighth Year of His present Majesty's Reign, intituled An Act to continue an Act made and passed in the Sixth Year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second Year of the Reign of His late Majesty, intituled An Act for raising a Fund, to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned.*

C A P. XVIII.

Executed.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and thirty-one

ANNO SECUNDO

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's 1832.

Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Third Day of *February*, Anno Domini 1831, in the First Year of the Reign of our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, King, Defender of the Faith:

A. W. YOUNG,
Lieut. Governor.

E. J. JARVIS,
President.

W. MACNEILL,
Speaker.

And from thence continued, by several Prorogations, to the Third Day of *January*, 1832, and in the Second Year of His said Majesty's Reign; being the Second Session of the Thirteenth General Assembly convened in the said Island.

CAP. I.

An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts.

WHEREAS it is expedient to consolidate and amend the several Acts of the General Assembly relating to the Recovery of Small Debts:

Repeal of
13 G. 3, c. 11.

16 G. 3, c. 2.

41 G. 3, c. 6.

31 G. 3, c. 5.
(2d clause.)

11 G. 4, c. 4.

1 W. 4, c. 11.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of Small Debts*; and an Act made and passed in the Sixteenth year of the Reign of His late Majesty King George the Third, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts;'* and an Act made and passed in the Forty-first year of the Reign of His late Majesty King George the Third, intituled *An Act in further addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts;'* and the second clause of an Act made and passed in the Thirty-first year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating the Fees of Magistrates and Constables, in certain cases; and for amending an Act made and passed in the Sixteenth year of His Majesty's Reign, intituled 'An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled An Act for the more easy and speedy Recovery of Small Debts;'* and an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act to explain certain parts of an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty, intituled 'An Act for the relief of Insolvent Debtors;'* and an Act made and passed in the First year of His present Majesty's Reign, intituled *An Act for the Recovery of Small Debts, and to continue and amend the several Acts therein mentioned*—be, and the same are, hereby respectively repealed.

II. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint so many persons as shall appear necessary and expedient, to be Commissioners for the Recovery of Small Debts within this Island; each Commissioner, when appointed, to have power and authority to act only within the County for which he shall be appointed, except in the cases as herein-after mentioned.

Lt. Governor &c. may appoint Commissioners for the recovery of Small Debts.

Commissioners to act only within their respective Counties.

III. And be it further enacted, That all and every person or persons who now have, or hereafter shall have, any debt or debts owing unto him, her or them, not exceeding Five Pounds, shall or may cause the debtor or debtors to be proceeded against for the recovery of such debt or debts before one or more such Commissioners as herein-after mentioned, in the County for which such Commissioner or Commissioners shall be appointed, being also the County in which such debtor or debtors respectively shall reside or may be found—that is to say, when the debt shall not exceed Forty Shillings, before one Commissioner; and when the debt shall be above that sum, and not exceeding Five Pounds, before two Commissioners; and that the ordinary process against such debtor or debtors shall be by summons, under the hand and seal of such Commissioner or Commissioners, or one of them, directed to the said debtor or debtors, and which summons shall be served by any Constable of the County where such debtor or debtors shall reside or may be found; which Summons shall be in the form prescribed in the Schedule (A.) annexed to this Act, and shall be served six days at least before the time of trial; and such service shall be by delivering the same to the debtor or debtors in person, or to the wife, child, or other person belonging to such debtor or debtors, at his, her or their known place of abode—provided such child or other person be sixteen years old or upwards, and

Jurisdiction of Commissioners limited to sums not exceeding £5.

Debts not exceeding £2 may be sued for before one Commissioner:

If above £2, before two.

Form of proceeding.

at the time of delivering the said summons the person so delivering the same shall inform him, her or them, to whom the same shall be delivered, of the meaning or purport thereof; and if such debtor or debtors be an inmate, or inmates, the service of such summons shall be valid, by delivering it to any person or persons of discretion as aforesaid at the house or place where such debtor or debtors so lodge or reside, and at the same time telling him, her or them the meaning or purport thereof.

Days for hearing causes.

IV. And be it further enacted, That in all matters of debt as aforesaid, such Commissioner or Commissioners shall only sit and decide on the first or second *Monday*, the first or second *Tuesday*, the first or second *Wednesday*, or the first or second *Thursday*, in each and every Month, and for as many days thereafter, by adjournment, as may be necessary, except in the cases herein-after excepted, to judge and finally determine the actions brought before him or them: and the said Commissioners in the several districts of the same County shall have different days for holding their Courts, to be fixed upon by mutual agreement among themselves.

Courts in different districts of same County to be held on different days.

Compelling attendance of Witnesses.

V. And be it further enacted, That in case any person or persons residing in this Island shall be duly served with a Subpœna issued by any such Commissioner or Commissioners, requiring him, her or them, at a certain time and place therein mentioned, to give evidence on behalf of any plaintiff or defendant, and at the same time being informed that his, her or their expences and loss of time shall be duly satisfied, agreeable to the order of the Commissioner or Commissioners so issuing such subpœna, and such person or persons neglecting or refusing to appear as therein required, and due proof having been made of the service thereof, and of the truth of such information, and no cause of absence having been shewn to the satisfaction of the said Commissioner or Commissioners, and oath having been made before him or

them, by the party or parties at whose instance or on whose behalf such subpoena issued, that the person or persons served therewith was or were a material witness or witnesses for the party or parties, and it being also proved to the satisfaction of the Commissioner or Commissioners that damage had been sustained from the non-attendance of such witness or witnesses, that then it shall and may be lawful for such Commissioner or Commissioners to give judgment against such delinquent party for the amount of damages so sustained, not exceeding Forty Shillings, or Five Pounds, as the case may be, together with costs—to be levied by distress and sale, as is herein-after directed in cases of execution, and to be imprisoned for want of sufficient chattels, as in similar cases under execution; ordering at the same time the overplus (if any) to be paid to such delinquent party (the charges of such distress and sale being first deducted); the amount of which judgment when paid or levied shall be paid over to the party or parties at whose instance or on whose behalf such subpoena issued, and which Subpoena shall be in the form marked (B.) in the Schedule to this Act annexed.

VI. And be it further enacted, That if upon the day of the return of such summons, the plaintiff or plaintiffs shall not appear, without some just cause to be allowed by such Commissioner or Commissioners, or upon appearing, shall not make proof of his, her or their demand, to the satisfaction of such Commissioner or Commissioners before whom the hearing of such summons shall be, but become non-suit, it shall and may be lawful to and for such Commissioner or Commissioners to award to such defendant or defendants, and his or their witnesses, costs and travelling expences as allowed by this Act, and issue execution against such plaintiff or plaintiffs for the recovery of the same, in manner as herein-after prescribed by this Act. Provided nevertheless, that in all cases of adjourned hearings, where judgment shall be ultimately given against the plaintiff or plaintiffs on

Plaintiff not appearing, or being nonsuit, Defendant to be allowed costs and travelling expences.

Mode of Recovery.

Proviso, as to adjourned hearings.

the hearing, the defendant or defendants shall be entitled to receive costs for travelling and each attendance, if more than once, which shall be the same as are by this Act allowed to witnesses.

VII. And be it further enacted, That if such debtor or debtors who shall have been duly summoned as aforesaid do not appear before such Commissioner or Commissioners at the time and place required in and by the said summons, without some just cause, to be allowed by such Commissioner or Commissioners, and the plaintiff or plaintiffs in such summons shall duly appear, then it shall and may be lawful to and for the Commissioner or Commissioners, after due proof made as aforesaid of the service of the said summons in manner aforesaid, to hear the cause on the part of the plaintiff or plaintiffs only, and to make such order or judgment, exclusive of costs, as to him or them shall seem most agreeable to law, equity, and good conscience; and also to order and oblige the defendant or defendants to pay the same by such ways and means as are herein-after provided and directed.

Defendant not appearing, or making sufficient excuse, Commissioners may hear the cause on the part of the Plaintiff, and give judgment thereon.

VIII. And be it further enacted, That for the better discovery of the truth, and for the more solemn determination of all matters and causes which shall or may be depending before such Commissioner or Commissioners, it shall and may be lawful for him or them, and he or they are hereby empowered, upon the appearance of the parties before him or them, to administer, or cause to be administered, an oath to either of the said parties touching the matter then in question, as also to such witness or witnesses as shall or may be produced by either party, and also to any other person or persons whose evidence shall seem necessary on the hearing to the just determination of such cause or causes, or to the making any order or judgment therein, or for any other purpose requisite to the execution of this Act, unless such Commissioner or Commissioners shall, for the better advance-

Commissioners may examine either of the parties on Oath;

as also all Witnesses produced:

ment of justice, deem it proper to defer the hearing of any such cause, which he or they are hereby authorized to do, until their next sitting.

and may continue a cause from one sitting to another.

IX. And be it further enacted, That upon every trial the defendant or defendants shall be allowed to set off any account or demand (not exceeding Forty Shillings, or Five Pounds, as the case may be,) he, she or they may have against the debt or demand of the plaintiff; and if upon any trial it shall be found that the plaintiff is indebted to the defendant, judgment shall be rendered in favour of the defendant for the sum found due, and execution issue thereon, with costs.

Defendant may make set-off on trial.

X. And be it further enacted, That when any defendant is proceeded against under this Act, and shall refuse or neglect to bring forward his or her set-off (if any they have) against the plaintiff at the time of such trial, he or she shall ever after be precluded from suing for the same; and if any such suit be brought, it shall be a sufficient defence on the trial thereof, that the demand sued for could have been on a former trial set off or recovered. Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons from bringing his or their action or actions, when it shall be made to appear to the satisfaction of the Commissioner or Commissioners, that from some unavoidable circumstance he or they was or were precluded from proving his or their set-off upon the former trial.

Defendant refusing or neglecting to make set-off on trial, to be precluded from suing for the same afterwards.

Proviso.

XI. And be it further enacted, That if such debtor or debtors, against whom any order or judgment shall be made or given as aforesaid, shall appear to the Commissioner or Commissioners who shall have made or given the same to be deserving of indulgence, then and in every such case the said Commissioner or Commissioners is or are hereby empowered to grant such time to the debtor or

Power to grant time to Debtors to satisfy judgment, on their giving security by recognizance.

debtors for the payment of the sum or sums which shall or may be so ordered or adjudged against him or them respectively as shall seem reasonable, provided the time so granted shall not exceed one month, to be computed from the time of hearing such complaint or complaints; as also that such debtor or debtors so indulged as aforesaid shall, within such reasonable time as the Commissioner or Commissioners may allow, give sufficient security, by Recognizance, to pay such adjudged sum or sums at or within the time limited therefor— which Recognizance shall be in the form prescribed in the Schedule to this Act annexed (marked E); and if the judgment shall not be satisfied at the expiration of the time so allowed, then the party entitled to receive the same shall have execution against the principal and sureties in such Recognizance, and their goods and chattels, as in other cases after judgment.

In the event of a Commissioner being absent before whom any summons is returnable, any other may adjudicate thereon.

XII. And be it further enacted, That in the event of the absence, occasioned by resignation or otherwise, of any Commissioner or Commissioners before whom any summons shall be made returnable upon the day appointed for the hearing thereof, it shall and may be lawful for any other Commissioner or Commissioners who may then be present to adjudicate thereon, and his or their judgment shall be as binding and effectual upon the party plaintiff or defendant, as if he or they before whom the said summons was made returnable had been personally present.

Appeal to Supreme Court;

XIII. And be it further enacted, That if any person or persons shall find him, her or themselves aggrieved by any order or judgment of the said Commissioner or Commissioners, in any of the cases herein-before mentioned, the said person or persons shall have liberty to appeal to the then next sitting of His Majesty's Supreme Court of Judicature. Provided always, that such appeal

shall be applied for and duly entered within two days next after the said order or judgment of such Commissioner or Commissioners; and the said Commissioner or Commissioners, on application therefor, is and are hereby required to enter such appeal so applied for; but such Commissioner or Commissioners may nevertheless disallow such appeal, unless the party applying for the same shall, immediately on being required thereto, enter into Recognizance, with sufficient surety, to abide the determination or judgment of the Chief Justice or other Justices of the said Supreme Court—which Recognizance shall be in the form prescribed in the Schedule to this Act annexed marked (C).

to be applied for within 2 days after judgment.

Not to be allowed unless security be given by recognizance.

XIV. And be it further enacted, That before the taking of such Recognizance the said Commissioner or Commissioners before whom the same shall be taken is or are hereby required to repeat distinctly to the parties thereto the following condition—(that is to say:)

Before taking recognizance, Commissioners to repeat the condition thereof to the parties thereto.

‘ YOU (the two Sureties) do jointly and severally undertake, that if the Appellant be condemned to pay the Appellee what has been ordered or adjudged to be due from the Appellant to the Appellee for damages and costs, that then you shall pay the same, together with costs and condemnation money, if adjudged by the said Supreme Court of Judicature. This you severally acknowledge.’

Condition.

XV. And be it further enacted, That no person or persons whomsoever who may be confined in Jail under and by virtue of any execution or other process issued under this Act, shall be entitled to the benefit of an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*.

Persons confined in Jail under this Act not entitled to the benefit of Insolvent Act of 26 G. 3, c. 2.

Parties demand-
ing an Appeal, to
make an Affidavit.

XVI. And be it further enacted, That all and every person or persons who shall or may consider himself, herself or themselves aggrieved by any judgment or order given by any Commissioner or Commissioners in any matter or cause arising before them, and shall demand an appeal from such order or judgment, such appellant shall, and he is hereby required to make and subscribe an affidavit, in manner and form following:

Form of Affidavit.

‘ *Prince Edward Island,* }
 } County. }
‘ *A. B.* Plaintiff. } Before
‘ *C. D.* Defendant: }
‘ Esquire, one of the Commissioners appointed for
‘ the recovery of Small Debts for the County
‘ aforesaid, *C. D.* maketh oath and saith, that on
‘ the day of a judgment was given
‘ against this deponent by the said Commissioner
‘ [*or Commissioners, as the case may be,*] in an
‘ action wherein the said *A. B.* was and this
‘ deponent the for the sum of together
‘ with costs of suit [*or of non-suit, as the case may*
‘ *be,*] and that this deponent considering himself
‘ aggrieved by the said judgment, intends to remove
‘ the same by appeal into His Majesty’s Supreme
‘ Court, to be held in on the day of ;
‘ and then and there to cause the said judgment,
‘ and all proceedings thereon, to be examined in
‘ due course of law. And this deponent further
‘ saith, that he does not ask for the said appeal for
‘ the purpose of delaying the payment of the said
‘ debt and costs, but for the purpose of having the
‘ case determined on its merits in the Supreme
‘ Court as aforesaid. Sworn before me, this
‘ day of

Commissioner.’

Affidavit to be
filed with recog-
nizance, and sent
to the Prothono-
tary.

XVII. And be it further enacted, That the said Affidavit shall be made and subscribed in the presence and before the said Commissioner or Commissioners, or one of them, by whom the said

order or judgment shall or may have been given; and the said Commissioner or Commissioners, or one of them, is or are hereby required to file the said Affidavit with the Recognizance and other papers connected with the said Appeal, and make it a part of the proceedings thereof, and forthwith to send the said papers so executed to the office of the Prothonotary.

XVIII. And be it further enacted, That each and every Commissioner so appointed under and by virtue of this Act shall, and he is hereby required to keep a Book for the sole use and purpose of entering and registering the names of the parties plaintiff and defendant, upon issuing any summons as herein-before directed, as also the several orders and judgments that they shall or may make on all plaints that may come before them in pursuance of this Act: and that each and every Commissioner before whom Recognizance for prosecuting any appeal as herein-before directed shall be entered into, shall return the same into the Clerk's office of His Majesty's Supreme Court of Judicature, at least two days before the sitting of the Supreme Court, so as that the same may be proceeded upon at the sitting thereof next after the date of such Recognizance; and all such Commissioners as aforesaid neglecting to keep such Book, or to return such Recognizance in due time, shall, upon each and every such neglect, forfeit the sum of Five Pounds to the person or persons who shall be thereby aggrieved—the same to be recovered in His Majesty's Supreme Court of Judicature.

Book of Causes, &c. to be kept.

Commissioner to return recognizance for appeal into the Prothonotary's office at least two days before the sitting of Supreme Court.

Penalty for neglecting to keep such book or make such return.

XIX. And be it further enacted, That the Chief Justice, or other Justice for the time being, of His Majesty's Supreme Court of Judicature be, and he is hereby empowered and required, upon all Appeals made as aforesaid to the said Court, to cause all defects of form that may appear in any original order or judgment of the said Commissioner or Commissioners to be rectified and amended, without costs or

Power and duty of Supreme Court in cases of Appeal.

expence to the parties concerned; and that after such amendment shall have been made, the said Court shall proceed to hear, examine and consider the truth and merits of all matters concerning such appeals, and the original orders and judgments appealed from, and likewise to examine witnesses upon oath, and to hear all other proofs relating thereto, and to make such final determination thereupon as to the said Court shall appear just and reasonable: and if by the consideration of the said Court the original order or judgment of the Commissioner or Commissioners shall be affirmed, and the appeal or appeals therefrom be dismissed, if against the original defendant, that then the said Court shall adjudge the sum or sums so recovered by the original plaintiff or plaintiffs to be paid to him, her or them respectively, together with the costs allowed by such Commissioner or Commissioners, as also the full costs of defending against the said appeal or appeals: and in case the said Court shall affirm the order or judgment of the Commissioner or Commissioners, if against the original plaintiff or plaintiffs, and dismiss his, her or their appeal or appeals, then the sum or sums adjudged to the original defendant or defendants by such Commissioner or Commissioners, together with full costs for defending against such appeal or appeals, shall be adjudged to him, her or them respectively, in the said Supreme Court of Judicature: and if the said Chief Justice, or other Justice, upon a full hearing of such appeal or appeals, shall set aside the order or judgment of such Commissioner or Commissioners, then upon each and every such determination, it shall and may be lawful for the said Chief Justice, or other Justice, to adjudge and order costs to the appellant or appellants; and upon all final determinations or judgments execution is hereby directed to issue from the said Supreme Court for the sum or sums so recovered: and in case such final determination or judgment of the said Supreme Court shall happen to be in favour of the appellee or appellees in any such appeal, then he, she or they may have execution

Costs, how to be awarded.

Execution to issue out of Supreme Court.

If the decision be in favour of the Appellee, he may have Execution against Appellant or Sureties.

against the appellant or appellants, or his, her or their sureties, or any of them, or any of their goods and chattels—provided that execution shall not in any case issue against the persons or property of any such sureties until the amount of the judgment and costs shall have been demanded of them, by some person duly authorized, at least twenty-one days before the issuing of such execution against them, nor until affidavit of such demand having been duly made shall be filed with the Prothonotary of the said Supreme Court; and in case execution shall issue against any such sureties, or their goods or chattels, the party at whose instance the same shall be issued shall be entitled to levy thereunder the same mileage to give the aforesaid notice as Constables may by this Act receive, together with Two Shillings and Sixpence for making and filing the said Affidavit of such notice having been duly given.

Provided demand be first made of Sureties, 21 days before issue of Execution.

Mileage to be allowed parties on execution so issuing.

Fee for making and filing Affidavit.

XX. And be it further enacted, That in case there be no such application for an appeal as aforesaid; or that the party applying for such appeal shall not enter into the said Recognizance within the time aforesaid; or make the said Affidavit; or that there be no indulgence granted as aforesaid; then it shall and may be lawful for any one or more of the Commissioners who gave the judgment to award execution against the goods and chattels of the party; and in case there shall not be any goods and chattels found, then against the body of the party against whom such judgment shall have been given; which execution shall be in the form prescribed in the Schedule to this Act annexed marked (D.) and the Constable who shall execute the same shall, and he is hereby authorized and required, after having given at least six days notice, to levy, by distress and public sale of the goods and chattels of such party, the sum of money mentioned in such writ of execution, with poundage and other costs allowed in such cases by this Act; and for want of sufficient goods and chattels whereon to levy the same, then, and in such case only, the said Con-

If no Appeal is granted, or time allowed for payment, Commissioner may award execution against goods and chattels of party; and if none can be found then against the body.

Mode of levy thereof.

Terms of imprisonment.

stable is hereby authorized and empowered to take the body of such party, and to carry him, her or them to the next common jail or prison in this Island, there to remain, if for any sum above Forty Shillings* and not exceeding Three Pounds, for the space of Three Months, at any time or season of the year; and if for any sum above Three Pounds and not exceeding Five Pounds, for the space of Five Months, at any time or season of the year; and after any of which said imprisonments, he, she or they shall be freed and discharged therefrom, and also from the debt for which such imprisonment had taken place.

Executions may be enforced in any other County, on being endorsed by a Commissioner thereof.

XXI. And be it further enacted, That it shall and may be lawful for the usual writ of execution for the recovery of Small Debts issued in one County to run into another County where the debtor may reside, or where his chattels may be found—provided that such writ of execution shall be endorsed by a Commissioner duly appointed to judge in matters of Small Debt within the County where such debtor resides, or where his chattels are to be found; and which endorsement the said Commissioner is hereby required to make, and which shall be in the following form:

Form of endorsement.

‘ **YOU** [this blank to be filled with
‘ the Constable’s name having the writ] are here-
‘ by authorized to execute the within writ, within
‘ the County of

‘ Dated at this day of .’

And this endorsement shall be held and deemed a sufficient warrant and authority to the Constable to execute such execution within such County; and such Constable shall be paid for such service his usual and accustomed fees.

Constable’s fees for executing the same.

XXII. And be it further enacted, That if any Constable shall suffer any prisoner or prisoners in

* Term of imprisonment for sums of Forty Shillings or under, not to exceed one month—see 3 W. 4, c. 11, s. 1.

execution for debt to escape, either voluntarily or negligently, or shall refuse or neglect to pay over to the party or parties entitled to receive the same, any sum or sums of money levied or received under the authority of this Act, on demand made after twenty-one days from the date of execution, then the said Constable shall be liable in a penalty to the full amount of the sum for which such prisoner or prisoners so escaping was or were so taken in execution, and for the sum or sums of money so received by him—to be recovered before the Commissioner or Commissioners by whom the execution under which the said prisoner or prisoners were so taken, or the monies so by him levied and received, was issued; or in case of the death or absence of any such Commissioner or Commissioners, before any other Commissioner or Commissioners for the County or District where the said Constable shall reside; and the same shall and may be recovered by warrant of distress of the said Constable's goods and chattels; and if no sufficient distress can be found, then the said Commissioner or Commissioners is or are hereby authorized to commit the said Constable to the common jail for a period not exceeding Six Months—the said penalty, if recovered, to be paid to the party aggrieved.

Constable suffering a prisoner to escape, or failing to pay over money on demand after twenty-one days from date of execution, to be liable to pay the full amount of debt.

Mode of recovery.

For want of sufficient distress, may be imprisoned six months.

XXIII. And be it further enacted, That if any plaintiff or plaintiffs in any Court for the recovery of Small Debts within this Island, who may have obtained a judgment or judgments against his or their debtor or debtors, shall suffer one year to elapse from the date of such judgment or judgments without having sued out execution, such plaintiff or plaintiffs shall, before he, she or they take out execution, be required to make an affidavit before the Commissioner or Commissioners before whom the cause was originally heard, stating if any and what sum or sums have been paid on such judgment or judgments, after which the party or parties plaintiff shall be at liberty to take

Judgment of one year standing without execution issued, how to be revived.

out execution for the amount then remaining due and unpaid upon the said judgment.

Prohibits Commissioners adjudicating in certain cases.

XXIV. And be it further enacted, That this Act shall not extend to actions brought for the recovery of any sum arising upon any contract or case where the title to real estate or boundary lines must be adjudicated upon, nor to any sum won by means of any wager or gaming, nor to any penalty incurred by any Act of this Island, nor to any debt whereof there has not been a contract, undertaking, or promise to pay within six years next before the issuing of the summons—if, in the last-mentioned case, the defendant shall plead the same in his defence. Provided always, that one or more of the said Commissioners shall have power to adjudicate on all cases of Trover, where the value demanded shall not exceed Forty Shillings or Five Pounds, (as the case may be,) in the same manner as in matters of debt.

Commissioners may adjudicate in Trover in sums not exceeding £5.

Debts under £5 not to be sued for in any Court of Record.

XXV. And be it further enacted, That no action or suit for any sum not amounting to the value of Five Pounds, and being recoverable by virtue of this Act as aforesaid, shall be commenced in any Court of Record within this Island.

Proviso.

XXVI. Provided always, and be it enacted, That where the plaintiff or plaintiffs shall, upon any such action or suit brought in any Court of Record, obtain a verdict there for less than Five Pounds, then if the Chief Justice, or other Justice before whom the same cause may have been tried, shall certify a reasonable or probable cause of action for more than Five Pounds, in every such case the plaintiff shall not be liable to pay costs, but may recover his costs of suit, as if this Act had not been made.

Privileged persons not exempt.

XXVII. And be in further enacted, That no privilege, or pretended privilege, shall be allowed to exempt any person whatsoever from being pro-

ceeded against by virtue of this Act; nor shall any person, save and except where the plaintiff or defendant shall be absent from or resident out of the Island, be admitted to appear before any Commissioner or Commissioners as aforesaid as attorney or advocate in behalf of any plaintiff or defendant, or be admitted to speak in any cause or matter before any Commissioner or Commissioners who shall at any time sit to hear and determine causes by virtue of this Act, in which such person is not himself a party or witness, under pain of being committed to prison for a space not exceeding six days.

No person allowed to appear by Attorney, unless absent from the Island.

XXVIII. And be it further enacted, That in every case where any Wages not exceeding the sum of Five Pounds shall be due to any menial or other servant under the age of Twenty-one years, neither of whose parents reside within this Island, it shall be lawful for such servant to sue for and recover such debt before such Commissioners as aforesaid, in the same manner as if he or she were of full age; and such Commissioners are hereby fully authorized and required to take cognizance of and proceed concerning such debts in the same manner, and shall have such and the same powers in regard thereto, as if the plaintiff were of full age.

Wages due to minors (not exceeding £5) whose parents are absent, may be recovered under this Act.

XXIX. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought or commenced within Six Calendar Months next after the cause of action shall have arisen, and not afterwards; and the same shall be laid and brought in His Majesty's Supreme Court of Judicature, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue thereto, and give this Act and the special matter in evidence at the trial

Limitation of actions against persons acting under this Act.

Must be brought in Supreme Court.

General Issue.

thereof; and if the matter or thing for which such suit or action may be brought shall appear to have been done in pursuance of this Act, or if such action or suit shall be brought in any other Court than is herein-before expressed, then the Jury shall find for the defendant or defendants therein; and upon such verdict, or if the plaintiff or plaintiffs shall become non-suited, or discontinue his, her or their action or suit, or upon verdict or demurrer judgment shall be given against the plaintiff or plaintiffs, then, in either of said cases, the defendant or defendants shall and may recover full costs, to be taxed as between attorney and client, and have such remedy for the same as any defendant or defendants hath or have in any other cases by law.

When Defendants are to be allowed full costs, to be taxed as between Attorney and Client.

One Commissioner may issue Subpœnas returnable before another.

XXX. And be it further enacted, That Subpœnas may be issued by any Commissioner although the witness therein named shall not be required to appear before the Commissioner who may have issued the same, and the same shall be as valid and effectual as if such subpœna had been issued by the Commissioner or Commissioners before whom the witness named therein is required to appear.

Proviso.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Justices of the Peace who have issued any summons or summonses from adjudicating thereon, or from issuing execution for the judgment or judgments already given, or that may be given, in any such cases where summonses have already been issued, or from fulfilling all and singular the business commenced under and by virtue of the powers vested in such Justice or Justices by the before-mentioned Acts.

Fees to be taken.

XXXII. And be it further enacted, That no person or persons acting under and by virtue of this Act shall take or receive, directly or indi-

rectly, any greater or other Fee or Fees for his or their respective services than is or are herein-after mentioned and allowed: (that is to say—)

COMMISSIONERS' FEES.

FOR issuing every Summons where the sum does not exceed Forty shillings, Two shillings and Six-pence.

For every Summons above Forty shillings, Five shillings.

For every Subpœna, One shilling.

For every Execution, One shilling and Four-pence.

For every Oath, One shilling.

For drawing and engrossing every Affidavit, One shilling and Six-pence.

For every Recognizance, One shilling and Six-pence.

CONSTABLES' FEES.

FOR service of every, Summons or Subpœna, One shilling.

For levying Execution, Two shillings and Six-pence.

For every mile actually travelled to serve a Summons or Subpœna, or to levy Execution, and back again, Two-pence.

For levying and paying monies on Execution, at the rate of One shilling in the Pound.

WITNESSES' FEES.

FOR each day's attendance, Two shillings.

For every mile travelled, Three-pence.

In the event of Witnesses attending in more than one cause at the same time, then to be allowed only half the above fees in each cause.

If two Commissioners differ in opinion they are to submit the case to a third Commissioner for decision.

XXXIII. And be it further enacted, That in case at the hearing of any cause or causes as aforesaid before any two of such Commissioners, a difference of opinion shall happen, so that judgment cannot be given either way, it shall and may be lawful for the Commissioners so differing, and they are hereby required, to submit the case, together with all the evidence and circumstances connected therewith, to a third Commissioner appointed as aforesaid, to be mutually chosen by such Commissioners so differing in opinion, whose judgment shall be as binding as if the said two Commissioners had agreed in opinion; and such Commissioner shall certify his opinion to the said Commissioners, who are hereby authorized to issue execution, either for plaintiff or defendant, as the decision of the said Commissioner may be, for the judgment so given and expences, except where an appeal from such judgment is demanded and obtained.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

FORM OF SUMMONS.

County.

A. B. Plaintiff, } **BY** Esquire, one [*or*
C. D. Defendant. } two, *as the case may be,*] of the Commissioners
 appointed for the recovery of Small Debts for said
 County.

You are hereby required personally to be and
 appear before me [*or us, as the case may be,*] at
 on the day of
 next, at the hour of of the same day, to
 answer the Plaintiff in an action for the sum of
 [mention on what account due;]
 or in default of your appearance you will be pro-
 ceeded against as to justice shall appertain.

Given under my hand and seal (*or our hands*
and seals, as the case may be,) the
 day of

E. F. Commissioner. (*L. S.*)

To the Defendant *G. H.*

SCHEDULE (B.)

FORM OF SUBPÆNA.

County.

BY Esquire, one of the Commissioners
 appointed for the recovery of Small Debts:

You are hereby required personally to be and
 appear before at on the
 day of at the hour of of the same
 day, to testify the truth according to your know-

II° **GUILIELMI IV.** Cap. 1.

ledge, between *A. B.* Plaintiff, and *C. D.* Defendant. And hereof you are not to fail, on the pain of being fined as the law directs.

Given under my hand and seal, this
day of

E. F. Commissioner. (*L. S.*)

To

SCHEDULE (C.)
FORM OF RECOGNIZANCE OF APPEAL.

County }
to wit. } Date.
A. B. in error, Plaintiff. }
C. D. in error, Defendant. }

A. B. is delivered on Bail to prosecute his Appeal at the next sitting of His Majesty's Supreme Court of Judicature, which will be on the day of next coming.

To
E. F. of in County, } occupation.
G. H. of in County, }

Taken and acknowledged before me,
H. I. Commissioner.

SCHEDULE (D.)
FORM OF EXECUTION.

County.
A. B. Plaintiff, } **BY** Esquire, one
C. D. Defendant. } of the Commissioners appointed for the Recovery of Small Debts.
To the Constables of County, or to any of them, and to the keeper of the Jail at *Charlotte Town*:

Whereas Judgment hath been awarded against *C. D.* of at the suit of *A. B.* for the sum of Debt, and costs of suit—These are to require and command you the said Constables, or one of 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; and for want thereof you are hereby commanded to take the body of the said *C. D.* and him to commit to His Majesty's said Jail; and you the said Jailer are hereby required to receive the body of the said *C. D.* into your custody in the said Jail, and him to detain until he be thence discharged according to Law. And you the said Constables are hereby required to make due return of your proceedings under this Writ to me, within Twenty-one days from the date hereof.

Given under my hand and seal, the day of
E. F. Commissioner. (*L. S.*)

SCHEDULE (E.)

RECOGNIZANCE FOR PAYMENT OF DEBT.

A. B. Plaintiff. }
C. D. Defendant. } WE *E. F.* and *G. H.* do jointly and severally undertake, that if *C. D.* the Defendant shall not pay, or cause to be paid, to *A. B.* the Plaintiff, the amount adjudged against him the said *C. D.* in this action, being for debt and costs, on or before the day of next ensuing, we, or one of us, will do it for him.

Taken and acknowledged before } *E. F.*
 me, this day of 18 } *G. H.*

I. K. Commissioner.

CAP. II.

An Act to prevent the Destruction of Oysters, by burning the same, for the purpose of converting the Shells thereof into Lime.

WHEREAS large quantities of Oysters are wantonly destroyed by persons burning them when making Lime from the Shells: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Twenty-fourth day of *March*, One thousand eight hundred and thirty-two, no person or persons shall use or destroy any Oysters taken from any of the rivers, bays or creeks of this Island, by burning the same for the purpose of converting the shells thereof into lime, under a penalty not exceeding Five Pounds, and costs of prosecution.

Penalty for burning Oysters, for the purpose of making lime of the shells.

Mode of recovery.

II. And be it enacted, That upon complaint of a breach of this Act being duly made on oath by one or more witness or witnesses, before any one of His Majesty's Justices of the Peace for this Island, such Justice shall, and he is hereby required, forthwith to issue a summons to the party complained against, requiring him, her or them to appear before him the said Justice to answer the complaint, within such time as under the circumstances shall to such Justice appear proper and reasonable, when and where the witness or witnesses to prove the charge shall also attend; and the oath of the complainant or informer alone shall be sufficient to convict, where other evidence cannot be had, and in all cases of necessity, to be determined and allowed by the Justice before whom the complaint shall be made; and if, on conviction, the offender shall not immediately, or within such time as the Justice shall think proper, pay the fine and costs, the said Justice is hereby authorized and required to issue his warrant to levy the amount thereof on the goods and chattels of the offender; and for want of goods and chattels, to commit such offen-

For want of goods, offenders may be committed.

der to the common Jail at *Charlotte Town*, for a period not exceeding thirty days.

III. And be it enacted, That one half of all penalties which shall be imposed and recovered under and by virtue of this Act shall be paid to the person or persons prosecuting for the same, and the other half shall be paid into the Public Treasury of the Island, for the use of His Majesty's Government.

Application of Penalties.

C A P. III.

An Act to enable certain Persons to put their Marriages upon Record.

WHEREAS in the years One thousand eight hundred and twenty-three, One thousand eight hundred and twenty-four, One thousand eight hundred and twenty-five, and One thousand eight hundred and twenty-six, the Reverend *Thomas Adin*, Clerk, now deceased, was Rector of *Charlotte Parish*, and in his capacity of Rector and Priest solemnized several Marriages under the Licence of the Lieutenant Governor, or Administrator of the Government of this Island for the time being; and whereas the said *Thomas Adin* hath not caused several of the said Marriages to be duly registered in the Book of the Registry of Marriages for the Parish of *Charlotte*, and took with him when he left this Island the original Letters of Licence for celebrating such Marriages: and whereas it may be productive of much injury in time to come to the Issue of such Marriages so unregistered as aforesaid, by reason of not being able to prove the lawful marriage of their parents: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for any person or persons so married by the late *Thomas Adin*, on obtaining a certificate under the hand and seal of the Secretary,

Persons married by *Thomas Adin*, Clerk, on obtaining a Certificate of the issue of li-

cence, and an affidavit of any person present at the marriage, may have the same registered.

or other Officer having charge of the Books containing a Record of the issuing of Marriage Licences, that a Licence in the usual form appears to have been issued under the hand and seal of the Lieutenant Governor, or Administrator of the Government for the time being, and directed to the parties married, and on obtaining the affidavit or affidavits of one or more of the parties who were present at the solemnization of the said marriage, to cause the same to be filed with the present or any future Rector of *Charlotte Parish*, who, on such affidavits being presented to him, shall cause the same to be copied into the usual Book of Registry of Marriages solemnized by him, and shall register the said Marriages, stating that such have been registered in pursuance of and by virtue of this Act; which Registry shall be as good, effectual, and valid in the law, to all intents and purposes whatever, as if the same had been registered by the said *Thomas Adin* in his life time.

Rector's Fees.

II. And be it further enacted, That the Rector so registering such marriage shall have and receive for so doing, the following fees: (that is to say)—

For filing each Affidavit, One Shilling.

For copying the same into the Registry, for every hundred words, the sum of Two Shillings.

For registering each Marriage, Three Shillings and Four-pence.

For granting Certificate of such Registry, Two Shillings and Sixpence.

C A P. IV.

An Act authorizing the removal of Nuisances from the Streets of *Charlotte Town*.

WHEREAS the Streets of *Charlotte Town* are frequently encumbered with nuisances of various descriptions, which not only obstruct the thoroughfare, but also endanger the health of the Inhabitants

—For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That every person an Inhabitant of *Charlotte Town*, or a proprietor therein, shall be obliged to keep the gutters and street before the houses, building, or land inhabited, occupied, or possessed by him, her or them, clear and free from nuisances of every kind, under the penalty next herein-after mentioned: and every person who shall put or place any nuisance in the streets of the said Town shall be subject to the fine next herein-after mentioned: and the Fire Wardens of the said town, or any one of them, is or are hereby authorized and required to cause rubbish of any kind whatever to be instantly removed, without giving any notice to the person or persons who may have put, or who may have caused the same to be put, there, or becoming at all answerable for the same: and that whenever rubbish of any kind shall be found lying or placed in any of the said streets, the person or persons whose house, building, or property may be in front, and nearest to the said rubbish, shall be liable for each offence to be fined in the sum of Five Shillings, together with the expence incurred by the Fire Wardens in causing the same to be removed. Provided always, that no person shall be liable to the said penalty, unless he or she shall have thrown or placed any nuisance as aforesaid in the street where the same shall be found; or not having thrown or placed the same in the street, shall, being the occupier of the house or premises nearest to which the said nuisance is deposited, suffer the same to continue for the space of six hours between sunrise and sunset. And provided also, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons who may be erecting or repairing any building whatever, from placing, or causing to be placed, on the street or streets next the site of such building, any such necessary materials as are to be used either in the construction or in the repairing of such building, so that the same do not extend further than ten feet from the line of the said

Inhabitants to keep street and gutters before their premises free from filth, &c.

Fire Wardens authorized to remove rubbish, &c. without notice.

Persons nearest, liable to a fine of 5s. and expence of removing the same.

Not liable to penalty unless guilty of throwing nuisance in the Street, or suffering it to remain for 6 hours between sunrise and sunset.

Not to prevent persons building from enclosing a space of 10 feet in front, provided fence be 5 feet high, and the gutters be not obstructed.

street or streets, and shall be enclosed within a fence of not less than five feet in height—and provided also, that this shall not be construed to extend to permit any obstruction of the free course of the water in the gutters of the said street or streets.

If any unyoked carriage be left in the street for two hours, or after sunset, owner to pay 5s.

II. And be it further enacted, That any carriage of whatsoever description which may be left or placed in any street or streets in the day time, without any beast of burden being attached thereunto, and which shall have been suffered so to remain in that situation for the space of two hours—or shall be left in the streets after sunset—the owner or owners of any such carriage shall, for each offence, forfeit and pay the sum of Five Shillings.

Firewardens to sue for penalties.

III. And be it further enacted, That all penalties and forfeitures herein contained shall be sued for and recovered by any of the said Fire Wardens, before any one of His Majesty's Justices of the Peace, by distress and sale of the goods and chattels of the offender; and in default thereof, by imprisonment of such offender for a period not exceeding three days—which fines shall be appropriated towards the keeping in repair the Fire Engine or Engines belonging to the said town.

Application of fines.

Fire Warden suffering a nuisance to remain six hours after complaint made, to forfeit 10s.

IV. And be it further enacted, That in case any of the said Fire Wardens shall, after complaint made to him of any such nuisance, suffer the same to remain unremoved for more than six hours in the day time next after such complaint made, he shall forfeit and pay a fine of Ten Shillings for every such neglect—to be recovered as hereinbefore mentioned.

Continuance of Act.

V. And be it enacted, That this Act shall be and remain in force for the space of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. V.

An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of summary Capias against persons about to leave this Island.

WHEREAS it is necessary to give to Justices of the Peace, and Commissioners for the Recovery of Small Debts, the power of issuing compulsory process in cases of Small Debts, where the debtor is about to leave the Island.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for any Justice of the Peace, or any Commissioner appointed under and by virtue of the Act herein-after mentioned relating to the recovery of Small Debts, upon application made to him, in all cases where the debt shall not exceed Five Pounds, and on affidavit being made in writing before him (which affidavit shall be in the form and to the effect herein-after prescribed,) to issue a Capias to arrest the body of the debtor or debtors, and to bring him, her or them before him; and upon the appearance of the defendant or defendants the Justice or Commissioner who may have issued such Capias shall proceed to try the cause, give judgment, and issue execution, in the mode pointed out in and by an Act made and passed in this present Session of the General Assembly, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts.* Provided always, That it shall and may be lawful for such Justice or Commissioner, if the defendant or defendants shall pray for the same; and tender good and sufficient bail that he or they shall appear and answer the suit; or if he or they shall deposit with the Justice or Commissioner the amount of the sum sworn to, with a reasonable

On affidavit that a debtor is about to abscond, any Justice or Commissioner of Small Debts may issue a Capias, in cases not exceeding £5, and may try the cause, issue execution, &c.

Provided, that if the defendant offer bail to appear and answer, or deposit amount sworn to and costs, he shall be entitled to an

imparlance not exceeding three months.

If defendant do not then appear and answer, Justice, &c. may give judgment by default against defendant and bail.

Mode of recovery against bail.

If deposit hath been made, mode of application thereof.

In what case an appeal may be granted.

sum for costs, to grant such defendant or defendants a reasonable imparlance, not to exceed in any case the space of Three Months; and if the defendant or defendants do not appear and answer to the plaintiff's suit on the day appointed by the said Justice or Commissioner, judgment shall be given by default, as well against the defendant or defendants as against the said bail, if bail hath been put in; and execution shall be awarded against the goods and chattels of the defendant or defendants; and in default of such goods and chattels, execution shall issue against the bail for the amount of the sum sworn to and the costs; and in case the amount sworn to shall have been deposited, the said Justice or Commissioner shall hand the same over to the plaintiff, together with any costs that he shall have expended, or have been put to, in causing such arrest to be made.

II. And be it further enacted, That in case of the appearance of the defendant or defendants at the time appointed, the cause shall be tried in the manner herein-before directed, and either party may appeal from the judgment of the said Justice or Commissioner, on entering into the security and complying with the conditions of the herein-before mentioned Act.

III. And be it further enacted, That the affidavit herein-before mentioned shall be in the following form:

County.

Form of affidavit of debt.

' I. *A. B.* do swear, that *C. D.* is justly and truly indebted to me in the sum of _____ of lawful money of *Prince Edward Island*, for _____ and that I have been informed and believe that the said *C. D.* is about to depart from this Island, and that unless a *Capias* is granted to me I shall lose the said debt of _____ '*A. B.*'
' Sworn before me at _____ on the _____ day of _____ *A. D.* 18 _____ '*E. F. J. P.* or Commissioner.'

IV. And be it further enacted, That the forms of Writs to be used by the Justice or Commissioner shall be as follows:

FORM OF THE CAPIAS.

‘ To either of the Constables of
 ‘ You are hereby commanded to take *A. B.* of
 ‘ and bring him before me, to answer to
 ‘ *C. D.* Hereof fail not.
 ‘ Given under my Hand and Seal at
 ‘ this day of

Form of Capias.

EXECUTION.

‘ To the Constable of
 ‘ Whereas judgment hath been awarded against
 ‘ *A. B.* at the suit of *C. D.* for and
 ‘ for costs, making in all the sum of : These
 ‘ are to command you, to take the body of the said
 ‘ *A. B.* and him commit to His Majesty’s Jail in
 ‘ there to remain until he pay the same,
 ‘ or be discharged by *C. D.* the creditor, or other-
 ‘ wise by order of law.
 ‘ Given under my Hand and Seal this
 ‘ day of

Form of Execution against defendant.

FORM OF EXECUTION AGAINST THE BAIL.

‘ Whereas judgment hath been awarded in favour of *C. D.* as well against *A. B.* for the sum of
 ‘ debt and costs of suit, as against
 ‘ *E. F.* and *G. H.* who failed to produce the body
 ‘ of the said *C. D.* as they had undertaken to do:
 ‘ These are therefore to command you, that you levy
 ‘ from the goods and chattels of the said *C. D. E. F.*
 ‘ *F.* and *G. H.* the sum of and for want thereof
 ‘ to take the bodies of the said *C. D. E. F.* and *G.*

Form of Execution against bail.

‘ H. and them commit to the Jail of there to
‘ remain until they pay the same, or be discharged by
‘ C. D. or otherwise by order of law.
‘ Given under my hand and seal this day of
 J. P. or Commissioner.’

Fees to be taken. V. And be it further enacted, That the following Fees shall be allowed for the services enjoined by this Act:

Drawing and engrossing Affidavit, One Shilling and Sixpence.

Oath, One Shilling.

Capias, if the sum should not exceed Forty Shillings, Two Shillings and Sixpence.

Capias, if the sum exceeds Forty Shillings, Five Shillings.

For each Recognizance, One Shilling and Sixpence.

Execution, One Shilling and Four-pence.

Constable, for making arrest, besides his ordinary travelling charges, Two Shillings and Sixpence.

Levying Execution, Two Shillings and Sixpence.

CAP. VI.

An Act to alter and amend an Act made in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing an Act intituled ‘An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island,’ and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their Duty.*

WHEREAS it has been found necessary to alter and amend so much of the above mentioned Act as relates to Fines and Penalties, and the

appointment of Ballast Masters in the small harbours, rivers and creeks of this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the fine or penalty of Fifty Pounds Sterling, imposed in and by an Act made and passed in the Forty-eighth year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing an Act intituled 'An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island,' and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty,* for casting or unloading stones, gravel or other ballast, from on board any ship, vessel or boat, at or into any of the creeks, ports, havens, or harbours of this Island, shall only extend to ships or vessels of the burthen of One hundred and twenty tons register tonnage, and upwards; and the said fine or penalty of Fifty Pounds Sterling, imposed as aforesaid, may be mitigated by the Justices of His Majesty's Supreme Court of Judicature to a sum not less than Ten Pounds Currency, together with the expences of prosecution, according to the nature and degree of the offence committed by the Master or Owner of any such vessel as aforesaid.

Fine of £50 sterling imposed by 48 G. 3. c. 3, for throwing ballast into rivers, &c. only to extend to vessels of 120 tons burthen and upwards.

May be mitigated by Supreme Court to a sum not less than £10 and costs.

II. And be it enacted, That from and after the passing hereof, any Owner, Master, or other person having charge of any vessel of a less size or burthen than One hundred and twenty tons register tonnage, or of any lighter, boat or flat, who shall discharge or unload any ballast, contrary to the true intent and meaning of the before mentioned Act, shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds currency, together with the costs of prosecuting for the same—which said fines shall be recovered and applied in way and manner as is prescribed and set forth in and by the before mentioned Act.

Penalty for unloading Ballast from vessels of less size than 120 tons, contrary to 48 G. 3, c. 3.

Mode of recovery.

III. And whereas it is found highly necessary and expedient to give encouragement to vessels and boats employed in coasting and fishing, and to relieve them from the attendance of Ballast Masters, and the charges attending the same, and at the same time to prevent, as far as possible, the improper discharging of ballast, rubbish or fish bones in any of the small harbours, rivers or creeks of this Island, by the appointment of Harbour Masters: Be it therefore enacted, by the authority aforesaid, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways, and they are hereby required, within their respective districts, to nominate and appoint in each and every year on or before the First day of *April*, Harbour Masters for the following small harbours—that is to say—*Rustico, Bedford Bay* and *Cove Head*, in *Queen's County*; and *Saint Peter's, Savage Harbour, Colville Bay, Rollo Bay, Bay of Fortune, Howe Bay, and Boughton Bay*, in *King's County*; which said Harbour Masters shall be appointed in the same manner as Overseers of Statute Labour are now appointed, and be subject to the same fines, penalties and forfeitures for neglect of duty, as Overseers of Statute Labour are, as is set forth and prescribed in and by an Act made and passed in the First year of the Reign of His present Majesty, intituled *An Act for the further regulation of Statute Labour, and to amend and continue two certain Acts therein mentioned*: and the said Harbour Masters when so appointed, shall be exempted from performing Statute Labour or Militia Duty during the period they hold such appointment, any thing in the said last mentioned Act to the contrary notwithstanding.

Commissioners of Highways to nominate Harbour Masters yearly, for the harbours herein mentioned.

1 W. 4, c. 2.

Such Harbour Masters to be exempt from Statute Labour and Militia duty.

Harbour Masters to prevent vessels from unloading stones, &c. where injurious to the navigation.

IV. And be it further enacted, That the persons so appointed Harbour Masters as aforesaid shall, to the utmost of their power, prevent the Masters or Owners of all ships, vessels, lighters or boats

from casting, throwing or unloading any stones, gravel, ballast, rubbish or fish bones, or any other thing that will not float, into any of the harbours, rivers or creeks, or into any other waters within the harbours, rivers or creeks to which they are appointed, in quantities likely to prove injurious to the navigation of such harbours, creeks or rivers, or within the limit as prescribed in and by the first herein-before mentioned Act, other than the place appointed by any such Harbour Master for laying or landing the said stones, ballast, gravel, rubbish or fish bones at or on, unless the same be carried on shore for the use of any person or persons claiming the same.

V. And be it further enacted, That if any Owner, Master, or other person having charge of any ship, vessel, lighter or boat, whether employed in the Foreign, Fishing, Coasting, or any other trade or business whatever, shall unload or discharge any stones, ballast, gravel, fish bones or rubbish, or any other thing that will not float, into any of the said small harbours, channels, rivers or creeks of this Island, contrary to the true intent and meaning of this Act, or contrary to the directions given to such Owner, Master, or other person, by the Harbour Master, except as aforesaid, shall for every such offence forfeit and pay a fine not exceeding Five Pounds, together with the expences of recovering the same.

Owner or Master of any vessel unloading stones, &c. contrary to this Act, to forfeit £5 and costs.

VI. And be it further enacted, That every such Harbour Master so appointed as aforesaid shall be furnished with a copy of this Act, and shall, without loss of time, go on board every ship or vessel arriving at or into the port to which he is appointed, and shall read to the Owner, Master, or person in charge thereof, this Act, and shall give such further directions as may be necessary, pointing out at the same time the place where all stones, ballast, gravel, fish bones, or rubbish that will not float, may be discharged or landed.

Harbour Master to read this Act on board every vessel arriving in the harbour for which he is appointed, and to direct where ballast is to be discharged.

Masters of vessels complying with provisions of this Act, to be exempt from fees to Ballast Masters.

VII. And be it further enacted, That from and after the passing of this Act, all Masters, Owners, and other persons in charge of any coasting or fishing vessel, or of any lighter, boat or flat, who shall in every respect perform the conditions of this Act, and of the herein-before first mentioned Act, and shall proceed to the ballast bank as pointed out by the Ballast Masters or Harbour Masters of the respective harbours, shall be free and exempt from all fees or daily pay to any such Ballast Master.

Fines and Penalties how to be recovered and applied.

VIII. And be it further enacted, That all fines and penalties arising under and by virtue of this Act, so far as the same may relate to breaches of this Act committed within the aforesaid small harbours, shall be recovered before any two of His Majesty's Justices of the Peace, and paid to the Harbour Master of the port where any such offence shall be committed, or to any other person who may prosecute for the same.

Persons convicted having no goods whereon to levy, may be committed to Jail for a period not exceeding 30 days.

IX. And be it further enacted, That if the person or persons so convicted as aforesaid shall not pay the said fine when convicted, within such time as to the Justices shall seem reasonable, or shall not have any goods or chattels whereon to levy for the same, it shall and may be lawful to and for the said Justices, and they are hereby required, to commit the said offender or offenders to the Jail of *Charlotte Town*, there to remain for a period not exceeding thirty days.

Continuance of Act.

X. And be it enacted, That this Act shall be and continue in force for Three Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

C A P. VII.

An Act for building a Court House and Jail in Executed.
 Prince County, and for appointing Commissioners
 to superintend the same.

C A P. VIII.

An Act to prevent the running at large of Swine
 within the Town and Royalty of *Princetown*.

WHEREAS it is deemed expedient to prevent
 the going at large of Swine within the Town
 and Royalty of *Princetown*:—Be it enacted, by the
 Lieutenant Governor, Council and Assembly, That
 it shall^d and may be lawful for the Commissioner of
 Highways for the District in which *Princetown* and
 Royalty are situate, and the said Commissioner is
 hereby required and directed, to appoint Four fit and
 proper persons on or before the First day of *May*
 next, and on or before the First day of *April* in each
 succeeding year, to act as Hog Reeves within the
 said Town and Royalty; and whose duty it shall be
 to seize and take up any Swine going at large beyond
 the enclosures of the owner or owners' farms or premi-
 ses, within the said Town and Royalty; and on receiving
 information of such Swine going at large as aforesaid,
 and on the same being shewn to any or either of the
 said Hog Reeves so appointed, it shall and may be
 lawful for any of the said Hog Reeves to seize and
 take up, or cause to be taken up, all Swine found at
 large in *Princetown* and Royalty, and to sell and
 dispose of the same at public auction; and all per-
 sons obstructing by any way or manner whatsoever
 any of the said Hog Reeves in the execution of their
 duty, shall forfeit and pay a fine not exceeding Five
 Pounds, and not less than Forty Shillings—to be re-
 covered before any one or more of His Majesty's

Commissioner of
 Highways for
 Princetown and
 Royalty to ap-
 point 4 Hog-
 Reeves annually.

Duty of Hog-
 Reeves.

Penalty for ob-
 structing Hog-
 Reeves in the ex-
 ecution of their
 duty.

Mode of recovery.

Justices of the Peace, to be levied of the offender or offenders' goods and chattels, by warrant of distress; and in the event of the offender or offenders not having goods and chattels whereon to levy the said fine, then the Justice or Justices of the Peace is or are hereby authorized and empowered to commit the said offender or offenders to the common jail for a space not exceeding thirty days, nor less than fourteen.

Hog-Reeves neglecting or refusing to perform the duties of said office, to forfeit £2.

II. And be it further enacted, by the authority aforesaid, That if the said four persons, or any of them, to be appointed Hog Reeves within the said Town and Royalty, shall neglect or refuse to perform the duties of the said office, in not taking up all Swine found going at large within the said Town and Royalty, and disposing of the same in manner herein-before prescribed, every Hog Reeve so neglecting or refusing to perform such duty, shall forfeit and pay the sum of Forty Shillings—to be recovered in manner last aforesaid. Provided always, That no person appointed Hog Reeve as aforesaid, shall be liable to serve as such more than once in every three years.

No person liable to serve more than once in 3 years.

Application of fines.

III. And be it further enacted, by the authority aforesaid, That all fines and forfeitures recoverable under this Act, after deducting all costs and expences incurred, shall be disposed of in manner following: one-half to the Hog Reeves, and the remaining moiety to be paid into the Treasury of this Island, to be applied towards the opening of streets, and keeping in repair the streets and roads in said Town and Royalty.

Continuance of Act.

IV. And be it further enacted, by the authority aforesaid, That this Act shall continue and be in force for Three Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

C A P. IX.

An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.

WHEREAS there is no specific time for closing the Poll upon the different days on which the same are directed to be held by the Laws heretofore passed for regulating the Election of Members to serve in General Assembly; and whereas the want of some specific regulation on the subject has been productive of serious inconvenience: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for the Sheriff, or Returning Officer, at any future Election to be held for the return of a Member or Members to represent any Town or County in this Island, and he is hereby required so to do, to adjourn or close the Poll (as the case may be) on each and every of the days on which the same is or are directed to be held by the Laws heretofore passed for the regulation of Elections, at the following times, (that is to say): At all Elections for Members to serve in General Assembly that are held between the First day of *April* and the First day of *October*, in each and every year, both days inclusive, at the hour of Seven of the clock in the Evening of each and every day of such Election, if the same has not previously been closed by consent of the Candidates, or otherwise as prescribed by Law—and at all Elections that are held between the First day of *October* and the First day of *April*, in each and every year, at the hour of Five of the clock in the Evening of each and every day the Poll shall be so held, if the same hath not been closed as aforesaid; and the Sheriff or Returning Officer at any such Election, at the times hereby fixed, shall adjourn or close the Poll (as the case may be)—any law, usage or custom to the contrary notwithstanding.

At Elections held between 1st April and 1st October, Poll to close at 7 in the evening:

And at 5 in the evening, if held between 1st October and 1st April.

Returning Officers to conduct Elections in other respects as formerly.

II. And be it further enacted, by the authority aforesaid, That the Sheriff or Returning Officer shall conduct himself in every other respect according to the Laws heretofore passed in this Island respecting Elections, saving and excepting the times of adjourning and closing the Poll as herein-before directed.

Continuance of Act.

III. And be it enacted, That this Act shall continue and be in force for and during the space of Seven Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. X.

An Act for the Relief of *Solomon Desbrisay*, a Prisoner in confinement for Debt within the Limits of the Jail of *Charlotte Town*.

WHEREAS the person of *Solomon Desbrisay* hath been taken in Execution at the suit of *William Pleace*, now resident abroad, for the sum of Five hundred and forty-three Pounds: and whereas the said *Solomon Desbrisay* hath made every reasonable offer to his said Creditor in his power, which hath hitherto proved unavailing: and whereas it hath been prayed that the said *Solomon Desbrisay* might have the Limits of his Prison extended to the whole Island, whereby he may be enabled to raise more effectually sufficient for the liquidation of his debts; and the same being reasonable—Be it enacted, by the Lieutenant Governor, Council and Assembly, That when the said *Solomon Desbrisay* shall have executed a Bond, with good and sufficient Securities, in double the amount of the debt due to the said *William Pleace*, according to the provisions of an Act made and passed in the First year of His present Majesty's Reign, intituled *An Act to repeal an Act made and*

Prisoner, on giving bond, with sufficient sureties, for double the amount of the debt, to have his liberty within the boundaries of the Island.

passed in the Tenth Year of the Reign of the late King George the Fourth, intituled 'An Act for the appointment of Limits and Rules for the Jail of Charlotte Town,' and to make other provisions in lieu thereof, with a condition that the said Solomon Desbrisay shall not go or be at large out of the boundaries of this Island, it shall and may be lawful to and for the Sheriff of this Island to permit and suffer the said Solomon Desbrisay to have his liberty within the boundaries of this Island.

C A P. XI.

An Act to prevent Tavern-Keepers, Innkeepers, or other Persons, from harbouring or entertaining Soldiers at improper hours.

WHEREAS it is found necessary to prevent Tavern-Keepers, Innkeepers, or any other person or persons, from harbouring or entertaining Soldiers at improper hours—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any Tavern-Keeper, Innkeeper, or any other person or persons in this Island, shall knowingly suffer or permit any non-commissioned officer, drummer, or private soldier or soldiers, in His Majesty's service, to be and remain in his, her or their house or houses, under any pretence whatsoever, after the hour of Eight of the Clock in the evening, from the First day of *October* to the Thirtieth day of *April*, or after the hour of Nine in the evening, from the First day of *May* to the Thirtieth day of *September*, in each and every year, without a written pass or permission from his or their commanding officer, he, she or they shall be liable to pay a fine of Twenty Shillings, together with the costs of recovering the same, for each and every offence—to be recovered before any one of His Majesty's Justices of the Peace for the said Island, on the oath

Any Tavern-keeper, or other person suffering a soldier to remain in his house after a certain hour in the evening without a written pass from his officer, to forfeit £1 and costs.

Mode of recovery.

of one credible witness—the same to be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the County Jail, for a period not exceeding ten days.

Application of
fine.

II. And be it enacted, That one moiety of the said fine, if recovered, shall be paid to the person who shall inform and sue for the same; and the other moiety shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

C A P. XII.

An Act to require Landlords, or Claimants of Rents, to put the Titles by which they claim upon Record, in the proper Offices of Record in this Island.

Persons deriving Title from any Lessor, not entitled to recover Rent, unless proof is adduced on trial, that the Title by which they claim hath been duly registered, previous to commencement of suit.

WHEREAS great injustice and much inconvenience result to Tenants in this Island, by reason of the Titles of the different Claimants of Rents not being upon Record in the proper Offices of this Island—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, when any person or persons deriving title from any Lessor shall sue or distrain for rent arrear, and the Tenant or Tenants shall defend, and an issue shall be thereupon joined, before such person or persons so deriving title as aforesaid, on the trial of such issue, shall be enabled to recover such rent so sued and distrained for, he or they, in addition to the usual evidence required in such cases, shall be obliged and required to produce evidence that the title by which he or they claims or claim, whether by Will, Deed or Succession, hath been duly registered in the offices in which such title

ought to be registered, previous to suing or making distraint.

II. And be it further enacted, by the authority aforesaid, That no Lessor or Landlord, or his Assigns, shall be entitled to sue or distrain for any greater or further sum of rent arrear than shall have arisen within Six Years next before the commencement of such suit, or the making of such distress.

No Landlord to recover Rent which shall not have arisen within 6 years before commencement of Suit.

III. Provided always, and be it further enacted, That this Act shall not extend, or be construed to extend, to any other rents than such as shall have arisen and become due subsequent to the passing hereof.

Not to extend to any other Rents than such as shall become due after passing of Act.

C A P. XIII.

An Act to prevent the Importation and Spreading of Infectious Diseases within this Island.

WHEREAS it has become expedient and necessary to make regulations for preventing the importation of Infectious Disorders into this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That no vessel arriving in the harbour of *Charlotte Town* with Emigrant Passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious distemper, or coming from any place infected with any such distempers, or at which any such distempers at the time of her departure were known or supposed to prevail, or on board of which said vessel any person during the voyage had died or been sick of any such distemper, shall come, proceed, or be navigated or conducted further or higher up into the harbour of *Charlotte Town*, or into the several rivers connected therewith, than *Canso Point*, or the confluence of the *York, Elliot,*

Regulations for Vessels having on board Emigrant passengers, or contagious distempers, or coming from infected places, or on board of which any person had died or been sick of such distemper, on entering *Charlotte Town* harbour.

Their Inspection
and place of An-
chorage.

Health Officer
may permit Ves-
sel to proceed, or
may direct the
Master to hoist a
Yellow Flag, and
to remain at an-
chor for 3 days.

Lt. Governor,
&c. may direct a
Quarantine of 40
days, and appoint
a station.

Master permit-
ting any inter-
course with the
shore, or with
other vessels ;

and *Hillsborough* Rivers, until such vessel shall have been duly inspected and examined by one competent medical person, to be for that purpose, as herein-after mentioned, appointed, nor until the said medical person shall signify his consent and permission, in writing, that such vessel may proceed without danger to the inhabitants of this Island; and if on such inspection and examination as aforesaid it shall be judged expedient, the said medical person be, and he is hereby authorized to direct the master or commander of the said vessel forthwith to hoist, or cause to be hoisted, a yellow flag, to be provided by the said medical person, at the main-topmast head of the said vessel, and which flag shall be kept flying, and to direct that the said vessel shall be brought to anchor at the place aforesaid, and remain there for a space of time not exceeding **Three Days**, unless the **Lieutenant Governor**, or **Commander in Chief** for the time being, shall ordain and direct that such vessel shall perform **Quarantine**, in which case the master or commander of such vessel for the time being shall forthwith cause the said vessel, with all the persons, goods and cargo on board thereof, to be removed to and to anchor at such place, and for such length of time, not exceeding **Forty Days**, as the said **Lieutenant Governor**, or **Commander in Chief** for the time being, may think proper to direct and appoint; and during the time such vessel shall be performing such quarantine, the master or commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel and the shores of this Island, nor between the said vessel and any other vessel or boat, except under the direction of the said medical person; and the master or commander of any such vessel, and all and every other person or persons belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or

go on board of any other vessel or boat contrary thereto, or shall presume to bring or put, or aid and assist in bringing or putting on shore or on board any other vessel or boat as aforesaid, any person or any goods from any such vessel so having come to anchor, or which shall be ordered to perform quarantine as aforesaid, without the licence and permission of the said medical person being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not exceeding Two hundred Pounds of current money of this Island, or be imprisoned for a time not exceeding Twelve Months.

or any other person coming on shore or going on board of any other vessel, &c. without Licence from Health Officer, to forfeit £200, or be imprisoned for 12 months.

II. And be it further enacted, That the master or commander of every vessel with emigrant passengers, or having on board the Small Pox, Yellow Fever, or other pestilential or contagious distemper, or coming from any place infected with any such distempers, or at which any such distempers, at the time of her departure, were known or supposed to prevail, or on board of which said vessel any person during the voyage had died or been sick of any such distempers, immediately on coming abreast of the *Block House* at the entrance of the harbour of *Charlotte Town*, shall cause the said vessel's ensign (or such other colour as shall be on board) to be hoisted in the starboard main-rigging, and shall continue the said signal so hoisted, until the said vessel shall have been inspected and examined by the said medical person, and a licence be had from him to remove the same, under the penalty of Twenty Pounds for each and every offence.

Master of such vessel, on coming abreast of Block-House, to hoist an Ensign or other flag in the starboard main-rigging, to be kept flying until the vessel is inspected, and Licence given to remove the same, under penalty of £20.

III. And be it further enacted, That the several Branch Pilots belonging to the harbour of *Charlotte Town* shall be furnished with printed instructions containing a notice to the following effect, viz:—
 ' That no vessel with emigrant passengers, or having
 ' the Small Pox, Yellow Fever, or other pestilential
 ' or contagious distemper on board, or having come
 ' from any place infected with any such distemper,

Branch Pilots to be furnished with printed Instructions.

Tenor of notice.

'or at which any such distempers were known or
 'supposed to prevail at the time of her depar-
 'ture, or on board of which any person had died
 'or been sick of any such distempers during the
 'voyage, shall proceed or be navigated further or
 'higher up into the harbour than *Canso Point*, or
 'the confluence of the *Fork, Elliot and Hillsborough*
 'Rivers; and that the master or commander of any
 'such vessel shall not go or put on shore, or on
 'board any other vessel or boat, or suffer any other
 'person to go or put on shore or on board any
 'other vessel or boat, any person or goods out of
 'the said vessel, until such vessel shall have been
 'inspected by the medical person, and his licence
 'for that purpose obtained, under the penalty of
 'Two hundred Pounds; and further, that the said
 'master or commander shall cause the said vessel's
 'ensign (or such other colour as shall be on board)
 'to be hoisted in the starboard main-rigging, so
 'soon as the said vessel shall come abreast of the
 '*Block House*, and shall continue the same so
 'hoisted until leave be granted by the said medical
 'person to remove the same, under the penalty of
 'Twenty Pounds.' And every pilot, before he
 shall board any vessel coming into the said port or
 harbour, shall ascertain whether such vessels have
 on board any such infectious distempers, or have
 last come from any place known to be infected
 therewith at the time of the departure of any such
 vessels, and whether any person has during the
 voyage died or been sick of any such pestilential
 disease as aforesaid; and if his questions to the
 effect aforesaid, or any of them, shall be answered
 in the affirmative, he shall refrain from boarding
 such vessel, but shall nevertheless inform those on
 board by the best means in his power of the provi-
 sions of this Act, as contained in his instructions
 on that subject herein-before mentioned, and if
 permitted, shall point out the course for such ves-
 sels to steer by, going before them with his boat to
 the place where such vessels ought to anchor, and

Duty of Pilot, be-
fore boarding ves-
sels.

In what cases Pi-
lots shall not
board vessels.

Their duty in such
cases.

shall forthwith give the proper notice or information to the medical officer who may be appointed to visit such vessels under and by virtue of this Act; and it shall nevertheless be the duty of the said pilot, on first boarding every vessel coming into the harbour of *Charlotte Town*, to read such notice to the master or commander of such vessel, or communicate to him the purport and effect of such notice; and any Branch Pilot who shall neglect his duty in this respect, shall for the first offence forfeit and pay the sum of Ten Pounds, and for the second offence, in addition to the penalty of Ten Pounds, be prevented for ever after from holding a branch: And if any person or persons shall be found to have been landed, or attempting to land, from any such vessel with emigrant passengers, or so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, or on board of which said vessel any person during the voyage had died or been sick of any such infection, it shall and may be lawful for any Justice of the Peace, by warrant under his hand and seal, directed to any constable, to cause such person to be taken and reconveyed on board such vessel; and the said constable having such warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed, or attempting to land, as aforesaid; and it shall be lawful for the persons so called upon by the said constable or officer to assist or use such force as may be necessary to carry the said order into effect, by forcing such persons landed, or attempting to land, back to and on board such vessel; and the master or person having command or charge of such vessel from which such person shall have landed, or attempted to land, shall, on request of the constable or officer having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of Fifty Pounds for

Penalty on Pilots offending against this Act.

Justices of Peace to cause persons landing from any such vessel to be reconveyed on board.

Constables may command assistance to enable them to execute Warrants against such persons.

Masters of vessels to receive and keep such persons on board, under a penalty of £50.

each and every person that he shall refuse to receive, or neglect to detain and keep on board after being so returned.

Health Officer,
how appointed.

His duty.

IV. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, is hereby authorized and required to appoint one competent medical person, who shall have power and authority, and whose duty it shall be, to visit, inspect and examine all vessels arriving in the harbour of *Charlotte Town*, and on board of which such signal shall have been so hoisted in the starboard main-rigging as aforesaid, or on board of any other vessel with emigrant passengers, or which may be suspected of having on board the Small Pox, Yellow Fever, or other pestilential or contagious distemper; and to make full inquiry and examination into the state of the health of all persons on board any such vessels, or who have been on board during any part of the voyage; and whether the said vessel came from or touched at any place infected with any of the distempers aforesaid, or at which at the time of her departure any such distempers were known or supposed to prevail: and if the said medical person, on such inspection and examination, shall consider that no danger is likely to result to the inhabitants of this Island from suffering such vessel to proceed into the harbour, he shall give a licence in writing to the master or commander of such vessel for that purpose, and thereupon such vessel may proceed; but if there should exist any doubts relative thereto, that the said medical person do immediately require the master or commander of such vessel to bring the said vessel to anchor at the place herein-before mentioned; and the said medical person shall thereupon forthwith make a report thereof in writing, to the Lieutenant Governor, or Commander in Chief for the time being, with his opinion and advice relative thereto; and such medical per-

son who shall visit, inspect and examine any such vessels as aforesaid, shall, for each and every such visit, inspection and examination, be entitled to demand and receive from the master, owner or consignee of such vessel so visited, inspected and examined, the sum of One pound three shillings and four-pence; and if the said medical person shall be guilty of any unnecessary delay in inspecting and examining any such vessel as aforesaid, or shall negligently perform the duty of examining and inspecting any such vessel, he shall be displaced from office. Provided always, that in case it shall be found necessary for the said medical person to make more than one visit to any such vessel or vessels on board of which any distemper or contagion may actually exist as aforesaid, such medical person shall be entitled to receive one half only of the afore-mentioned rate for every second and further visit so made, together with a reasonable allowance for medicines furnished and supplied—the said fees for attendance and allowance for such medicines to be recovered in any Court competent to take cognizance of the same.

Each vessel inspected to pay £1 3s. 4d. to Health Officer.

Health Officer to be displaced for neglect of duty.

Allowance for every subsequent visit.

Mode of recovery.

V. And be it further enacted, That no person or persons whatsoever, other than the medical person appointed as aforesaid, shall go on board any vessel so arriving as aforesaid, which shall have such signal so hoisted in the starboard main-rigging as aforesaid, or which having come to anchor, shall continue to have such signal so hoisted as aforesaid, under a penalty not exceeding Twenty Pounds for each and every offence; and if any person or persons, other than the medical person aforesaid, shall go on board any such vessel, or any other vessel on board of which the attendance of the said medical person shall or may be required under and by virtue of this Act, then and in such case the master or commander of such vessel for the time being is hereby authorized and required to keep and detain such person or persons on board

No person other than Health Officer, to go on board any vessel, after signal hoisted, under penalty of £20.

All persons going on board, to be detained.

the said vessel until such licence as aforesaid be given for the said vessel to proceed, or until the expiration of such time as shall be directed and appointed for the said vessel to perform quarantine as aforesaid, or permission in writing be had from the said medical person for him or them to depart; and if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore or depart from the said vessel before such licence as aforesaid shall be given, or before the expiration of the time appointed for the said vessel to perform quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such person or persons so offending as aforesaid, and the master or commander of any such vessel so permitting such person or persons to go on shore or to depart from the said vessel, and every other person or persons aiding and assisting therein, shall, for each and every offence, severally forfeit and pay the sum of Fifty Pounds: and it shall and may be lawful for any Justice of the Peace, by warrant under his hand and seal directed to any constable, to cause such person or persons to be taken and re-conveyed on board such vessel; and the said constable having such warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed, or attempting to land, as aforesaid; and that it shall and may be lawful for the person or persons so called upon by the said constable to assist or use such force as may be necessary to carry the said order into effect, by forcing any and all such persons landed, or attempting to land, back to and on board such vessel; and any person or persons neglecting or refusing, when called on, to assist such constable in forcing back to and on board such vessel any or all such persons landed, or attempting to land, shall incur and forfeit and pay a sum not exceeding Five Pounds: and the master or person having command or

Master permitting the return of any such person, and all others aiding, respectively to forfeit £50 for each offence.

Justices to direct a constable to re-convey such persons on board.

Constable authorized to command assistance.

Persons so called on refusing to assist, to forfeit £5.

charge of such vessel from which such person or persons shall have landed, or attempted to land, shall, on request of the constable having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of Fifty Pounds for each and every person that he shall refuse to receive, or neglect to detain and keep on board, after being so returned.

Penalty of £50 on Master, for refusing to receive any such person on board.

VI. And be it further enacted, That during the time any such vessel shall be ordered to perform quarantine as aforesaid, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council (if, on the report of the medical person aforesaid, it shall be judged expedient,) to order and direct that the passengers and others on board such vessel infected with any disease, may be landed therefrom, and conveyed to such place as he may appoint, in order to facilitate their recovery, and to prevent the spreading of the disease; and the persons so landed as aforesaid shall remain at such place or places as shall be appointed therefor until they are restored to health, their clothes thoroughly cleansed, under the direction of the said medical person, and his certificate be obtained that they may proceed to the town or country without danger to the inhabitants thereof; and the said vessel from which the said passengers shall be so landed shall be thoroughly cleansed and purified, under the direction of the said medical person, and when so cleansed and purified, the said medical person shall report the same to the Lieutenant Governor, or Commander in Chief for the time being, who shall thereupon give a licence for the said vessel to depart from such quarantine as aforesaid; and in case any person or persons shall depart from the place to which he, she or they may have been conveyed from the said vessel, without the permission of the said medical person being for that purpose first obtained, it shall and may be lawful for any Justice of the Peace, by warrant under his hand

Lt. Governor with advice of Council to direct where sick persons shall be landed,

there to remain, until they are restored to health.

When Health Officer certifies, Lt. Governor may give licence for such vessel to depart from quarantine.

Persons departing from quarantine ground, without permission of Health Officer, may be apprehended by Warrant from a Justice, and carried back.

and seal, to direct any constable to cause such person or persons to be apprehended and carried back to the place from whence he, she or they may have so departed, or to be otherwise disposed of, so as to prevent the spreading of the infection.

Masters of vessels not liable for penalties, under this Act, unless they have received notice of its provisions.

VII. And be it further enacted, That no penalty whatsoever shall be inflicted on the master or commander of any ship or vessel, or any other person, for any breach of the provisions of this Act, unless such breach shall be committed wilfully or negligently after such master or commander, or other person, shall have received notice of the provisions of this Act, any thing herein-before or herein-after contained to the contrary notwithstanding.

Vessels arriving at any of the other harbours of this Island, to hoist ensign as aforesaid, and not to proceed further than safety of vessel warrants, until inspected and licensed by Health Officer, under penalty, on masters, of £20.

VIII. And be it further enacted, That all vessels as aforesaid which shall arrive at any of the other harbours within this Island shall hoist the said vessel's ensign, or such other colour as may be on board, in the starboard main rigging as aforesaid, and shall not proceed further or higher up into any of the said harbours than may be absolutely necessary for the safety of such vessel, until such vessel shall have been visited, inspected, and examined by the medical person appointed for that purpose, and his permission in writing first obtained for the said vessel to proceed : and the master or commander of any vessel which shall proceed further or higher up into the several harbours than is herein-after directed, until such permission shall be obtained as aforesaid, shall, for each and every such offence, forfeit and pay the sum of Twenty Pounds.

Lt. Governor, &c. may appoint persons in the Out-Harbours to direct where such vessels shall anchor.

IX. And be it further enacted, That the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, is hereby authorized to appoint fit and proper persons in the several out-harbours of this Island, who shall have full power and authority within their respective districts to order and direct any

vessel or vessels having on board the Small Pox, Yellow Fever, or other pestilential or contagious distemper, or coming from any place infected with such distempers, immediately upon her arrival at or within any such harbour as aforesaid, to come to an anchor at such place as to them, or the major part of them, shall be deemed most advisable to protect the inhabitants from contracting any such fever or contagious distemper as aforesaid; and such vessel or vessels shall there remain, and shall not proceed further into the said harbour, until the master or commander of such vessel shall have obtained a licence for that purpose from the persons so appointed as aforesaid, or the major part of them; and in case such licence shall be denied, and it shall be judged expedient by such persons, or the major part of them, that the said vessel with its cargo and all persons on board should ride or perform quarantine, then the said vessel or vessels shall be liable to the same rules and regulations, and all persons on board thereof shall be subject to the same penalties in every instance as are hereinbefore prescribed respecting vessels, goods and passengers arriving at or within the harbour of *Charlotte Town*, and the several rivers connected therewith: and all vessels liable to perform quarantine, and arriving at any out-port on the South side of this Island, situated any where between the *East Point* and *West Cape* of the Island, shall and may, by such persons, or the major part of them, be ordered and compelled to proceed to such place to perform quarantine as vessels arriving at *Charlotte Town* harbour shall be appointed to perform the same duty; and all such vessels as may arrive at any other of the out-ports of this Island shall in like manner be ordered and compelled to perform quarantine in such part of *Richmond Bay* as shall be fixed and determined on by those persons who shall be so appointed as aforesaid for that Bay, or the major part of them: and such persons so appointed in the several out-harbours as aforesaid, are authorized and required to nominate and appoint one competent medical person, who shall

Vessel there to remain until licensed to depart.

Such persons may order Quarantine to be performed under the rules prescribed for vessels arriving at *Charlotte-Town*.

Vessels arriving at South side of the Island, to perform Quarantine at same place as vessels arriving at *Charlotte-Town*.

Vessels arriving at any other out-port may be ordered to *Richmond Bay*.

Such persons authorized to nominate a Health Officer; who is

to proceed as directed by the 4th Section of this Act.

have the same powers and authorities in every respect within the district for which he may be appointed as are herein given to the medical person to be appointed as aforesaid for the harbour of *Charlotte Town*; and such medical person shall make report in writing to the person or persons so requesting him to go on board and make examination as aforesaid of the result of such examination and inquiry, with his opinion and advice thereon, in the same manner as is herein-before prescribed by the Fourth Section of this Act.

On oath made of the escape of any person from such vessels or assigned limits, Justices of the Peace may issue a search warrant.

X. And be it further enacted, That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such vessel, or from the limits assigned, or to be assigned, as aforesaid, and is kept or concealed in any house or other building; or if oath be made by some credible person or persons that there is good reason to suspect, and that such person or persons do verily believe that any person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his warrant to any of the constables, authorizing and requiring him or them to enter and search such house or other building: and if such person so escaping as aforesaid shall be found therein, to arrest, take, and convey him or her on board of such vessel, or to such place as shall be appointed or assigned as aforesaid for such persons to be kept in.

Persons aiding or assisting any such person in landing or escaping, or harbouring or concealing any such person, to forfeit not more than £20 nor less than £5.

XI. And be it further enacted, That if any person whatsoever shall aid, assist, or procure any person to aid, abet or assist any person in landing from such vessel, or in escaping from such place appointed as aforesaid, previous to a licence for that purpose obtained as aforesaid, or shall keep, secrete or conceal, or shall procure any person to keep, secrete or conceal any such person landing or leaving as aforesaid, or in any manner assist in

preventing the detection and apprehension of such person so landing, without a licence as aforesaid, every such person so offending shall for every such offence forfeit and pay a sum not less than Five Pounds nor more than Twenty Pounds.

XII. And be it further enacted, That all the penalties and forfeitures in this Act mentioned may be prosecuted, sued for and recovered in the Supreme Court, by action of debt, bill, plaint or information, by any person who shall prosecute for the same within Twenty days after the commission of the offence; and when recovered, shall be paid, one moiety to the person so suing and prosecuting, and the other moiety to be paid into the Treasury of the Island for the use and support of the Government thereof; and if no person shall so sue or prosecute within Twenty days, then that the same penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury, for the uses as aforesaid.

Mode of recovery of penalties; to be prosecuted for within 20 days after the offence committed.

Application of Penalties.

Attorney General to prosecute, if no other person does so.

XIII. And be it further enacted, That upon application from the master or other commanding officer of any vessel having any infectious disorder on board as aforesaid, made to the Lieutenant Governor, or other Administrator of the Government for the time being, for further medical assistance, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government, to direct such other medical person or persons as he may select to visit such vessel so infected in conjunction with the Health Officer, which said medical person shall be entitled to receive the same remuneration as is given to the said Health Officer for each and every visit he may make as before directed, any thing in this Act to the contrary notwithstanding.

On application, Lt. Governor may appoint additional medical persons to visit vessels.

Fees of persons so appointed.

Power to suspend
operation of Act.

XIV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to suspend the operation of this Act as regards vessels arriving from any port, place or country.

C A P. XIV.

An Act to confirm and render valid certain Marriages heretofore solemnized within this Island; and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same.

WHEREAS it is deemed expedient to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the keeping of a public Registry of the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all Marriages which have been heretofore solemnized within this Island by any Clergyman, or Minister of the Gospel officiating as such, or by any Justice of the Peace, or other lay person, either by virtue of Licence from any Governor, Lieutenant Governor, or other Commander in Chief of this Island, or by publication of Banns, or otherwise, where the parties so married have cohabited together, shall be, and the same are hereby declared lawful and valid; and the issue of all such Marriages are hereby made legitimate, to all intents and purposes whatsoever. Provided always, That nothing herein contained shall extend, or be construed to extend,

Confirms all
Marriages here-
tofore solemnized
within this Island
where the parties
have cohabited.

Issue of such
Marriages decla-
red legitimate.

Provido.

to the rendering valid any marriage where either of the persons is so married a second time, the former husband or wife being then alive; nor where the persons married are within the degrees of kindred prohibited in an Act made and passed in the Thirty-second year of King *Henry* the Eighth, intituled *An Act concerning Pre-contracts, and touching degrees of consanguinity.*

II. And be it further enacted, That every Clergyman or Minister of any sect or denomination of Christians, having spiritual charge of a congregation within this Island, upon producing to the Lieutenant Governor, or other Commander in Chief for the time being, satisfactory proof of his ordination, constitution or appointment, and that he is actually employed by the denomination of which he professes to be a Minister within this Colony, and receiving a certificate to that effect under the hand and seal of the Lieutenant Governor or Commander in Chief for the time being, and all others whom the Lieutenant Governor or Commander in Chief for the time being may thereto authorize, shall hereafter have power and authority to solemnize marriage, either by Licence from the Lieutenant Governor, or after publication of Banns in their respective church, chapel, or other place of public worship, on Three successive *Sundays*, during divine service. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prevent any Clergyman regularly ordained according to the rites of the Church of *England*, Kirk of *Scotland*, or Church of *Rome*, Presbyterians being Dissenters from the Kirk of *Scotland*, the Wesleyan Methodists and Baptists respectively, and having respectively within this Island spiritual charge of a congregation, from solemnizing marriage according to the forms of their own respective churches, without having obtained such certificate as is herein-before mentioned.

Clergymen of any denomination having Spiritual charge of a Congregation, on receiving a Certificate from the Lt. Governor, and all others whom he may authorize, may solemnize Matrimony either by Licence or publication of Banns.

Such Certificate not required from Clergymen of the Churches of England, Scotland, or Rome, Presbyterian Dissenters, Wesleyan Methodists or Baptists.

III. And be it further enacted, That any such Clergyman, Minister of the Gospel, or other person,

Persons solemnizing Marriages

without Licence or publication of Banns, or marrying Minors, without consent of parents or guardians, (if living) to forfeit £500.

Marriage of such Minors to be void.

All Marriages to be solemnized in the presence of at least two witnesses, besides the officiating Clergyman, &c.

Clergymen, &c. to transmit, within six months, to the Surrogate, a Certificate of the celebration of each Marriage.

who shall after the passing of this Act solemnize any marriage without such Licence or publication of Banns as aforesaid, or who shall knowingly solemnize any marriage between parties of whom one or both are under the age of Twenty-one years, having parents or guardians living and resident within this Island, without the consent of such parents or guardians, shall forfeit and pay for every such offence the sum of Five hundred Pounds; and the marriage of any such person or persons under the age of Twenty-one years, without such consent, shall be null and void.

IV. And be it further enacted, That all marriages shall be solemnized in the presence of two or more credible witnesses besides the Minister, Clergyman, Justice of the Peace, or other person authorized to solemnize matrimony, who shall solemnize the same; and that after the solemnization thereof such parties so authorized to solemnize marriage contracts shall, and they are hereby required to transmit, within the period of Six Months, a certificate of the celebration of each marriage by them performed, together with the names of the parties witnessing the same, to the Surrogate of the Island, which Certificate shall be in the manner and form following:

Form of Certificate.

Names of Parties.	Whether Bachelor or Widower, Spinster or Widow.	Date of Celebration.	By Licence or Banns.	Names of Witnesses.

See also 11 G. 4, c. 5.

‘I hereby certify, that the above named parties were married by me this day under Licence from the Lieutenant Governor [or by Publication of Banns, as the case may be], in the presence of the above named Witnesses.’

‘Dated at this day of 18
‘A. B.’

Surrogate to record the same,

And the said Surrogate is hereby required, on receiving the fee herein-after mentioned, to record the said

Certificate in a Book to be kept for that purpose, a certified copy of which record under his hand and seal shall be deemed due and sufficient evidence in any Court of Law or Equity, to establish the proof of such marriage, in all cases where the testimony of none of the witnesses to such marriage can be obtained.

and his certificate to be good evidence of such marriage, where testimony of the witnesses cannot be procured.

V. And be it further enacted, That any person authorized to celebrate marriage contracts shall be entitled (in addition to his usual fee) to demand and receive from the parties married by him the sum of One Shilling and Sixpence, which sum he is hereby required to pay to the Surrogate as a fee for recording such certificate; and every person desirous of a certified copy thereof from the record, shall be entitled to the same on paying to the said Surrogate the sum of One Shilling and Sixpence.

Surrogate's fee for recording certificate, to be collected by the person who celebrates the marriage.

Fee for certified copy of record.

VI. And be it further enacted, That each and every Clergyman, Minister of the Gospel, Justice of the Peace, or other person celebrating Matrimony, who shall either refuse or neglect to transmit such return or certificate to the Surrogate as aforesaid, shall, for each and every neglect or refusal, forfeit and pay into the Treasury of this Island the sum of Five Pounds, for the use of His Majesty—to be recovered before any one of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels.

Clergymen, &c. neglecting to transmit such certificate to Surrogate, to forfeit £5.

Mode of recovery.

VII. And whereas it may happen that some person or persons within age, whose parent or parents are either deceased or absent, may be desirous to contract matrimony, but by reason of his or her having no parent or guardian living or present to consent thereto, no licence can be obtained: be it therefore enacted, that in each and every such case, and in all other cases not hereby especially provided for, it shall and may be lawful for any person authorized to solemnize marriages, when required, to inquire into the propriety of any such marriage being contracted, by examining the said parties, or such other persons

In certain cases, Minors may contract Matrimony.

as he may deem necessary; and if he shall be satisfied of the propriety thereof, he shall certify his consent thereto, whereupon a licence may be issued in like manner as upon the consent of parents and guardians; or the marriage may be celebrated after proclamation by Banns, as may be required by the parties.

Any Clergyman, &c. celebrating marriage contrary to this Act, to forfeit £50.

VIII. And be it further enacted, That if any Minister, Clergyman, or other person, shall presume to celebrate marriage contrary to the provisions of this Act, in any case not herein-before provided against, he shall, for every such offence, forfeit and pay to His Majesty the sum of Fifty Pounds—the same to be recovered in His Majesty's Supreme Court of Judicature, together with costs of prosecution—the said Fine to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Mode of recovery.

Application of fine.

Marriage Licences to be directed to such Clergymen, &c. as the parties may desire.

IX. And be it further enacted, That from and after the passing of this Act, all Licences to be granted under and by virtue of the same, shall be directed to such person who may be authorized to solemnize matrimony as the person or persons applying for such licence shall or may request or desire, and to no other person or persons whomsoever, any usage or custom to the contrary notwithstanding.

Act not to have effect until His Majesty's pleasure be signified.

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

CAP. XV.

An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.

WHEREAS there are several Acts of this Island which impose Penalties and Costs, without providing any mode of recovering the same:

For remedy whereof—be it enacted, by the Lieutenant Governor, Council and Assembly, That in all such cases it shall and may be lawful to and for the Justice or Justices by whom such penalties and costs are or may be inflicted, in default of payment, to issue his or their warrant of distress against the goods and chattels of such person or persons so convicted, authorizing and requiring the constable or other officer to whom such warrant is directed, to levy the amount of such penalty and costs from and out of the goods and chattels of the person or persons so convicted; and in default of goods and chattels, that the said Justice or Justices shall and may commit the person or persons so convicted to the common jail of *Charlotte Town*, for the respective periods herein-after mentioned (that is to say)—where the penalty shall not exceed the sum of Five Shillings, for a space not exceeding Ten days—and where the penalty shall be above Five Shillings, and shall not exceed the sum of Twenty Shillings, for a period not exceeding Fourteen days—and where the penalty shall be above Twenty Shillings, and shall not exceed the sum of Forty Shillings, for a period not exceeding Twenty-one days—and where the penalty shall be above Forty Shillings, and shall not exceed Five Pounds, for a period not exceeding Sixty days.

In all cases where Justices of the Peace are empowered to impose penalties, in default of payment, Warrant of Distress may be issued against goods of party convicted;

and in the event of no goods being found, Justice may commit person so convicted to Jail.

Periods of imprisonment defined.

II. And be it further enacted, That in all cases where goods and chattels cannot be found whereon to levy the penalty and costs, or any part thereof, and the delinquent party or parties shall in consequence thereof be committed to prison, it shall and may be lawful for the Justice or Justices granting such commitment, to certify the amount and particulars of the Constable's costs remaining unpaid to the Clerk of His Majesty's Council, and the same, after being approved of by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, shall be paid out of the Treasury of the Island to the Constable or Constables entitled to receive the same.

If no goods of delinquent can be found, and he is committed to Jail, Constable's fees to be paid from Treasury.

CAP. XVI.

Expired.

An Act to amend and render more effectual an Act made and passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Conviction and Punishment, in a Summary way, of Persons committing Common Assaults and Batteries.*

CAP. XVII.

An Act to Incorporate the Minister and Trustees of *Saint James's Church*, in the Town of *Charlotte Town*.

WHEREAS the ground upon which the Church for the public worship and exercise of the Religion of the Church of *Scotland* in the Town of *Charlotte Town*, commonly called *Saint James's Church*, has been erected, is held by Trustees under and by virtue of a deed of conveyance by Lease and Release from *Alexander Birnie*, of the City of *London*, Merchant, bearing date at *Charlotte Town*, the Thirtieth day of *September*, which was in the year of our Lord One thousand eight hundred and twenty-five: and whereas the said Trustees are not a Body Corporate, and no provision is made for the election of successors to the said Trustees from time to time on their death or removal from the Island, the said ground being granted by the said deed of conveyance to the Trustees therein named, and the survivor or survivors of them, their heirs and assigns, upon the trust therein mentioned: and whereas the Reverend *James Mackintosh*, Minister of the congregation of the Church of *Scotland* using the Church erected as aforesaid in the said Town of *Charlotte Town*, and *William Cullen* and *John Macgill*,

Merchants, *John Mackieson*, Surgeon, and *Alexander Brown*, Schoolmaster, all of *Charlotte Town* aforesaid, Trustees of the said Church, and others, having, by their humble petition to the Legislature, represented the inconveniences resulting from the provisions of the said above mentioned deed of conveyance under which the said ground is held as aforesaid, and the want of a corporate capacity in the said Trustees to enforce by legal process the payment of the rents payable by holders of pews in the said Church, as well as to enable them to hold any other lands or real estate that might be granted and conveyed for the use of the said Church, and prayed for an Act of Incorporation in order to afford them relief in the premises:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said *William Cullen*, *John Macgill*, *John Mackieson*, and *Alexander Brown*, Trustees as aforesaid, together with the said Reverend *James Mackintosh*, *Thomas Owen*, Merchant, *George Dalrymple*, Chemist and Druggist, and *William Cranston*, Farmer, all of *Charlotte Town* aforesaid, and their successors for ever, (which said successors are to be elected in way and manner herein-after directed) shall be, and they are hereby constituted and declared, a Body Corporate and Politic in name and in deed, by the name and style of, "The Minister and Trustees of *Saint James's Church*"—shall be a perpetual Corporation, and shall have perpetual succession, and a common seal, with power to break, change and alter the same, from time to time, at pleasure, and shall be in law capable of suing or being sued, pleading or being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with relative to the funds of the

Incorporates the Trustees of Saint James's Church.

Style of Corporation.

Powers of Corporation.

said Corporation, and the business and purposes for which it is hereby constituted, as herein-after declared; and may make, establish and put in execution, alter or repeal, such **By-laws, Rules, Ordinances and Regulations**, as shall not be contrary to the constitution and laws of this Island, or to the provisions of this Act, or to the constitution of the Church of *Scotland*, and as may appear to the said Corporation necessary and expedient for the interests thereof. **Provided** always, that three of the members of the said Corporation shall form a *Quorum*, for all matters to be done or disposed of by the said Corporation.

Three members
to form a quorum.

Ground conveyed
to Trustees to be
holden by Corpo-
ration.

II. And be it further enacted, That the ground aforesaid held by the Trustees named in the herein-before mentioned deed of conveyance, shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several limitations, trusts and uses, declared and expressed in the said deed, so far as this Act shall not alter or affect the same.

Corporation may
hold real estate
not exceeding in
yearly value
£500 sterling.

III. And be it further enacted, That it shall and may be lawful for the said Corporation to accept any such real estate as may hereafter be gratuitously given, granted or bequeathed for the use of the said Church, which shall not, together with that already holden by the said Trustees as aforesaid, exceed in value and yield at any time more than a clear net yearly income of Five hundred Pounds sterling; and that the said Corporation shall and may sell, alienate and dispose of the said real estate so bequeathed, from time to time, as they shall see fit.

Vacancy happen-
ing in Corpora-
tion by death or
removal of the
Minister, to be
filled by his suc-
cessor.

IV. And be it further enacted, That when any vacancy shall happen in the said Corporation by death, or the removal from the Island of any of the members thereof, or otherwise, the said vacancy shall be supplied in the manner herein-after men-

tioned; (that is to say), when a vacancy shall happen by the death or the removal of the Minister of the said Church, or otherwise, the same shall be supplied by his successor, Minister of the said Church, who in the way and manner herein-after provided shall be appointed, authorized and approved of as the Minister of the Congregation of the said Church; and when any vacancy shall happen by the death, or the removal from the Island, or otherwise, of either of the before named *William Cullen, John Macgill, John Mackieson, Alexander Brown, Thomas Owen, George Dalrymple, or William Cranston*, or of any of their successors, the same shall be supplied by such person or persons as shall be elected to fill the same by a majority of the votes of the pew holders in the said Church not in arrear of pew rent; at a meeting to be convened as herein-after mentioned.

Other vacancies
how supplied.

V. And be it further enacted, That whenever a vacancy shall happen by the death, or the removal, or otherwise, of the Minister of the said Church, it shall be the duty of the Kirk Session, within eight days from the time of every such vacancy happening, to require, by a notice or requisition published at least twice in the *Royal Gazette*, or some other Newspaper printed in *Charlotte Town*, a meeting of the pew holders of said Church not in arrear of rent, to assemble in the said Church on a day not more than ten days after the day of such notification, at a convenient hour, for the purpose of taking the steps necessary for supplying such vacancy or vacancies as afore-said, by electing a committee of seven (five to form a *Quorum*) of said pew holders not in arrear of pew rent, who shall have full power, conjointly with the members of the corporation for the time being, or as many of them as may choose to attend, to take such steps as to them, or the majority of them, may seem best adapted for speedily obtaining to be Minister of said Church a regularly

Mode of appoint-
ing Minister.

Qualification of Minister.

ordained Minister of the Church of *Scotland*; and at which meeting the senior member of Session present shall preside; and if at any such election there shall be an equality of votes, the member of Session so presiding shall have the casting vote.

Mode of proceeding to fill up vacancies happening in Corporation.

VI. And be it further enacted, That when any vacancy or vacancies shall happen in the said Corporation, by death, or the removal from the Colony of any of the members thereof, or otherwise, other than in respect of the Minister of said Church for the time being, it shall be the duty of the said Minister, within six calendar months from the time of every such vacancy happening, to require, by a notice or requisition from the pulpit of the said Church on two successive *Sundays*, to be published at such time during the forenoon service as he shall see fit, a meeting of the said pew holders not in arrear as aforesaid, to assemble in the said Church at a convenient hour, on a day not exceeding ten days after the day of such publication, for the purpose of supplying such vacancy or vacancies as aforesaid, by a person or persons who are members of the said Church, and who shall cease to be members of said Corporation if ever they cease to be members of said Church, by joining in communion with any other Church or religious society; at which meeting the said Minister, if not prevented by illness or other cause, shall preside; or if so prevented, then the senior of the other members of the said Corporation present shall preside thereat; and if at any such election there shall be an equality of votes, the Minister, or other member so presiding, shall have the casting vote.

Qualifications of the members of Corporation.

Where a Pew is held by several persons, only one allowed to vote.

VII. And be it further enacted, That in all cases where a pew shall be held by more than one person, then only one of such persons shall be entitled to vote in respect of such pew at any meeting of the pew holders; and that no female shall be allowed to vote on any occasion whatsoever.

VIII. And be it further enacted, That on a requisition signed by twenty pew holders, specifying the object they have in view, it shall be the duty of the said Session to call a public meeting of the pew holders, to be held within ten days after the receipt of said requisition.

Mode of calling meeting of Pew-holders.

IX. And be it further enacted, That there shall be opened and kept by the said Corporation a Register, in which shall be entered and recorded, from time to time, the proceedings for supplying such vacancies as aforesaid, as well as other proceedings and transactions of the said Corporation, and which Register shall be open to the inspection of every pew holder not in arrear of rent, at all seasonable times; and that on every election to supply such vacancies as aforesaid, the same shall be declared by an instrument to be forthwith made and executed under the hands of the member presiding thereat, and three of the members of the said meeting; which said instrument declaratory of such election shall, at the diligence of the person or persons elected at such meeting, be caused to be enregistered in the proper office for the registration of deeds in this Island, within one calendar month from the day of such election; which registration the proper officer is hereby required to make at the request of the bearer of such instrument, and for which he shall be entitled to demand and receive the usual fee: and in default of the registration of the said instrument within the time aforesaid, the said election shall be absolutely null and void, and the said Corporation shall proceed *de novo* to another election, and in the same manner as if no such election had taken place.

Duties of Corporation.

X. And be it further enacted, That all deeds of gift and conveyance of real estate which shall be made to the said Corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the proper office for the

Deeds of gift, &c. to be registered within 12 months after execution.

registration of deeds in this Island; which registration the proper officer is hereby required to make at the request of the bearer of such deeds respectively, and for which he shall be entitled to demand and receive the usual fees; and in default of such registration as aforesaid of any such deed or deeds as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Saving the rights of the King, and others.

XI. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Public Act.

XII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

CAP. XVIII.

An Act to Incorporate the Minister and Elders of *Saint John's Church*, in the District of *Belfast*.

WHEREAS by a Deed of Indenture, bearing date the Second day of *June*, in the year of our Lord One thousand eight hundred and twenty-five, *Andrew Colvile*, of *Ochiltree* and *Crommie*, in the County of *Fife*, and of *Langley*, in the County of *Kent*, Esquire, *John Halket*, of *Cheltenham*, in the County of *Gloucester*, Esquire, and *Sir James Montgomery*, Baronet, Knight of the Shire for the County of *Peebles*, Trustees appointed by the last Will and Testament of the late

Right Honourable *Thomas* Earl of *Selkirk*, deceased, and the Executors thereof, granted and conveyed unto *Malcolm Macmillan* the younger, of Lot or Township Number *Sixty-two*, *Angus Bell*, of Lot or Township Number *Sixty-two*, *Lauchlan Morrison*, of Lot or Township Number *Sixty*, *Donald M. Rae*, of Lot or Township Number *Fifty-eight*, and *Alexander Macleod*, of Lot or Township Number *Fifty-seven*, in this Island, Farmers, a certain piece and parcel of land in trust and for the use of divers persons of the profession of worship approved of by the General Assembly of the Church of *Scotland*, situated in the Parish of *Saint John*, in the County of *Queen's County*, containing eight acres, and therein particularly described and set forth: and whereas sundry inhabitants of the District of *Belfast* and its vicinity, in the County of *Queen's County*, being of the Protestant profession of faith approved of by the said General Assembly of the Church of *Scotland*, have by voluntary contributions erected a handsome building for a place of public worship, which it is intended shall be in connection with the Established Church of *Scotland*: and whereas it would prove highly advantageous to the said Church that the said title to the said parcel of land should be transferred to and vested in the Minister and Elders of the said Church—which said Minister and Elders have been duly appointed and chosen, according to the usages of the Church of *Scotland*, and that the said Minister has been duly licensed to officiate in the said Church:

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Reverend *John Maclellan*, Minister of the said Church, and the Elders already named and appointed, and their successors in office, being elected, appointed and licensed in the manner authorized by the Laws and Regulations of the Established Church of *Scotland*, shall be deemed and taken to be, in all Courts of Law and Equity, the proprietors of the said parcel

Minister and Elders of St. John's Church, and their successors in office, to be deemed proprietors of the parcel of land conveyed for the site of said Church—

of land, instead of the said persons now having title thereto as aforesaid; and that the said title to the said parcel of land shall henceforward be transferred and vested in the said Minister and Elders, commonly known by the name of the Kirk Session, and their successors, for ever, being so appointed, elected and approved of as aforesaid, to have and to hold, use and enjoy the same, for the use and intent aforesaid; saving nevertheless the right of His Majesty, His Heirs and Successors, and of all bodies politic and corporate, and of all other persons, to the said parcel of land, except the said persons in whom the title is vested as aforesaid, for the use aforesaid.

Saving the right of the King, &c.

Minister and Elders incorporated.

II. And be it further enacted, by the authority aforesaid, That the said Minister and Elders shall be and they are hereby incorporated by the name of “The Minister and Elders of *Saint John’s Church*, in the District of *Belfast*, and Parish of *Saint John*” —that they shall by that name have a perpetual succession, and a common seal, with power to break, change or alter the same from time to time at pleasure; and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of land and real estate, the annual income of which shall not exceed the sum of Five hundred Pounds currency, and also to receive donations for the endowment of the same.

May hold real estate to the amount of £500 per annum.

CAP. XIX.

An Act to encourage the Settlement and Improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein.

On Inquest of Office taken before a Jury and Commissioner of Es-

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful, upon an Inquest of Office, on the oaths of twelve men sworn for that purpose, held before the

Commissioner of Escheats and Forfeitures for this Island, according to the Commission to him granted, and duly returned into the Office of the Register of the Court of Chancery, for the Administrator of this Government for the time being, with the advice and consent of His Majesty's Council, to make grants and conveyances of such lands so returned; which grants and conveyances shall be good, valid and effectual, to all intents and purposes whatsoever.

cheats, returned into the Registry of the Court of Chancery, Lt. Governor, &c. with advice of Council, may make Grants of Lands returned as forfeited.

II. And be it further enacted, That before any Inquest of Office shall be made before the Escheator or Commissioner, public notice thereof shall be given in the *Royal Gazette* for at least Six Months before such Inquest shall be taken or made.

Six months notice of Inquest to be given.

III. And be it further enacted, That one part of every such Inquisition being returned as aforesaid into the Court of Chancery, if any person will traverse the same, such Inquisition shall, on petition to the Chancellor, be certified into His Majesty's Supreme Court of Judicature of this Island, and may be there traversed, in the same manner that Inquisitions are traversed in the High Court of Chancery or Court of Exchequer in *England*.

Persons allowed to traverse any Inquisition.

Mode of traverse.

IV. And be it further enacted, That no lands which by any Inquest of Office shall have been found to have escheated, shall be granted to any person or persons before the expiration of Twelve Months from the date of such Inquest; except to the person or persons who was or were the former grantee or grantees thereof, his or their heirs or assigns; and that it shall and may be lawful to and for any person interested in or entitled to such lands as are comprised in said Office, or any part or parts thereof, to traverse the same at any time within the said Twelve Months from the date of such Inquest; and if the said Office shall not be traversed within the time last mentioned, the grant of the said lands, or any part thereof, by virtue of such Inquest, by the Administrator of this

No Grants of land escheated to be made before the expiration of 12 months from the date of Inquest, except to former Grantees, or their heirs or assigns.

Inquest to be traversed within 12 months from date of finding.

Government for the time being, with advice as aforesaid, shall be absolute, according to the form and effect of such grant.

CAP. XX.

Expired. An Act to increase the Revenue, by levying a Duty of Impost on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.

C A P. XXI.

Expired. An Act to continue an Act made and passed in the First Year of the Reign of His present Majesty, imposing a Duty on Wines, Gin, Brandy, Rum, and other Distilled Spirituous Liquors, imported into this Island.

C A P. XXII.

Expired. An Act to continue an Act made and passed in the First Year of His present Majesty's Reign, imposing a Duty of Impost on Tobacco and Tea.

C A P. XXIII.

An Act to regulate the Salary of the Collector of Impost and Excise for the District of *Charlotte Town*.

WHEREAS it is considered necessary to establish and fix the salary to be paid to the person who may hold the said office—Be it enacted, by the Lieutenant Governor, Council and Assembly,

that there shall be paid to the person who may hold the office of Collector of Impost and Excise for the District of *Charlotte Town*, the sum of Two hundred and sixty Pounds *per annum*, in lieu of all per-centage, fees, or emoluments whatsoever; which said yearly allowance or salary shall commence and be computed from the First day of *January* last past.

£260 per annum to be allowed the said Collector, in lieu of all fees or emoluments.

C A P. XXIV.

An Act to provide Salaries for Sub-Collectors of Customs.

WHEREAS it is necessary and expedient to provide Salaries for such persons as may be appointed Sub-Collectors of His Majesty's Customs at the several out-ports of this Island, as herein-after mentioned—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as the Commissioners of His Majesty's Customs shall commission a Justice of the Peace residing at or near to each or any of the following out-ports of this Island, (that is to say)—*Three Rivers* and *Colville Bay*, in *King's County*; and *Princetown*, *Bedeque*, and *Cascumpec*, in *Prince County*, to act as Sub-Collectors of His Majesty's Customs, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, to draw warrants on the Treasury for the sum of Forty Pounds, to be paid to each Collector so appointed and commissioned, yearly and every year during the continuance of this Act, and in case such Collector shall so long continue to discharge the duties of his office.

Commissioners of the Customs may appoint Justices of the Peace residing at certain out ports to act as Sub Collectors.

To be paid £40 of yearly salary each.

II. And be it further enacted, That this Act shall continue and be in force for and during the space of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

C A P. XXV.

An Act to provide for the better preservation of public and private Property at *Georgetown* against Accidents by Fire.

WHEREAS it will be necessary to provide for the preservation from fire of the Jail and Court House, and other public buildings, to be erected in *Georgetown*: and whereas the same will be better effected by causing the trees and underwood to be removed from the site of the said Town, and wells to be sunk and pumps fixed in proper parts of the Town aforesaid: and whereas the best mode of obtaining this object will be by an assessment upon the proprietors of Lots in the said Town:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, with the advice and consent of His Majesty's Council, to nominate and appoint three Justices of the Peace living in the Town and neighbourhood of *Georgetown*, and four of the Inhabitants of said Town, five of whom shall be a *Quorum*, who shall, on the *First Monday in May* next, at noon, assemble at some fixed place in said Town, and in each and every succeeding year during the continuance of this Act, for the purpose of assessing the inhabitants and landholders of *Georgetown*, in order to clear the Town Lots of woods and brush wood, and for sinking wells where deemed necessary.

Lt. Governor, with advice of Council, to appoint 3 Justices of the Peace and 4 inhabitants of *Georgetown*, to assess the inhabitants and landholders.

Annual assessment not to exceed 6s. 8d.

II. And be it further enacted, That the said Assessors, or the major part of them, at their first and subsequent annual meetings respectively, shall be and they are hereby empowered to assess the landholders and inhabitants of *Georgetown*, in just and equal proportions, as near as may be, so as the sum assessed on each Town Lot shall not in

any one year exceed the sum of Six Shillings and Eight-pence; and the said landholders and inhabitants respectively shall pay the same within thirty days after such assessment being made known by such person or persons as shall be appointed to collect and receive the same by the said Assessors, or the major part of them, by giving due notice in the *Royal Gazette* of such assessment being made, and continued therein for a period not less than three successive weeks.

Time of payment.

Mode of notification of assessment.

III. And be it further enacted, That if the owner or owners of any Lot or Lots so assessed shall refuse or neglect to pay the amount of the said assessment within the time herein-before mentioned, it shall and may be lawful for the said Assessors, or the major part of them, and they are hereby directed, to award a precept to the Collector so appointed, commanding him to take the goods and chattels of such delinquent owner or owners, if to be found on the Lot or Lots so assessed, and of the same to make public sale, to pay the said assessment and costs; and out of the produce of such sale to pay into the hands of the said Assessors, or the Treasurer appointed by them, the amount of such assessment: and if no goods or chattels of such delinquent owner or owners can be found on the respective Lots, then the said Collector is hereby directed to make public sale of such Lot or Lots so in arrear for the said assessment, after giving six months public notice thereof in the *Royal Gazette* Newspaper; and out of such sale to pay into the hands of the Assessors, or the Treasurer appointed by them, the amount of such assessment; and if any amount remains in the hands of the said Collector after paying the sum so assessed, together with the amount of expences incurred for advertising and selling the same, any such balance or difference shall be paid to the owner or owners of the Lot or Lots so assessed and sold; and the said Col-

Owners of Town Lots neglecting to pay assessment, assessors to award a precept to their Collector to levy the same on goods and chattels of delinquent.

If no goods can be found, Collector to make sale of the Lot in arrear, giving six months' notice.

Overplus (after paying tax and costs), if any, to be paid to the owner of Lot.

Collector to execute a deed to purchaser.

lector is hereby authorized and directed to make and execute a deed to the purchaser or purchasers, at his, her or their expence, of such Lot or Lots—which deed, when so executed and registered, together with the precept authorizing the sale of such Lot or Lots, shall be held a good and sufficient title against the original holder or holders thereof, subject only to the conditions of the original grant.

Equity of Redemption.

IV. Provided always, and be it further enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an equity of redemption shall nevertheless be open to the former owner or proprietor, his heirs or assigns, for the space of Two Years next after the sale of such Lot or Lots—the purchaser accounting to the former owner for the rents, issues and profits, and the former owner repaying the purchase money, and lawful interest thereon, and allowing for such improvements as shall or may be made thereon—the same to be ascertained by the judgment of the said Assessors, or the major part of them, not being parties interested.

Assessors to value improvements.

Assessors to appoint a Treasurer and Collector, who shall give security.

V. And be it further enacted, That the said Assessors, or the major part of them, are hereby empowered and required at such their meetings to appoint fit and proper persons to be Treasurer and Collector of the fund contemplated to be raised in pursuance of this Act, taking sufficient security for the due performance of the duties of such offices, and at their pleasure to displace either or both of such officers and to appoint others, in case of misbehaviour, and to allow the said Collector and Treasurer respectively such poundage as the said Assessors, or the major part of them, shall direct.

Remuneration to Treasurer and Collector.

Collector to pay over money within two months

VI. And be it further enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, or shall not account

and hand over the said monies so received by him as herein-before directed, within two months after the receipt thereof, the said Collector shall forfeit and pay to His Majesty a fine not exceeding Five Pounds—to be recovered before any one of His Majesty's Justices of the Peace for *King's County*, and applied to and for the purposes herein-before expressed; and such Collector shall also be liable to account for and pay over the amount he may have received under and by virtue of this Act.

after receipt, under a penalty of £5.

Mode of recovery;

Collector to pay also the sums by him received.

VII. And be it further enacted, That if any of the said Assessors, Collector or Treasurer, shall refuse to serve in their respective offices, such person so refusing shall forfeit and pay a fine not exceeding Two Pounds—to be recovered before any one of His Majesty's Justices of the Peace, and paid to the Treasurer accepting the office, in aid of sinking wells where deemed most necessary in said Town.

Any Assessor, Collector or Treasurer, refusing to serve, to forfeit £2.

Mode of recovery.

VIII. And be it further enacted, That the said Assessors, at their annual meetings, shall direct the trees and underwoods to be removed from the site of the said Town, and the sinking of wells, procuring pumps, and fixing and repairing others, where deemed most necessary in the aforementioned Town, as far as their funds will admit of.

Duty of Assessors.

IX. And be it further enacted, That this Act shall continue and be in full force for and during the space of Three Years, and no longer.

Continuance of Act.

C A P. XXVI.

An Act to provide for the Conveyance of the Mails between *Charlotte Town* and *Pictou* by a Steam Vessel.

Repealed by 4 W. 4, c. 15.

CAP. XXVII.

Executed. An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and thirty-two.

CAP. XXVIII.

Executed. An Act to provide for the Contingent Expences of the present Session.

ANNO TERTIO.

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's 1833.
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Third Day of *February*,
Anno Domini 1831, in the First Year of
the Reign of our Sovereign Lord WILLIAM
the Fourth, by the Grace of God, of the
United Kingdom of *Great Britain* and *Ireland*,
King, Defender of the Faith:

A. W. YOUNG,
Lieut. Governor.

E. J. JARVIS,
President.

W. MACNEILL,
Speaker.

And from thence continued, by several Prorogations,
to the Second Day of *January*, 1833, and in
the Third Year of His said Majesty's Reign;
being the Third Session of the Thirteenth
General Assembly convened in the said Island.

C A P. I.

An Act to repeal two certain Acts therein mentioned,
for the Regulation of Statute Labour.

BE it enacted, by the Lieutenant Governor,
Council and Assembly, That an Act made and
passed in the Thirty-fifth Year of the Reign of

Repeal of 35 G.
3, c. 3.

1 W. 4, c. 2.

His late Majesty King *George the Third*, intituled *An Act to alter and amend the High Road Laws*,—and an Act made and passed in the *First Year* of His present Majesty's Reign, intituled *An Act for the further regulation of Statute Labour, and to amend and continue two certain Acts therein mentioned*—be, and the same are hereby respectively repealed.

C A P. II.

An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.

Lieut. Governor, &c. to appoint a Road Commissioner in each district named in the Schedule annexed.

Commissioners to name Overseers, and to receive their returns;

and to make a yearly return to Lieut. Governor, &c. in Council, of Statute Labour within their districts.

All male persons between 16 and 60 years of age, with implements, to work on Highways, &c. 4 days in the year.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint a Commissioner of Highways resident in each of the Districts named in the Schedule hereunto annexed—whose business it shall be, to appoint Overseers of Statute Labour annually, and to direct such Overseers where and when such Statute Labour shall be performed; and to receive from such Overseers returns of their doings, in manner hereinafter directed; and to make an yearly return to the Lieutenant Governor, or other Administrator of the Government in Council, of all their actings and doings relative to the performance of Statute Labour within the district to which such Commissioner shall or may be appointed.

II. And be it further enacted, That every male person between the ages of sixteen and sixty years shall, when appointed or required thereto, either by himself or some sufficient substitute, and provided with such necessary implement or implements as may

be directed by the Overseer of the precinct, work for the space of four days, or thirty-two hours, in every year, on the said highways, streets or bridges.

III. And be it further enacted, That every such male person as aforesaid, possessing a horse and cart, or possessing a cart and two horses, or possessing two working oxen and a cart, or possessing one horse or two horses, or two working oxen without a cart, shall each of them respectively, if so directed by the Overseer of the precinct within which he resides, bring out or send such horse or horses, or such oxen or carts, accompanied by one able bodied man, for three days in every year, to work on the highways, streets or bridges of the precinct wherein such male person as aforesaid shall reside—eight hours being allowed to complete each day's work. Provided always, that nothing herein contained shall extend, or be construed to extend, to render liable to Statute Labour any person whomsoever who shall not have been, at the time of appointing the Overseers, a resident of this Island for at least Six Calendar Months. And provided also, that when, in the opinion of the Overseer, the labour of men will be more useful than that of cattle, all persons liable to send two horses, or two working oxen, with or without a cart as aforesaid, shall, instead thereof, send two men for three days, or one man for six days, or forty-eight hours, to labour on the roads, which said labour shall complete their yearly Statute Labour; and a person owning one horse, with or without a cart, shall in such case work, or cause to be worked, five days labour, or forty hours.

Rates of Labour for persons possessing horses, &c. or working cattle.

Eight hours to be a day's work.

Persons exempted from labour.

If Overseer shall see fit, he may, instead of horses, &c. call upon the possessor of such to send men in proportion.

IV. And be it further enacted, That all persons liable to Statute Labour, but absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the satisfaction of the respective Overseers, shall forfeit Four-pence for every hour's neglect; and any one of His Majesty's Justices of the Peace, nearest to the residence of

Persons liable to Statute Labour, but absent from the Island, or not attending, to forfeit 4d for every hour's neglect.

Mode of recovery.

such Overseer, is hereby empowered and required, on complaint made to him by the said Overseer of the Highways, or any of them, to summon the persons so neglecting to appear before him, to hear and determine the case; and which summons so to be issued shall be under the hand and seal of the said Justice, in the words following:—

‘ **BY** County.
Esquire, one of His Majesty’s Justices
‘ of the Peace for the said County.

Summons for recovery of fine.

‘ You are hereby required personally to be and
‘ appear before me at the dwelling house of
‘ [as the case may be] on the day of
‘ next, at the hour of o’clock of the same day,
‘ then and there to answer wherefor you did not perform your Labour on according to the tenor
‘ of the Act of the General Assembly in such case
‘ made and provided, and according to the warning
‘ you have received in that behalf, as is said.

‘ Given under my hand and seal, the day of .’

Appropriation.

And upon proof being made of such person’s non-appearance, refusal or neglect, the said Justice or Justices shall cause the said forfeiture to be levied, together with the expences of levying, by warrant of distress and sale of the offender’s goods and chattels—and if no goods and chattels can be found whereon to levy, then the offender shall suffer imprisonment, for a period not exceeding Forty nor less than Eight days—and the money so levied shall immediately be put into the hands of such Overseer as shall have prosecuted for the same, to be by him applied for and towards the repairs of the highways within his precinct, in such manner as the Commissioner thereof shall and may direct.

Commissioners shall appoint Overseers on or before the 1st day of May in each year, and prescribe their respective precincts.

V. And be it further enacted, That each Commissioner, so appointed as aforesaid, shall, on or before the First day of *May* in each year, nominate and appoint such number of Overseers within his district as to such Commissioner shall appear to be for the public good; and shall prescribe to

each Overseer the limits and boundaries of the precinct within which such Overseer shall have authority; and the roads, and parts of the roads, or the bridges, where the Statute Labour shall be wrought, and where the money received in commutation thereof shall be laid out and expended: and each Overseer shall, immediately after notification and acceptance of his appointment, give notice to the inhabitants of his precinct of his appointment, by causing a notice to be posted up in the most public place of such precinct, to the end that such inhabitants may know to whom to commute the payment of their Statute Labour, in terms of this Act.

Overseers to give notice of their appointment.

VI. And be it further enacted, That it shall and may be lawful for the Commissioner of each district, whenever he may think it expedient and necessary, to appoint some person or persons contiguous to the Bays and Rivers that may be in such district, for the purpose of fixing bushes in the ice on the best track generally used by travellers, as early in Winter as the ice may become passable; and the Commissioner is hereby required to notify the Overseers of the different precincts of the persons so appointed; and on such persons so appointed performing the requisite duty, they are hereby declared to be liable to no other Statute Labour during that year, any law to the contrary notwithstanding.

Commissioners to appoint persons contiguous to Bays and Rivers to mark winter roads on the ice.

Persons performing this duty not liable to any other Statute Labour.

VII. And be it further enacted, That the said Overseers of the Highways shall, and they are hereby empowered and required, in pursuance of the orders they shall or may receive from time to time from the Commissioner of the District, to summon the inhabitants residing within their respective precincts, giving them at least ten days' notice of the time and place when and where they intend to employ them; and they shall direct and order the persons so summoned to labour in making or repairing the highways, streets or bridges,

Overseer to give ten days notice where and when labour is to be performed.

Overseers exempted from other labour.

in the most effectual and advantageous manner, for and during the number of days appointed by this Act for such service or labour—they, the said Overseers, being hereby exempted and excused from any other labour and service on or relative to the highways, than the issuing the summons, ordering and overseeing the performance of the Statute Labour within their respective districts, and making out and returning within the time limited by the orders they receive from the Commissioner of the district as aforesaid, exact and true reports of their doings on the highways—such reports always containing lists of absentees, and accounts of the fines levied in consequence of such absence, and of the money received in commutation of Labour—but without being entitled to wages or any other gratuity for their services; and if any person liable to Statute Labour as aforesaid shall refuse to accept of the office of Overseer, then he shall be liable to a fine of Two Pounds, to be recovered by the Commissioner before any Justice of the Peace within his district, or nearest thereto, in way and manner provided in the Fifth section of this Act; and on any Overseer failing or neglecting to perform all or any of the duties herein pointed out to be done by him, he shall forfeit and pay a sum not exceeding Five Pounds—to be recovered in way and manner mentioned in the Fifth section of this Act, and to be applied in repairing or improving the highways within the precinct of such Overseer.

Penalty of 40s. for refusing to accept the office of Overseer.

Mode of recovery.

Overseer failing in his duty, to forfeit £5.

Mode of recovery.

Appropriation.

No person compelled to work more than 5 miles from his place of residence.

VIII. And be it further enacted, That no Overseer shall have power or authority to compel any person to work his Statute Labour at a distance exceeding five miles from the place of such person's residence.

Overseer, two months after performance of Statute Labour, to account with

IX. And be it further enacted, That each Overseer of Highways in this Island is hereby required and directed, at the expiration of two months from the time of performing Statute Labour within his

precinct, to account with the Commissioner of the district within which such Overseer shall reside, for his conduct in the execution of his trust as Overseer, and to report to him in writing, and upon oath, if so required, the work and labour really done and performed, and the application, accompanied with the proper vouchers of discharge, of the fines and forfeitures incurred, whether levied, or if in arrear, why the same have not been levied, how applied in promoting the intentions of this Act; and also to account for all monies received in commutation of labour, and the application of the same, and pay whatever may remain unexpended to the said Commissioner.

Commissioner, and pay over any monies unexpended.

X. And be it further enacted, That from and after the passing of this Act, the whole of the Statute Labour of this Island shall be performed between the first and last days of *July*, annually; each Overseer to advertise the inhabitants to perform the Statute Labour in any six days within the month of *July* which in his discretion he may judge most convenient to the inhabitants of the precinct; the summons to be by advertisements (not less than three), to be posted in the most public places of the precinct of such Overseer at least ten days before the period of performing such labour, which is to be held a sufficient warning.

Labour to be performed in July.

Overseer may choose any 6 days in said month.

Summons to labour to be by advertisement in three public places of precinct.

XI. Provided always, and be it further enacted, That it shall and may be lawful for the Commissioner to be appointed for District Number Seven to direct that the Statute Labour of such of the Inhabitants of *Charlotte Town* as shall be required to perform their Statute Labour upon the streets or squares of the said *Town*, shall be performed between the Twentieth day of *May* and the Twentieth day of *June*, annually.

When labour for Charlotte Town shall be performed.

XII. And be it further enacted, That all persons liable to Statute Labour as aforesaid shall have the

Persons may com-
mute labour for
money.

Time of commu-
tation, and rate
thereof.

Commissioner to
expend money in
his district as he
sees fit, and with-
in four months ac-
count with Lieut.
Governor in Council
for the applica-
tion thereof,
and make a report
of all his doings.

And until such
account and re-
port be given, to
receive no salary.

Commissioner,
when directed,
to lay out all mo-
nies appropriated
for making and
repairing roads,
&c.

And to advertise
for Tenders, or
let the work by
auction.

option, instead of such labour, to pay annually, on or before the First day of *June*, to the Overseer of the precinct wherein he resides, the sums of money following, (that is to say)—the possessor of two horses, or two oxen and a cart, or two horses or two oxen without a cart, the sum of Ten Shillings; the possessor of one horse, with or without a cart, the sum of Eight Shillings; and persons owning neither a horse nor a pair of oxen, the sum of Five Shillings.

XIII. And be it further enacted, That each Commissioner shall expend the money paid to him under the preceding Section of this Act on the highways within his district, in such way and manner as shall appear to him most conducive to the public interest; and shall, within four months after the period for the performance of the Statute Labour, deliver in to the Lieutenant Governor in Council an exact account of all monies received by him as Commissioner aforesaid, and of the application thereof; and shall at the same time make a full and distinct report of all his actings and doings as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labour, and subsequent thereto; and until such account and report shall be given in, such Commissioner shall not be entitled to receive any salary or recompence whatever for such services.

XIV. And be it further enacted, That when any Commissioner or other person or persons who may be appointed under the provisions of this Act, shall be directed by the Lieutenant Governor or other Administrator of the Government to lay out and expend the public monies appropriated for the making and repairing of Roads and Bridges, such Commissioner, or other person or persons, shall, and they are hereby required and directed to cause advertisements to be inserted in the *Royal Gazette*, and shall also cause similar advertisements to be posted up in the vicinity of the place or places where such

work is to be performed, giving one month's notice thereof, that on the day and hour named in such advertisement, will be sold or let to the lowest bidder on the spot where such work is to be performed, or to the person or persons who shall make the lowest tender for the same, the Roads or Bridges named in such advertisement: and the said Commissioner, or other person or persons so appointed as aforesaid, are hereby directed to let all such Roads and Bridges on the best and lowest terms, taking good and sufficient security or securities for the faithful performance of every contract or contracts so entered into or made; and the Commissioner, or other person or persons so authorized as aforesaid, shall be allowed and paid for such services the sum of Two Pounds Ten Shillings *per centum* upon the amount so laid out and expended as aforesaid.

Security to be taken for the performance of contracts.

Remuneration to Commissioners for expediture of monies.

XV. And be it further enacted, That the money so directed to be expended as aforesaid shall be paid by direction of the Lieutenant Governor, or other Administrator of the Government, to the person or persons entitled to receive the same, on the certificate of the Commissioner, or other person appointed to expend such money, that the work has been performed, or partly performed, as the case may be, according to the contract so made and entered into.

Monies to be paid to Contractors on certificate of Commissioner.

XVI. And be it further enacted, That it shall and may be in the power of each Overseer of a precinct, or Commissioner of a district, to order the removal of any obstruction or nuisance in the highways within his precinct or district; and on a summary complaint to any one of His Majesty's Justices of the Peace, to recover from the person or persons causing such obstruction or nuisance the expence incurred in removing the same, provided the same shall not exceed Five Pounds—to be levied, together with reasonable costs, by warrant of distress, in way and manner pointed out in the Fifth Section of this Act.

Overseers or Commissioners to order removal of nuisances.

Persons causing nuisances may be fined by one Justice in a sum not exceeding £5.

Mode of recovery.

£10 to be paid to each Commissioner yearly, over and above his commission on monies expended by him.

XVII. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government, with the advice and consent of His Majesty's Council, to cause to be paid out of the monies in the Public Treasury raised for the purposes of Highways and Bridges, to each Commissioner, annually, for his services in the execution of this Act, a sum of money not exceeding Ten Pounds, over and above the commission or per-centage to which he may be otherwise entitled, and directed to be paid as aforesaid.

No person compelled to serve as Overseer more than once in 3 years.

XVIII. And be it further enacted, That no person shall be compelled to serve the office of Overseer more than once in every three years; but if any person shall accept such office more than once within such period, then he shall be liable to all the rules, regulations and duties of that office as prescribed in this Act.

Overseers of Highways may in winter summon inhabitants to work with teams, &c. breaking roads in the snow, not to exceed 3 days, nor upwards of 3 miles from home.

XIX. And whereas the obstruction of the roads by heavy falls and drifts of snow during winter has frequently occasioned serious interruption to the trade, intercourse and judicial proceedings of the Colony, and hindered the farmers from taking their produce to market: For remedy whereof—be it further enacted, that the Overseers of Highways, by direction of the Commissioners, shall have power and authority, and they are hereby required, during the winter season, to summon so many of the inhabitants in their respective precincts as they in their discretion shall think fit, to work at the time and place appointed, on the highways or public winter roads, by breaking roads in the snow, with their horses, oxen or teams, if possessed thereof, or with such implements as the Overseer may deem requisite, whenever the depth of snow shall render the same necessary, not exceeding three days in each winter, and at no greater distance than three miles from their own houses;

and such inhabitants shall perform the same work over and above that which such inhabitants are liable to perform upon the highways, roads and bridges, in and by this Act: and each and every person neglecting or refusing to turn out with his team or teams, or with such implements as may be directed by the Overseer or Commissioner of any precinct or district, shall be liable to a fine of Five Shillings for every such neglect or refusal—to be recovered in way and manner prescribed by this Act.

Not to exempt such persons from other Statute Labour.

Penalty of 5s. for refusal.

XX. And be it further enacted, That if any person or persons shall hereafter place any timber, wood, stones, or other weighty article or articles, upon any bridge or bridges within this Island, or shall fasten any vessel or vessels thereto, or shall in any other way injure any such bridge or bridges, he or they shall pay a fine not exceeding Five Pounds for every such offence—to be recovered as herein-before directed, over and above any damage done to any such bridge or bridges, when the same shall exceed Five Pounds.

Persons injuring Bridges in any way, to forfeit £5, over and above all damages.

Mode of recovery.

XXI. And be it further enacted, That from and after the passing of this Act, every Highway in this Island shall be of the width of sixty feet; and that no occupier of ground adjoining the highways, or any other person, shall encroach thereon, by fencing or otherwise, under a penalty not exceeding Twenty Shillings for each and every encroachment, to be recovered as herein-before directed. Provided always, that nothing herein contained shall extend, or be construed to extend, to alter the width of such roads in the different Royalties as have been already established at forty feet, but that the same penalties for encroachment shall be applied and extended to the said roads of forty feet in width.

Every Highway to be 60 feet wide.

Persons encroaching thereon to forfeit £1 for each offence.

Mode of recovery.

Not to affect Royalty Roads already laid off at 40 feet.

XXII. And be it further enacted, That it shall and may be lawful for the Commissioner of any

Commissioners may commute Statute Labour for work to be performed in winter.

District to commute as much of the Statute Labour as he may deem expedient, for an equal quantity of value of labour to be performed in the winter season, in procuring and hauling timber for the building or repairing of bridges.

In case of death, &c. of Overseer, Commissioner may appoint another in his stead.

XXIII. And be it further enacted, That in case of the death or absence from his district of any Overseer or Overseers when appointed under this Act, it shall and may be lawful for the Commissioner within such district to appoint some other person or persons to perform the duties of such deceased or absent Overseer or Overseers, at any time before the time limited for the performance of such Statute Labour as before directed.

Commissioners neglecting to carry provisions of this Act into effect, to forfeit £5.

XXIV. And be it further enacted, That if any Commissioner or other person appointed to expend money under or by virtue of this Act shall, after signifying his acceptance of said office, neglect or refuse to carry the provisions of the same into effect, so far as they are imposed on him by virtue of his said office, he shall, for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds—to be recovered before any one of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, and applied as directed by the next section of this Act.

Mode of recovery.

Application of fines not herein-before appropriated.

XXV. And be it further enacted, That all fines and forfeitures arising under and by virtue of this Act, the application of which is not herein-before directed, shall be paid into His Majesty's Treasury, to be expended on the Roads and Bridges in the precinct or district in which the forfeiture or forfeitures may have been incurred.

SCHEDULE referred to in this Act.

DISTRICTS.

NUMBERS.

1. Townships Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.
2. Nos. 13, 14, 15, 16 and 17.
3. Nos. 18, 19, and *Princetown* Royalty.
4. Nos. 25, 26, 27 and 28.
5. Nos. 20, 21, 22, 23, 24, and 67.
6. Nos. 29, 30, 31, 32 (West side of *York River*), and 65.
7. Nos. 33, 32 (East side of *York River*), and *Charlotte Town* and Royalty.
8. Nos. 34, 35 (North side of the *Hillsborough*), 36 and 37.
9. Nos. 48, 49, 50 and 35 (South side of the *Hillsborough*.)
10. Nos. 57, 58, 60 and 62.
11. Nos. 38, 39, 40 and 41.
12. Nos. 42, 43, 56 and 55 (North of *Grand River*.)
13. Nos. 44, 45, 46 and 47.
14. Nos. 55 (South of *Grand River*), 54, 53, 52, 66, 51, and *Georgetown* and Royalty.
15. Nos. 59, 61, 63 and 64.

C A P. III.

An Act to revive and continue an Act to prevent the running at large of Sheep in the Town of *Charlotte Town*.

5 G. 4, c. 15.

Recited Act revived and continued.

WHEREAS the herein-after mentioned Act has expired, and it is deemed expedient to revive and continue the same—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fifth year of His late Majesty's Reign, intituled *An Act to prevent the running at large of Sheep in the Town of Charlotte Town*, and every matter, clause and thing therein contained, be, and the same are hereby revived and continued in full force and effect, for and during the term of Three Years, and no longer.

C A P. IV.

An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of *Charlotte Town*.

5 G. 4, c. 8.

Recited Act continued.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Eighth year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlotte Town*, be, and the same is hereby continued in full force and effect, for the space of Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. V.

An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the First year of His present Majesty's Reign, intituled *An Act to continue an Act intituled 'An Act to establish an Assize of Bread within the Town and Royalty of Charlotte Town,' and an Act intituled 'An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways,'* as relates to an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the driving Carts, Carriages, Sleighs and Carioles on the Highways,* be, and the same is hereby continued in full force and effect, for the space of Five Years, and no longer.

8 G. 4, c. 6, further continued.

CAP. VI.

An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the Measurement of Ton Timber, Boards, and all other kinds of Lumber.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Sixth year of His late Majesty's Reign, intituled *An Act to continue an Act made and passed in the First year of His present Majesty's Reign,* intituled *'An Act to regulate the measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts*

6 G. 4, c. 6.

made and passed in the Fourteenth and Fifty-seventh years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same,' be, and the same is hereby continued for the space of Seven Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Recited Act continued.

C A P. VII.

Executed.

An Act for ascertaining the Population of this Island, and for obtaining certain Statistical Information therein mentioned.

C A P. VIII.

An Act to repeal two certain Acts therein mentioned, for Licensing and Regulating Ferries, and to make other Provisions in lieu thereof.

WHEREAS it is deemed necessary to afford every convenience to travellers, and make such alterations in the manner of licensing Ferry-men, as well as to enable the public to cross the different Ferries, with their baggage and cattle, at the lowest possible rate of Ferriage: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled *An Act for amending and rendering perpetual several Laws near expiring*, as relates to an Act made and passed in the Fourteenth year of the same Reign, intituled *An Act for licensing and regulating Ferries*; and an Act made and passed in the Ninth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to*

Repeals so much of 21 G. 3, c. 11, as relates to regulating Ferries, and

9 G. 4, c. 5.

alter and amend an Act, intituled 'An Act for licensing and regulating Ferries,' be, and the same are hereby respectively repealed.

II. And be it further enacted, That from and after the publication hereof, it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, from time to time, to let, by tender or otherwise, as herein-after mentioned, the several Ferries within this Island, and to appoint such and so many persons as he, with the advice aforesaid, shall or may judge proper and sufficient, to act as Ferrymen for the several and respective Ferries as aforesaid.

Lt. Governor to let Ferries and appoint Ferry-men.

III. And be it further enacted, That it shall and may be lawful for the said Lieutenant Governor, or other Administrator of the Government for the time being, from time to time, to cause the said several Ferries to be advertised, calling for tenders for the conveyance of passengers, their luggage and cattle, over the Ferry or Ferries so advertised; and in such tender or tenders shall be expressed, by the person or persons so tendering, the rate at which he or they will convey passengers, their luggage and cattle, over the respective Ferries so tendered for, subject to such rules, regulations and requisitions as may be fixed and determined by the said Lieutenant Governor or other Administrator of the Government, with the advice as aforesaid—which said rules, regulations and requisitions shall be stated in the advertisement so made; and the said Lieutenant Governor or other Administrator of the Government as aforesaid is hereby authorized to let any such Ferry to the person or persons who will convey passengers, their luggage and cattle, at the lowest rate, over the respective Ferries so tendered for, and shall grant Licences for the same, for the term of

Tenders to be advertised for.

What Tenders are to express.

Lt. Governor, &c. to make rules for the regulation of such Ferries. Advertisement to state rules, &c.

Ferries to be let to the persons tendering lowest.

Licences to be granted for three years.

Ferry-men may be displaced for misbehaviour, &c.

Persons licensed to give security.

Duty of licensed Ferry-men.

Penalty on Ferry-men of £1 for every offence committed against this Act.

If no Tender is made, Lt. Governor, &c. to fix rates of ferrriage.

Purport of Licence.

Three Years—the person or persons so licensed to be always subject to be suspended or displaced by order of the said Lieutenant Governor or other Administrator of the Government for the time being, for neglect of duty or for misbehaviour: and the said person or persons so licensed shall enter into good and sufficient security for the fulfilment of his or their duties, and shall provide such boats and other conveniences for the accommodation of passengers, as the said Lieutenant Governor or other Administrator of the Government, with the advice as aforesaid, shall specify and set forth in the respective Licences: and every person so licensed as aforesaid shall, for neglect of duty or non-fulfilment of the requisitions as stated in such Licence, be subject, for every offence so committed, and for every day he may be deficient of any article as stated in such Licence, a sum not exceeding Twenty Shillings.

IV. And be it further enacted, That in case no tender or tenders shall be made as above mentioned, after such advertisement, then it shall and may be lawful to and for the said Lieutenant Governor or other Administrator of the Government, with the advice aforesaid, to fix the rate of Ferrriage, under and subject to such rules and regulations as are herein-after mentioned, or shall from time to time be made by him and them, by virtue of this Act, for the benefit and advantage of the public.

V. And be it further enacted, That the said Lieutenant Governor or other Administrator of the Government, with the advice aforesaid, shall, in the respective Licences so to be granted, state and set forth how each and every licensed Ferry shall be conducted, the number and size of the boats to be provided, and also the rate at which passengers, cattle, carriages, goods and baggage shall be ferried or conveyed at the respective Ferries which shall be so licensed as aforesaid, together with any regulations for the upholding and keeping in repair the houses,

slips and hards, and other buildings erected by the Government of this Island, for the convenience of the respective Ferries within the same, and any other regulations for the convenience of the public that may be deemed necessary: and every such licensed Ferryman, so to be licensed under this Act, is hereby directed and required to cause a copy of the requisitions and regulations of the Ferry for which he is so licensed as aforesaid, to be posted up, and kept so posted during the continuance of such Licence, in some conspicuous place in the house occupied by him or them for a Ferry House, under penalty of a sum not exceeding Five Shillings for each day's neglect.

Rules, &c. to be posted up in Ferry-house, under penalty of 5s. for each day's neglect.

VI. And be it further enacted, That if any person or persons, not being duly licensed, shall from henceforth carry or ferry over any river, bay or creek within this Island, at the place where a ferry is or may be hereafter established, any man or beast, except by the desire and consent of the person or persons licensed to keep such ferry or ferries, or except the same be done gratuitously, such person or persons shall forfeit and pay for each offence a sum not exceeding Twenty Shillings.

Persons not licensed, acting as Ferrymen, to forfeit £1 for each offence.

VII. And be it further enacted, That no person or persons so to be licensed in pursuance of this Act, nor his or their servant or servants, nor any other person or persons acting for or under him or them respectively, shall take or receive as a reward for his or their Ferriage, any greater sum or sums of money than is or shall be mentioned and specified in the Licence so to be obtained as aforesaid: and if any person or persons so to be licensed as aforesaid, or his or their servant or servants, or any other person or persons acting for or under him or them respectively, shall use unnecessary delay therein, or give abusive language to, or treat with rudeness, any person or persons whomsoever applying to be ferried over, or during the time he, she or they may be

No higher Ferriage to be charged than stated in Licence.

Licensed Ferrymen or their servants guilty of delay or misconduct, to forfeit not exceeding £5 for each offence.

actually ferrying over any of the places or bays so to be licensed as aforesaid, then such person or persons so offending shall, for each offence, upon proof made by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, forfeit a sum not exceeding Five Pounds, and shall be also ordered to satisfy in damages all those who shall or may sustain loss by means of such unnecessary delay—the said forfeiture and damages to be levied by warrant of distress and sale of the offender's goods and chattels, and paid to the person or persons who may be injured thereby; and for want of goods and chattels whereon to levy, then the said offender or offenders shall be committed to the common Jail for a term not exceeding three months, nor less than one month.

Mode of recovery.

Licensed Ferry-men may demand payment from passengers before they embark; and accept a pawn or pledge;

VIII. And be it further enacted, That it shall and may be lawful for the person or persons so to be licensed as aforesaid, or his or their servant or servants, to demand and receive pay of all passengers before he, she or they shall have entered on board such boat or boats; and in default of such payment, to accept of a pawn or pledge for the same; nor shall such person or persons be required or obliged to change a greater sum than one shilling when the fare amounts to no more than two-pence, nor to change a greater sum than five shillings when the fare amounts to one shilling or upwards; but in no case shall it be lawful for any Ferryman to detain any passenger or passengers, after he, she or they are admitted into the ferry boat.

but in no case to detain passengers after admitted into ferry boat.

Mode of recovery of fines.

IX. And be it further enacted, That all fines, penalties or forfeitures, not herein-before provided for, shall be recovered before any one of His Majesty's Justices of the Peace, upon the oath of one or more witness or witnesses, and applied, one half to the person who shall inform and sue for the same, and the other half to be paid into the Treasury of this Island, for the benefit of the government thereof.

X. And be it further enacted, That nothing herein contained shall authorize the collection of any revenue for rent or otherwise, under or by virtue of this Act.

Act not to authorize the collection of any revenue for rent, &c.

XI. And be it further enacted, That this Act, so far as regards the Ferry on the *Hillsborough* River between *Charlotte-Town* and the opposite side of the said river, shall not go into operation until the expiration or other sooner determination of the term thereof granted by the Government of this Island to the present Lessee, any thing herein contained to the contrary thereof notwithstanding.

Not to extend to Ferry opposite *Charlotte-Town*, until the expiration of the present Lease.

C A P. IX.

An Act to explain and amend an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth; intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their Formation.*

Refer to 10 G. 4, c. 10. 4 W. 4, c. 16.

WHEREAS doubts have arisen as to the construction of the third clause of an Act made and passed in the Tenth year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*, as to the parties by whom costs on appeal are to be borne: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, That

when either the Governor, Lieutenant Governor, or other Administrator of the Government, or the proprietor or tenant of the soil, who may think themselves aggrieved by the finding of any verdict under and by virtue of the said Act, shall appeal to the Supreme Court of Judicature of this Island, in the manner pointed out by the said Act, it shall and may be lawful to and for the said Supreme Court, if it shall be of opinion, after hearing such appeal, that justice hath been done, to dismiss the same, with such costs, to be taxed, to the Appellee, as shall seem just and reasonable; which said costs, if the appeal shall have been entered by the Governor, Lieutenant Governor, or other Administrator of the Government, shall be paid to the Appellee, in the manner described in the fourth section of the said Act, as to payment of a verdict; and if by the Proprietor or Tenant, by him; and in case of neglect or refusal, the same shall be recovered in the same manner as costs are recovered in the said Supreme Court on appeals being dismissed in cases of Small Debts.

Supreme Court may dismiss any appeal with costs.

How costs shall be paid.

Proceedings upon a second verdict being taken.

II. And be it further enacted, That if on such appeal having been heard, a new writ shall be ordered, and the verdict of a second Jury taken, as is by the said Act permitted, and on the coming in of such verdict it shall appear that the same is in confirmation of the verdict appealed from—if such verdict shall find the road to be an advantage to the proprietor of the land, then the said Court shall order the same to be entered of record, together with the costs incurred on hearing such appeal, issuing such second writ, and taking such verdict; which said costs, having been duly taxed, shall make part of the said second judgment, and be paid and recovered in the manner pointed out by the said Act for the recovery of the verdict alone: and if the said second verdict shall find the owner of the land to be entitled to any sum beyond what was found in the first verdict, the appellant shall have

his reasonable costs of appeal and subsequent proceedings taxed and paid in manner before pointed out in the fourth section of the before mentioned Act, for the recovery of the verdict alone, when given in his favour; but if such second verdict shall find a lesser sum due to the owner for compensation than the first verdict, such owner shall pay costs, to be taxed, in manner mentioned in the last foregoing section of this Act.

III. And be it further enacted, That when and so often as it shall be necessary to compel the attendance of any Witnesses to give evidence before any Jury to be summoned as aforesaid, the party requiring the testimony may cause a Subpœna to be issued for the purpose from the Prothonotary's Office, in the same manner as is now practised in cases of inquiries before the Sheriff; and if any witness who shall have been duly served with a Subpœna, and shall also have been at the same time tendered Eight-pence, currency, *per* mile, for every mile he may have to travel from his place of abode to the place where such evidence is to be taken, shall wilfully neglect or refuse to attend, pursuant to the Subpœna, or to give evidence after attending, he shall be liable to such damages and punishment, by process of contempt and otherwise, as witnesses now are who disobey the command of any Subpœna requiring them to attend and give evidence before His Majesty's Supreme Court of Judicature of this Island. And the Sheriff, or his Deputy, is hereby authorized and required to administer an Oath to each of the twelve Jurors, who shall be chosen to act on any such inquiry, in the following form, swearing three at a time; (that is to say,)

Compels attendance of Witnesses.

Punishment for refusing to give evidence, &c.

Sheriff to administer an oath to each Juror.

' YOU and each of you shall well and truly inquire what damage or advantage will be sustained, or will accrue, to *A. B.* by the opening of a public highway over his (or her) reputed property, and you shall assess the amount in money of such damage,

Form of Jurors' oath.

‘ or advantage, according to the evidence and the
 ‘ best of your judgment: and in case you shall find the
 ‘ same to be an advantage to the said *A. B.* then you
 ‘ shall say what sum shall be paid by him; and shall
 ‘ view, appraise and value the unsettled land of the
 ‘ said *A. B.* adjoining the said intended road, and
 ‘ situate in County, as directed in the Act of
 ‘ Assembly in that case made and provided.

‘ So help you GOD.’

Witnesses to be
 sworn.

And the Sheriff or his Deputy is also hereby authorized and required to administer an oath to each witness who shall attend, as aforesaid, in the form following; (that is to say,)

The oath.

‘ **T**HE evidence you shall give before this Inquest,
 ‘ shall be the truth, the whole truth, and nothing but
 ‘ the truth.

‘ So help you GOD.’

No more than
 one Writ to be
 issued for each
 County, unless
 the roads be de-
 tached.

IV. And be it further enacted, That in no case shall any more than one writ be issued for the same County, under or by virtue of this Act, relating to new roads, after the Administrator of the Government for the time being in Council shall have determined upon and ordered the laying out or opening of such roads, although the same may pass over the lands of more than one person, unless such new or intended roads shall be detached from each other, and run in different or contrary directions; and the Jury shall give as many several verdicts, under one writ, as may be required from the number of parties interested.

Jury to give as
 many verdicts
 under one writ,
 as there are par-
 ties interested.

Fees to be taken:

V. And be it further enacted, That no person or persons whomsoever shall, either directly or indirectly, demand, take or receive any other or greater fee or fees for the respective services herein-after mentioned than is hereunder specified; (that is to say,)

TABLE OF FEES.

	CURRENCY.			
	£	s.	d.	
Warrant of Survey - - - -	0	5	0	Surveyor's Fees.
Surveyor laying out the Road, <i>per diem</i>	0	11	8	
Chainmen and Labourers, each, <i>per diem</i>	0	4	0	
Plan of Road, five chains to an inch -	0	11	8	
Surveyor, for all other requisite attendances as a Witness or otherwise, <i>per diem</i>	0	11	8	
Retainer to the Attorney General on each Writ, exclusive of travelling charges	2	6	8	Attorney Gene- ral's Fees.
Instructions and Præcipe for each Writ	0	6	8	
Issuing each Writ of Subpœna - - -	0	2	6	
Each copy to serve - - - - -	0	1	0	

PROTHONOTARY, *videlicet.*

Writ and Seal - - - - -	0	6	0
Entering the Record on every verdict, for every hundred words - - - - -	0	0	8
For each Writ of Subpœna - - - - -	0	2	6
Copies of Subpœna, to serve, each -	0	1	0

SHERIFF, *videlicet.*

For summoning each Juror - - - - -	0	2	6
Mileage to summon Jury, and to perform every other service under this Act, except holding the Inquisition, for every mile travelled - - - - -	0	0	4
Service of each Notice, Subpœna, or other paper - - - - -	0	2	0
Holding Inquiry, preparing and filing Inquisition on each Writ - - - - -	1	3	4
Mileage to hold Inquiry, for every mile actually travelled - - - - -	0	0	4

JURORS, *videlicet*.

To the Foreman, - - - -	0	10	0
To each of the other eleven Jurors,	0	5	0
Mileage, to each Juror, for every mile necessarily travelled, - - -	0	0	6

WITNESSES, *videlicet*.

Commissioners of Highways, when required to attend as Witnesses under this Act, from the time of leaving home until their return, (no unnecessary time to be allowed) each, <i>per diem</i> , - - - - -	0	15	0
Mileage, for each mile travelled, -	0	0	6
All other necessary Witnesses, <i>per mile</i> , - - - - -	0	0	4
For attendance under examination, <i>per diem</i> , - - - - -	0	2	0

CAP. X.

An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.

All Deeds, &c. relating to lands, &c. may be registered in the office of Colonial Registrar.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That all persons now having or claiming, or who shall or may hereafter have or claim, any right, title or interest in or to any messuages, lands, tenements or hereditaments within this Island or its Dependencies, may register all deeds or writings of whatsoever nature or

kind relating to, or concerning the same, in the office of the Colonial Registrar of this Island.

II. And be it further enacted, That the Colonial Registrar for the time being shall keep, for the purpose of registering all such deeds and writings therein, a Folio Book, with patent back, strongly bound in leather, and lettered with the words, "Register of Deeds, No. . . ." and containing at least seven quires of paper, which shall be of a good quality, and proper for records, with an Index and Alphabet thereto, which shall be kept in the form prescribed in the Schedule (No. 1,) hereto annexed: and the Registrar shall also make and keep two general Alphabets and Indexes, in two several Books, to be bound as aforesaid, and in the forms prescribed in the Schedules (Nos. 1 and 2,) hereto annexed, which shall be open to the public to make searches therein.

Registrar to keep a Book for registering deeds.

III. And be it further enacted, That the execution of all such deeds and writings as aforesaid, which already have been or hereafter shall be made, and which shall not have been recorded before this Act shall be in force, shall, before the registry thereof, be proved on oath, before the said Registrar, by one or more of the subscribing witnesses thereto, or by the personal acknowledgment before him of the grantor or grantors in such deeds or writings—which Oath the said Registrar is hereby empowered to administer, and which acknowledgment or proof of due execution shall be endorsed on the back of each and every of such deeds or writings so produced and proved, as also signed by the Registrar; and all such deeds and writings shall be registered at full length, and the word "sworn" shall be inserted in the Book of Registry, opposite the name of each witness who shall be sworn before the Registrar as aforesaid: Provided nevertheless, that it shall and may be

All Deeds, &c. before Registry thereof, to be proved before Registrar.

Proviso.

Lt. Governor may appoint 3 Commissioners in each County to swear Witnesses as to the execution of Deeds, &c.

Commissioners to certify on the backs thereof.

Commissioners' Fees.

Registrar to record Deeds, &c. certified as proved before a Commissioner.

Administrator of the Government, from time to time, by writing under his hand and seal, to appoint at least three Commissioners, who shall be sworn faithfully to discharge the duties of their office, residing in each of the Counties within this Island respectively, whose Commissions shall be registered before they act; and who shall severally be empowered to administer an oath to witnesses who may come before them to prove the due execution of such deeds or writings as aforesaid, or take the personal acknowledgment of the grantor or grantors of such deeds or writings as aforesaid; and who shall thereupon, and upon the back of each deed or writing, certify the proof or acknowledgment so made before them respectively, as herein-after mentioned; for which services the Commissioner shall receive the sum of Two Shillings and Sixpence, and no more; and the Registrar now appointed, or hereafter to be appointed, shall, on receipt of such deed or writing so certified as aforesaid, enter the same upon the Registry, as provided by this Act, as if such proof or acknowledgment of execution had been made before him, any thing herein contained to the contrary notwithstanding.

FORM OF CERTIFICATE OF OATH.

'On the _____ day _____ personally
 'appeared before me *A. B.* of _____ and being
 'sworn, testified that he is a subscribing witness
 'to the within written deed or writing, and that
 'he was present, and did see the same duly executed by the Grantor [*or Grantors, as the case may be,*] therein named. **E. F.**
 Commissioner.'

FORM OF CERTIFICATE OF ACKNOWLEDGMENT.

'On the _____ day of _____
 'personally appeared before me *A. B.* of _____
 'and acknowledged that he did freely and volu-

'tarily execute the within written deed or writing, to and for the uses and purposes therein mentioned.

' E. F. Commissioner.'

IV. And be it further enacted, That the Registrar of this Island shall and may register all such deeds and writings as aforesaid as shall have been made and executed in *Great Britain or Ireland*, or in any of His Majesty's Colonies or Plantations, or other His Dominions distant from this Island, although none of the witnesses thereto should come before him to prove the same; provided the execution thereof shall appear to such Registrar either to have been acknowledged in due form of law, by the grantor himself, named in any such deed or writing as aforesaid, or to have been proved by the oath of one of the subscribing witnesses thereto, before some or one of His Majesty's Justices of the Peace where any such deed or writing shall have been executed, and to be duly attested by such Justice; and such attestation, being also authenticated (if in the Plantations) under the hand and seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province or Government where the same shall or may have been executed, or of a Notary Public there residing; and if in *Great Britain, Ireland*, or elsewhere under the Dominions of His Majesty, then under the Public Seal of some Corporation there, or by the attestation and certificate of some Notary Public, lawfully constituted and resident there, certifying that such person so subscribing as a Justice of the Peace is really and truly so, and that faith and credit is and ought to be given to all such his attestations: and if any such deeds or writings as aforesaid shall be executed in any other place or places out of His said Majesty's Dominions, then the certificate, attestation, or proof of such execution shall be according to the forms

Deeds, &c. executed in Great Britain, Ireland, &c. to be registered on proof of the execution thereof.

Nature of proof required.

generally used in such place or places as last aforesaid, on the like occasions.

All deeds, &c. to be certified on the back by the Registrar.

Registrar to enter dates in margin of Registry Book.

If deed be lost, copy thereof, authenticated by Registrar, to be admitted as legal evidence.

Registrar to record all Deeds, &c. in the order in which they come to his hands.

If Grantors and Witnesses die before Registry of Deeds, &c. Executors may execute a Memorial thereof, which may be registered with the original Deed, &c.

V. And be it further enacted, That all such deeds and writings as aforesaid shall, immediately upon receipt by the Registrar, be certified by him on the back thereof, (and in presence of the person presenting the same, if required,) with the name of the witness (if any) sworn before him, and the year, month, day of the month, and hour of the day, when the same were presented for registry, and proved or acknowledged as aforesaid; and shall also enter the same in the margin of the Register Book, opposite to the commencement of the Record; and a copy of which certificate, and of the deed or other writing relating thereto, and duly registered, being extracted from the Book of Registry, and authenticated by the Registrar's signature (in case of the original deed or writing being lost, and none of the witnesses thereto to be found, so as to be examined either *viva voce* or by commission,) shall be admitted and allowed as legal evidence of the due execution of such lost deed or writing in any Court of Record in this Island, wheresoever such deed or writing may have been executed: and the Registrar shall duly record every such deed or writing as aforesaid, in the same manner and order in which they shall come to his hands, and be proved or acknowledged as aforesaid, and without favour or partiality, on pain of answering the party aggrieved in such damages as he may sustain.

VI. And be it further enacted, That in case the grantors and witnesses to any such deed or writing as aforesaid shall die before the Registry thereof, or cannot be found, so as to obtain the acknowledgment or proof of the due execution thereof before the Registrar as aforesaid, it shall be lawful to and for the Executor or Administrator of any one or more such deceased Grantors, to

execute a memorial of such deed or writing, and require the same to be registered with the original deed therein referred to, which shall be done accordingly, upon the said memorial being acknowledged or proved before the Registrar, or otherwise, if executed abroad, in manner aforesaid.

VII. And be it further enacted, That if any person shall forswear him or herself before the said Registrar, or before any such Commissioner as aforesaid, or any Deputy Registrar, and be thereof duly convicted, such person shall be liable to the same penalties as if the said oath had been voluntarily and corruptly made in a cause depending in any of the Courts of Record that now are, or hereafter shall or may be established in this Island.

Perjury before Registrar or Commissioner, how punished.

VIII. And be it further enacted, That no person shall be compelled to attend before the Registrar as a witness, to prove the due execution of any such deed or writing as aforesaid, unless there shall have been previously tendered to him or her a reasonable compensation for his or her time and trouble, at and after the rate of Four-pence *per* mile, for travelling expences, for every mile to be travelled, in coming to and returning from such Register Office; and in case the witness shall refuse to attend before the Registrar, or one of the Commissioners as aforesaid, within six days next after such tender as aforesaid, the person or persons requiring the attendance of such witness may make oath before any one of His Majesty's Justices of the Peace, and therein set forth the necessity of such witness's attendance before the Registrar or Commissioner, the making of such tender, and the amount thereof, and refusal to attend; and thereupon the witness so refusing to attend as aforesaid shall be forthwith committed, by warrant under the hand and seal of such Justice, to prison, there to remain, without bail or mainprize, until he or she shall comply with the requisition of this Act, and shall also pay the reasonable costs that may have been incurred in consequence of such his or her

Witnesses not compelled to attend before Registrar, &c. unless tendered travelling expences.

On refusal to attend after such tender, how punished.

neglect or refusal to attend and give evidence before the Registrar or Commissioner as aforesaid.

When Mortgages are paid, a certificate to be delivered to the Registrar, who shall record the same.

IX. And be it further enacted, That when any Mortgager or Mortgagers, or their assigns, shall have paid and satisfied the sum or sums of money secured upon his, her or their lands, tenements, or hereditaments, then instead of a re-conveyance or re-assignment of the mortgaged premises being required, there shall be delivered into the Registrar's Office a certificate to the effect herein-after mentioned; which shall be entered upon record, and the same shall have the like force and effect as if the party had actually executed and registered such re-conveyance or re-assignment, as aforesaid.

Form of Certificate.

' To the Registrar of Deeds for }
' Prince Edward Island. }

' I *A. B.* of do hereby certify, that *C. D.*
' of hath paid and satisfied all such sum or
' sums of money as were due and owing upon a
' Mortgage made by the said *C. D.* to me, bearing
' date the day of and which was granted
' in consideration of the sum of £ in full dis-
' charge of the same: and I do hereby require an
' entry of such payment and satisfaction to be made,
' pursuant to an Act of Assembly in that case made
' and provided.

' As witness my hand, this day of
' *A. B.*

' Signed in the presence of

FORM OF ENTRY OF THE SAID CERTIFICATE, TO
BE MADE BY THE REGISTRAR.

Form of entry of certificate.

' Memorandum:—That upon the Certificate of the
' within named *A. B.* dated the day of
' proved by the oath of *G. H.* of that all
' monies due on the within mentioned Mortgage are
' fully paid and satisfied in discharge of the same, this
' entry in discharge thereof is made, pursuant to the
' said Act, this day of

' *L. M.* Registrar.'

Which said Certificate shall be filed with and kept by the Registrar, and he shall make the foregoing entry in the margin of the Register Book where the Mortgage therein referred to may have been registered, and opposite to the commencement of the registry of such Mortgage.

X. And be it further enacted, That after this Act shall be in force, no constructive or other notice of any unregistered deed, writing, or instrument relating to the title to lands, tenements or hereditaments within this Island or its Dependencies, shall, in any manner, either in law or equity, defeat, impeach, or affect, or be construed to affect, any deed, writing or instrument relating to all or any part of the same lands, tenements or hereditaments, and which shall have been duly registered, according to the provisions of this Act: Provided always, that nothing in this Act contained shall affect, or be construed to impeach, any of the following Records or Instruments, which do by law, or hereafter may relate to, or in any manner concern the titles to lands, tenements, or hereditaments within this Island—that is to say, Decrees or Judgments at Law or in Equity, Executions or Attachments levied, or to be levied, on Real Estate, Wills, or Securities for debts due, or to become due, to the Crown, although the same, or a memorial or entry thereof, may not be recorded in the said office of the Colonial Registrar of Deeds—but that such Records, Writs, or Instruments, and every of them, shall have the same force and effect, to all intents and purposes whatsoever, as if this Act had not been made.

No unregistered Deed, &c. to affect any Deed, &c. which shall be duly registered.

This Act not to affect certain Records, &c.

XI. And be it further enacted, That the Registrar of Deeds shall take and receive for the registering of every deed or other instrument, and for all certified copies of the same, at the rate of One Shilling currency for every one hundred words; and for every Oath to be administered by him, the sum of One Shilling currency; and for every certificate, and every

Fees of Registrar.

Office Hours.

Registrar not compelled to record any Deeds, &c. unless his fees be first tendered.

search, the sum of One Shilling currency; and that the Registrar's Office shall be kept open for public business from the hour of Ten in the forenoon till the hour of Three in the afternoon (holy-days excepted). Provided always, that nothing herein contained shall require the Registrar to record any such deeds or writings as aforesaid, unless the amount of fees as required by this Act shall have been first tendered or paid immediately on proof of their due execution having been made in terms of this Act.

Registrar authorized to appoint a Deputy, who shall be sworn.

XII. And be it further enacted, That the Registrar now appointed, or hereafter to be appointed, shall and may, and he is hereby authorized, from time to time, to nominate and appoint any fit and proper person to act as his deputy, who shall, on receiving such appointment, be invested with all such and the same powers and authorities as the Registrar now hath, as to taking proofs, entering records, giving certificates, authenticating copies, and administering oaths; such Deputy to be appointed by commission, under the hand and seal of the Registrar, and which shall be duly registered; and the said Deputy shall be sworn faithfully to discharge the duties of his office, before he shall act therein, and the oath shall be recorded with his commission.

All Deeds, &c. duly executed, to be valid against the grantor, notwithstanding want of Registry.

XIII. And be it further enacted, That all deeds which shall hereafter be duly executed, shall in all cases be deemed to be valid as against the grantor or grantors, and his, her or their heirs, any want of registry notwithstanding, unless there shall be therein contained a covenant or condition to the contrary.

All Powers of Attorney under which Deeds, &c. are executed, to be recorded.

XIV. And be it further enacted, That from and after the passing of this Act, all powers and letters of attorney, under and by virtue of which any such deeds or writings as aforesaid shall be made and executed, shall be duly recorded at length in the Register Office; and that no deed or instrument purporting to be executed in such manner as is last

before mentioned shall have any force or effect until such power or letter of attorney shall have been first duly registered.

No Deed so executed to be valid until such power is recorded.

XV. And be it further enacted, That from and after the respective periods when this Act shall become in force, as herein-after mentioned, an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the Third, intituled *An Act appointing the recording of all Deeds of Sale, Conveyances and Mortgages*; also an Act made and passed in the Twenty-fifth year of the Reign of His said late Majesty, intituled *An Act to explain, alter and amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act appointing the recording of all Deeds of Sale, Conveyances and Mortgages'*; and an Act made and passed in the Forty-first year of the Reign of His said late Majesty, intituled *An Act to explain and amend the Laws of this Island appointing and directing the recording of Deeds of Sale, Conveyances and Mortgages*; and an Act made and passed in the Forty-ninth year of the Reign of His said late Majesty, intituled *An Act appointing the recording of Letters or Powers of Attorney, in such cases as are therein mentioned*—shall be and become respectively repealed.

Repeals 20 G. 3, c. 8.

25 G. 3, c. 1.

41 G. 3, c. 5.

49 G. 3, c. 4.

XVI. And be it further enacted, That this Act shall commence and come into operation at the following times, (that is to say)—with respect to such deeds and writings as aforesaid as may have been executed within this Island, within Three Calendar Months after the passing thereof—the day of passing, and the last day of the said term, both inclusive; and as to all other deeds and writings which may be registered as aforesaid, within Twelve Calendar Months after such passing—the day of the passing of this Act, and the last day of the said term, both inclusive.

Commencement of Act.

[Passed April 6th, 1833.]

SCHEDULE (No. 1.) to which this Act refers.

FORM OF ALPHABET AND INDEX.

From	To	Nature of Record.	When Registered.	Book	Page	Description of Premises.
B. A.	D. C.	Conveyance.	1st. August, 1833.	36.	100.	500 acres on Township No. 32

SCHEDULE (No. 2.) to which this Act refers.

To	From	Nature of Record.	When Registered.	Book.	Page.	Description of Premises.
D. C.	B. A.	Conveyance.	1st. August, 1833.	36.	100.	500 acres on Township No. 32

C A P. XI.

An Act to amend an Act made and passed in the Second Year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts*, and to repeal two other Acts herein-after mentioned.

WHEREAS the above mentioned Act has been found defective, and it is deemed necessary to amend the same—Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Commissioners appointed, or to be appointed, under and by virtue of an Act made and passed in the Second year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the Recovery of Small Debts*; and all Justices of the Peace and Commissioners who may be called upon to adjudicate under and by virtue of an Act made and passed in the Second year of His present Majesty's Reign, intituled *An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of summary Capias against persons about to leave this Island*, are hereby empowered to issue Executions in manner directed in and by the said above mentioned Acts, for the recovery of all debts amounting to Forty Shillings and under; and for want of goods and chattels whereon to levy the same, then to authorize the constable to take the defendant or defendants to prison, there to remain, if the original debt, together with the superaddition of costs, shall not exceed Forty Shillings, for the space of One Month, at any time or season of the year—after which imprisonment, the said defendant or defendants shall be released therefrom, and also freed and discharged from the debt or debts for which he, she or they may have been im-

Commissioners and Justices authorized to adjudicate under the Summary Capias Act of 2 W. 4, c. 5, empowered to issue executions for debts of 40s. and under.

For want of goods Constable may commit defendant to prison for one month.

Then to be released from the Debt.

Term of imprisonment where debt and costs exceed £5.

prisoned ; and for the recovery of all sums, where the debt and costs together shall exceed **Five Pounds**, the imprisonment shall be the same as is mentioned in the said first mentioned Act relating to the recovery of sums above **Three Pounds** and not exceeding **Five Pounds**; after which imprisonment the defendant shall be discharged from the debt.

If defendant had never been furnished with an account of the debt sued for, after demand made by him, Commissioner authorized to apportion the costs in his discretion.

II. And be it further enacted, That if on the hearing of any matter of debt before any of the Commissioners aforesaid, it shall be found that the defendant or defendants had never before the issuing of the summons been furnished with an account of the debt or debts so sued for, and that such account had been by such defendant or defendants demanded of the plaintiff at his place of residence, but that the action was vexatiously brought without such account having been furnished as aforesaid, then it shall and may be lawful for the Commissioner or Commissioners, at his or their discretion, to apportion the costs as they shall see fit, or to order and cause the plaintiff to pay the said costs, or any part thereof, and to recover which, execution may issue as in cases of nonsuit, and to give judgment only for such sum as is sufficiently proved to be due to him or them by such defendant or defendants.

Mode of recovery of costs, if directed to be paid by plaintiff.

In cases of appeal, Supreme Court may vary judgment, and give or withhold costs.

III. And be it further enacted, That it shall and may be lawful to and for any of the Justices of His Majesty's Supreme Court of Judicature, in all cases where they shall see fit, to vary the orders or judgments of any Commissioner or Commissioners, Justice or Justices of the Peace, which may be appealed from, if in favour of the appellant, to grant or withhold costs, or any part thereof, in their discretion, any thing to the contrary in the said above mentioned Acts notwithstanding.

IV. And be it further enacted, That an Act made and passed in the **Forty-sixth** year of the

Reign of His late Majesty King George the Third, intituled *An Act in addition to and amendment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act for the more easy and speedy Recovery of Small Debts,'* and an Act made and passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate Appeals from the Courts of Justices of the Peace in this Island, in amendment of an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled 'An Act for the more easy and speedy Recovery of Small Debts'*—be, and the same are, hereby respectively repealed.

Repeals 46 G. 3,
c. 1, and

8 G. 4, c. 5.

C A P. XII.

An Act to regulate and establish the stated Times and Places for holding the Supreme Court in *King's* and *Prince* Counties; and to constitute the *Michaelmas* Term of the said Court, in *Queen's County*, a Term for the Trial of Issues, for a limited period.

WHEREAS it will be a great saving of expence to the Jurors, Suitors, and Witnesses, who are compelled to attend Courts of Justice, if Courts were held in the different Counties: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Supreme Court of this Island shall sit at *Georgetown*, in *King's County*, and at *Saint Eleanor's*, in *Prince County*, twice in each year, as soon as Court Houses and Jails shall be erected in the said Counties respectively, and as soon as the Lieutenant Governor or Commander in Chief for the time being shall issue his Commission or Com-

Supreme Court
to sit in King's
County and in
Prince County
twice in each
year.

Times of such sittings.

missions to the Chief Justice for that purpose—that is to say, in *King's County*, at *Georgetown*, on the Second *Tuesday* in *March*, and the Third *Tuesday* in *July*; and at *Prince County*, on the First *Tuesday* in *June*, and the Second *Tuesday* in *November*.

Until Sheriffs are appointed for the different Counties, the High Sheriff to appoint Deputies.

II. And be it further enacted, That until Sheriffs shall be appointed for the different Counties, the High Sheriff, or in his absence, the Under Sheriff, shall appoint good and sufficient Deputies—one for *King's County*, and one for *Prince County*—who shall reside within the limits of their respective Counties.

The Prothonotary and Clerk of the Crown to appoint one Deputy for each of said Counties, to sign writs.

III. And be it further enacted, That the Prothonotary and Clerk of the Crown shall appoint good and sufficient Deputies, one for *King's County*, and one for *Prince County*, residing within the limits of their respective Counties—who shall have power to sign and seal such writs as may be purchased out of the said Courts; which writs shall bear teste as of the last day of the preceding term in *Charlotte Town*, and be returnable on some day of the next term in which such Courts shall sit in the said Counties respectively, or on one of the days herein-after mentioned for the return of writs; and after such Courts shall have gone into operation, the Writs so to be issued in such Counties shall bear teste in the usual manner, as of the last day of the term so held in the same Counties respectively.

Teste of Writs issued in said Counties.

No person to be summoned as a Juryman out of the County in which he resides.

IV. And whereas Jurors are now summoned by Law from the whole Island, which is highly inconvenient and expensive to many of such Jurors; be it therefore enacted, that from [and after the establishment of the said Courts in *King's* and *Prince Counties* respectively, no person shall be summoned upon any Jury, whether Grand or

Petit, out of the County in which such person shall reside—any other law, usage or custom to the contrary notwithstanding.

V. And be it further enacted, That the Deputy Clerks of the Crown and Prothonotaries for *King's* and *Prince Counties* respectively, shall issue in due form Writs of Venire, directed to the Sheriff or his Deputy, commanding him to summon a Grand Jury from the persons resident in the said County, to meet at the times and places before mentioned ; and he shall also issue a Venire, to summon a Petit Jury for each and every Term in the said County, to meet at the same place and at the time herein-after appointed for all Petit Jurors to meet—which said Grand and Petit Jurors shall be of the like qualifications, and summoned in the same manner, as Grand and Petit Jurors are by Law now summoned.

Duty of the Deputy Clerks of the Crown and Prothonotaries.

VI. And whereas it will conduce to the advancement of justice to make three issuable Terms in the year for the Supreme Court in *Charlotte Town*, and to change the time of the sitting of the *Hilary* Term, for a limited period ; be it therefore enacted, by the authority aforesaid, that the *Michaelmas* term shall be an issuable Term for the trial only of civil suits ; and that Petit Jurors shall be summoned at that term, as Jurors are now summoned at the other terms ; and civil causes shall be therein heard, tried, and determined, as at the other terms ; and the time of sitting shall not exceed the number of days as now prescribed by law for the said *Michaelmas* Term : and that this Act, with respect to *Michaelmas* Term, shall only be in force for three of those Terms, from and after the passing thereof ; and that the *Hilary* Term shall be holden on the *First Tuesday* in *January*, instead of the *Third Tuesday* in *February*, any law, usage or custom to the contrary notwithstanding.

The Michaelmas Term in Queen's County to be an Issuable Term for the trial of Civil Suits only.

Time of sitting.

Limitation of Act as respects said Term.

Hilary Term in Queen's County to be holden on the 1st Tuesday in January.

Mode of sum-
moning Petit Ju-
rors.

VII. And be it further enacted, That in future all Petit Jurors shall be summoned to attend each of the said respective Courts on the second day of each term, and not on the first day as now practised, except in *Michaelmas* Term in *Queen's County*; and that such Petit Jurors shall attend in *Hilary* and *Trinity* Terms for *Queen's County* for such time as they may be required, not exceeding nine days in each term; and in *Michaelmas* Term for that County, for such time as they may be required, not exceeding seven days: and in each of the respective Terms to be held in *King's County* and *Prince County*, for such time as they may be required, not exceeding six days, exclusive of *Sunday*; and that the Courts to be held in the said two Counties last mentioned shall sit for a time not exceeding seven days, exclusive of *Sunday*, in each term, and no longer—any law, usage or custom to the contrary notwithstanding.

Duration of the
Terms in King's
and Prince Coun-
ties.

Chief Justice to
be allowed £100
per annum for
travelling char-
ges.

VIII. And be it further enacted, by the authority aforesaid, That there shall be allowed and paid as travelling expences to the Chief Justice of this Island, for his attendance at the said Courts so to be held in *Prince County* and *King's County*, the sum of One hundred Pounds *per annum*.

Grand Jurors in
King's & Prince
Counties to pre-
pare Lists of
Constables and
Fence Viewers.

IX. And be it further enacted, That the Grand Juries to be summoned as aforesaid for the said Terms in *King's* and *Prince* Counties, shall, and they are hereby authorized to prepare lists of fit and proper persons to fill the offices of Constables and Fence Viewers for each of the said Counties respectively; and the said Courts are hereby authorized to choose from the said lists fit and proper persons to fill the said offices, in the same way and manner as heretofore used for the whole Island.

X. And be it further enacted, That at and after each Term of the said Courts, there shall be in

future Twenty successive days allowed for return of writs solely, including the first day of each Term, and exclusive of *Sundays*—any thing in this Act to the contrary notwithstanding.

Return days for Writs in said Counties.

C A P. XIII.

An Act to authorize a further Issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.

For Acts which relate to Treasury Notes, see
 5 G. 4, c. 18.
 6 G. 4, c. 12.
 9 G. 4, c. 1.
 11 G. 4, c. 16.
 1 W. 4, c. 15.
 4 W. 4, c. 17.

WHEREAS it is deemed expedient to repeal the Act herein-after mentioned, and to authorize the Lieutenant Governor, or other Administrator of the Government for the time being, to order a further Issue of Treasury Notes, to the amount of Five thousand Pounds: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth year of the late King, intituled *An Act to authorize the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to negotiate a Loan, for the purpose of erecting a Government House and a Building for an Academy*, and every matter, clause and thing therein, be, and the same are hereby repealed.

10 G. 4, c. 19.

Recited Act repealed.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to order a further issue of Treasury Notes to the amount of Five thousand Pounds—of which One thousand Pounds thereof shall be in Notes of the value of Five Pounds each; and Two thousand Pounds shall be in Notes of the value of Two Pounds each; and One thousand Pounds shall be

Further issue of Treasury Notes, to the amount of £5000.

Description of Notes.

in Notes of the value of Twenty Shillings each; and Five hundred Pounds shall be in Notes of the value of Ten Shillings each; and Five hundred Pounds in Notes of the value of Five Shillings each—which further Issue shall be in the form and subject to the enactments and provisions of an Act made and passed in the Fifth year of the late King, intituled *An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes*—and an Act made and passed in the Sixth year of the late King, intituled *An Act to authorize the Commissioners named and appointed under an Act made and passed in the Fifth year of the Reign of His present Majesty, intituled ‘An Act to empower His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes,’ to issue Notes of the value of Ten Shillings each*—and an Act made and passed in the First year of His present Majesty’s Reign, intituled *An Act to authorize a further Issue of Treasury Notes*.

Subject to the provisions of 5 G. 4, c. 18.

6 G. 4, c. 12.

1 W. 4, c. 15.

£1000 of notes to be cancelled yearly, for five years.

Mode of cancelling notes so paid off.

III. And be it further enacted, That the Treasurer of this Island is hereby required and directed, at the expiration of one year after the date of the Notes so to be issued under and by virtue of this Act, to pay off, out of the monies arising under and by virtue of an Act made and passed in the Eleventh year of His late Majesty’s reign, intituled *An Act for raising a Fund, by an Assessment on Land, for erecting a Government House, and other Public Buildings within this Island*, the sum of One thousand Pounds of the Notes now in circulation, or to be hereafter circulated, and deliver the same to the Commissioners aforesaid, who are hereby directed and required to cancel and destroy the same; and the said Treasurer is hereby directed and required, at the expiration of every succeeding Twelve Months from the date of

the Notes so to be issued, and under and by virtue of this Act, to pay off as aforesaid, and deliver to the said Commissioners, the sum of One thousand Pounds, until the Notes so paid off and cancelled shall amount to the sum of Five thousand Pounds.

IV. And be it further enacted, That the Commissioners shall keep a specific account of the Notes so received, and lay an account of the number and description of the different Notes so cancelled and destroyed before His Excellency the Lieutenant Governor in Council; and that the Notes so cancelled shall be destroyed in presence of the Commissioners aforesaid and the Treasurer of the Island.

Commissioners to lay an account of notes cancelled before Lieut. Governor in Council.

Notes to be destroyed in presence of Commissioners and Treasurer.

V. And be it further enacted, That the Receipts of the Commissioners for the sums so to be cancelled shall be deemed a sufficient discharge to the Treasurer, for the respective amounts which shall be therein expressed.

Commissioners to grant receipts to Treasurer for Notes cancelled.

C A P. XIV.

An Act appointing the Registration of His Majesty's Orders in Council, and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, the Colonial Secretary and Registrar of this Island is hereby required to register, in a Book to be kept for that purpose, all Proclamations which may now be in his custody, possession or power, relating to any Laws heretofore passed by the Legislature of this Island,

Colonial Secretary and Registrar to register Proclamations now in his custody, with His Majesty's Orders in Council, relating to any Laws of this Colony.

together with the Orders of His Majesty in Council signifying His Majesty's allowance or disallowance of the same—which said Proclamations and Orders in Council shall be registered within Six Months from the publication hereof.

All future Orders in Council and Proclamations respecting Laws of this Colony, to be registered within 30 days after they are received.

II. And be it further enacted, That the said Colonial Secretary and Registrar shall, within thirty days after the same may come into his custody, possession or power, register in the same Book all Orders of His Majesty in Council signifying His Majesty's Royal allowance or disallowance of any Act or Acts which may have passed the said Legislature, but on which the Royal pleasure has not yet been signified, and all such Orders of His Majesty in Council as may relate to the allowance or disallowance of any Acts which may hereafter pass the same, together with the Proclamations notifying the said Royal allowance or disallowance.

Allowance to Secretary and Registrar for this duty.

III. And be it further enacted, That the said Registrar shall be paid by the Government of this Island the customary fees for registering all such despatches or documents contemplated by this Act as are allowed and paid for registering deeds and papers in the said office of Registry.

Certified copies of such Proclamations and Orders to be deemed good evidence.

IV. And be it further enacted, That in all cases where it may be necessary to give such Proclamations or Orders in Council in evidence, a certified copy of the same, under the hand of the said Registrar, or his Deputy, shall be taken and deemed to be as good as if the original had been produced and duly proved.

CAP. XV.

An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.

WHEREAS it is enacted, by a Law which passed the Legislature of this Island in the Forty-seventh year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act made and passed in the Forty-first year of His present Majesty's Reign, intituled 'An Act for the better regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future*—that every Assembly hereafter to be called for this Island shall continue for the space of Seven Years, from the day of the Return of the Writs, and no longer: and whereas it would tend to strengthen the confidence of the Public in the Popular Branch of the Legislature, and also prove conducive to the purity and independence of that Body, were the sense of the People, agreeably to ancient usage, more frequently appealed to: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, every Assembly shall continue in duration only for the space of Four Years, from the day of the Return of the Writs for the calling of the same, and no longer—subject, nevertheless, to be sooner prorogued or dissolved by the Governor, Lieutenant Governor, or Administrator of the Government for the time being, whenever he may think the same necessary for the benefit of this Island.

Limits the duration of the Assembly to 4 years from the day of the Return of the Writs of Election, subject to be sooner dissolved.

II. And be it further enacted, That the Sixteenth clause of an Act made and passed in the Forty-seventh year of the Reign of His late Majesty King *George* the Third, intituled *An Act*

Repeals 16th section of 47 G. 3, c. 3.

III* GUILIELMI IV. Cap. 17.

to repeal an Act made and passed in the Forty-first year of His present Majesty's reign, intituled 'An Act for the better regulation of Elections,' and to regulate Elections for Members to serve in General Assembly in future, be, and the same is hereby repealed.

Suspending
clause.

III. And be it further enacted, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure thereon shall be known.

* * This Act received the Royal Allowance, July 2d, 1834.

 C A P. XVI.

Executed.

An Act to authorize the appointment of Commissioners to superintend the extending and completing of the Public Wharf of *Charlotte Town*.

 C A P. XVII.

An Act to incorporate the Trustees of *Saint Andrew's College*, in *King's County*.

WHEREAS the Right Reverend *Aeneas Bernard Maceachern*, Roman Catholic Bishop of *Charlotte Town*, did, on the Thirtieth day of *November*, One thousand eight hundred and thirty-one, open and establish a College at *Saint Andrew's*, in *King's County*, which is commonly called the *Saint Andrew's College*: And whereas, the said Right Reverend *Aeneas Bernard Maceachern* hath, by Lease and Release, bearing date the Eighteenth day of *January*, One thousand

eight hundred and thirty-three, given up all his individual claim, title and interest in and to the said College, with certain lands, tenements and hereditaments thereunto belonging, as declared and set forth in the said Lease and Release, unto the Right Reverend *Aeneas Bernard Maceachern*, Roman Catholic Bishop of *Charlotte Town*; the Right Reverend *William Fraser*, Roman Catholic Bishop of *Tanen*; the Reverend *Bernard Donald Macdonald*, of *Charlotte Town* aforesaid; the Reverend *Sylvanus Perry*, *Belle Alliance*, in *Prince County*; *John Small Macdonald*, of the *West River*, in *Queen's County*, Esquire; *Daniel Brenan*, of *Charlotte Town* aforesaid, Esquire; *Angus Macdonald*, of *Three Rivers*, in *King's County*, Esquire; and *Donald Macdonald*, of *Tracadie*, in *Queen's County*, Esquire—their heirs and successors, as Trustees of said College, to have and to hold the said lands, tenements and hereditaments, in fee simple for ever, for the use and benefit of the said College: And whereas also it is necessary for the better regulation thereof, to render the said Trustees a Body Corporate and Politic, with perpetual succession, as hath been signified and prayed for by the humble petition of the Right Reverend *Aeneas Bernard Maceachern* aforesaid: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Right Reverend *Aeneas Bernard Maceachern*, the Right Reverend *William Fraser*, the Reverend *Bernard Donald Macdonald*, the Reverend *Sylvanus Perry*, *John Small Macdonald*, *Daniel Brenan*, *Angus Macdonald* and *Donald Macdonald*, and their successors for ever, (which said successors shall be elected and chosen in way and manner herein-after mentioned,) shall be, and they are hereby constituted and declared a Body Corporate and Politic, in name and in deed, and by the name and style of “The Trustees of the *Saint Andrew's College*,” shall be a perpetual Corporation, and shall have succession

Incorporates the Trustees named in Trust Deed of *St. Andrew's College*, and their successors.

Style of Corporation.

Powers of Corporation.

for ever, and a common Seal, with power to break, change and alter the same from time to time, at pleasure; and shall be in law capable of suing and being sued, pleading and being impleaded, defending or being defended, answering or being answered unto, in all Courts of Judicature, in all manner of actions, suits, complaints, matters and causes whatsoever; and also of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which it is hereby constituted, as is herein-after declared; and may make, establish and put in execution, alter or repeal, such **By Laws, Rules, Ordinances and Regulations**, not contrary to the **Laws of this Island**, or the **Provisions of this Act**, as the said Corporation may think necessary and expedient for the better regulation and management thereof: **Provided** always, that **Five** of the members of the said Corporation shall be a **Quorum**, for all matters and business to be done or transacted by the said Corporation, not herein-after provided for.

Five Members to form a Quorum.

Lands held by the Trustees named in Trust Deed to be holden by Corporation.

II. And be it further enacted, That the lands, messuages and tenements aforesaid, held by the Trustees named in the before mentioned lease and release, shall be holden by the said Corporation, to stand and be possessed thereof for ever, to and for the several trusts and purposes expressed and set forth in said lease and release, so far as this Act shall not alter or affect the same.

Corporation may hold real or personal Estate, not exceeding in value £2000 sterling per annum.

III. And be it further enacted, That it shall and may be lawful for the said Corporation to purchase any real or personal estate, or accept such as may be gratuitously given, granted or bequeathed, for the use and benefit of the said College, which shall not, together with that already holden by the said Trustees as aforesaid, exceed the net yearly value or income of **Two thousand Pounds sterling**; and that the said Corporation shall and may sell, alienate or dispose of the said

real or personal estate, so purchased, granted or bequeathed, from time to time, as they may see fit.

IV. And be it further enacted, That when a vacancy shall happen in the said corporation, by death, resignation, or other removal, of either or any of the before named Right Reverend *Jeneas Bernard Maceachern*, Right Reverend *William Fraser*, Reverend *Bernard Donald Macdonald*, Reverend *Sylvanus Perry*, *John Small Macdonald*, *Daniel Brenan*, *Angus Macdonald* or *Donald Macdonald*, or either or any of their successors in office, the said vacancy shall be filled up and supplied by the person who shall be duly elected by the votes of the greatest number of such as may be entitled to vote at the said election.

Mode of filling up vacancies in Corporation.

V. And be it further enacted, That no person shall be authorized or have power to vote for the election of a trustee or member of the said Corporation, except such as shall have subscribed and paid towards the support of the said College the sum of Three Pounds annually, for at least two years previous to such election; or such person as shall have given, either by gift or otherwise, the sum of Forty Pounds, which sum shall entitle him to vote at the election of a member of said Corporation as often as occasion may be during his life; or any one of the before named Trustees, and their successors in office for ever.

What persons shall be authorized to vote for Trustees.

VI. And be it further enacted, That in case there be no such subscribers or donors as aforesaid, then and in such case it shall and may be lawful for any Five of the surviving or remaining members of said Corporation, to choose or elect by their unanimous votes a person to fill up any vacancy that may occur in said Corporation: and the person elected in the manner herein-before directed shall not have any power or authority to exercise his functions as a member of said Corporation until his said election

In the event of there being no persons qualified as aforesaid, remaining Trustees may elect others.

Such election to be registered.

shall be duly registered in the proper Register Office within this Island, which Registry shall be on the production of a certificate signed by at least five of the members of the said Corporation, and on the oath of one of them, or any other subscribing witness thereto.

Not more than 4 Members of Corporation to be in holy orders.

VII. Provided always, and be it further enacted, That not more than four of the members of said Corporation shall be Clergymen, or men in Holy Orders.

A Book to be kept for entering By Laws, Lists of Donations, &c.

VIII. And be it further enacted, That there shall be a Book or Register kept by the said Corporation, in which shall be contained the By Laws, Rules and Regulations that may be made or put in execution from time to time, for the government and management of the said College, as well as the proceedings that may from time to time take place in the filling up of vacancies; and also a regular list of such persons as may contribute towards the support of the said College, either by gift, bequest or annual subscription, expressing the exact amount of the same; which Book or Register shall at all times be open to the inspection of His Excellency the Lieutenant Governor, or other Administrator of the Government for the time being, of His Majesty's Council, and the House of Assembly.

Which book shall be open for the inspection of Lt. Governor, Council or Assembly.

Corporation not to interfere with religious opinions of students.

IX. And be it further enacted, That the said Corporation shall not have any power or authority, by virtue of this Act, to make any such By Laws, Rules or Regulations as may be considered in any manner whatsoever a religious test; nor shall interfere with any individual student thereof in matters of religion; nor compel or request any of them to attend at prayers, or any ceremony of or relating to the Catholic Church, except such only as shall belong to said Church.

X. And be it further enacted, That all deeds of gift and conveyance of real estate which shall be made

to the said Corporation, shall be enregistered within Twelve Calendar Months after the execution thereof respectively, in the proper office for the registration of deeds within this Island—which registration the proper Officer is hereby required to make, at the request of the bearer of such deeds, respectively, on the payment of the usual fees of said office; and in default of such registration as aforesaid, within the time aforesaid, the same shall be absolutely null and void, and of no more force or effect than if the same had not been made and executed.

Deeds of Gift and Conveyances of Real Estate to be registered within 12 months after execution.

XI. And be it further enacted, That nothing herein contained shall affect, or be construed to affect, in any manner or way, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any Body Corporate or Politic, such only excepted as are herein named.

Saving the Rights of His Majesty, &c.

XII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

Public Act.

CAP. XVIII.

An Act for the Preservation and Improvement of the Herring and Alewives' Fisheries of this Island.

WHEREAS the Herring and Alewives' Fisheries are of great benefit to this Island, and it being the opinion of many concerned therein, that the setting of Nets in the day time, or leaving nets set, or stakes in the water in the day time for the purpose of fastening nets thereto, prevents the Herrings and Alewives from coming into the rivers, bays, creeks and harbours of this Island, to shole as formerly; and it is highly necessary and proper

Nets not to be set in the day time for the purpose of catching Herrings, &c. nor Nets or Stakes left in any Bays, &c. between sunrise and sunset.

Mode of abating nuisance.

Penalty on party offending.

Unless the removal of such Nets is prevented by stress of weather.

Lt. Governor may appoint persons contiguous to fishing stations to regulate the setting of Nets, &c.

that a Law should be passed for the Regulation and Preservation of the said Fisheries—Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no person or persons shall set, or cause to be set, any net or nets in the day time, for the purpose of catching Herrings, Alewives, or any other kind of Fish, or shall leave any such net or nets set, or any stakes for the purpose of fastening nets thereto, in any of the bays, harbours, rivers or creeks in this Island, between sunrise and sunset, except as is herein-after mentioned: and any person or persons who may feel aggrieved thereby, may, and they are hereby required to give notice to the owner or owners thereof, or to any other person or persons intrusted with or concerned in such net or nets, to remove the same forthwith, with the stakes or fastenings; and on refusal or neglect to proceed immediately to take up all such nets, with all the fastenings, they shall be subject and liable to a penalty not exceeding Twenty Shillings for the first offence; and for the second offence shall, over and above the said penalty, forfeit the net or nets, together with the Fish that may be therein—the said fine to be recovered and disposed of as herein-after mentioned. Provided always, that this Act shall not subject any person to a fine or penalty, when gales of wind or stress of weather would render it impracticable, or endanger the life of any person or persons, to remove such net or nets in the day time, as may have been previously set.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government to appoint fit and proper persons residing in the vicinity of any river, bay, or other fishing station; for the purpose of regulating and deciding where nets may be set in the day time for the purpose of catching Herrings when they may have shoed, or when the water may have become turbid or discoloured with spawn; and every such person so appointed shall have power, and is hereby

authorized, to permit nets to be set in the day time, under such circumstances and at such times as aforesaid, any thing in this Act contained to the contrary notwithstanding.

III. And be it further enacted, That any person or persons who shall wilfully or designedly injure or destroy any net or nets set or placed for the purposes aforesaid, and properly buoyed or secured, shall, for every such offence, forfeit and pay to the party injured a sum not exceeding Five Pounds, together with reasonable costs—to be recovered as herein-after mentioned.

Persons wilfully injuring Nets to forfeit £5, and reasonable costs.

IV. And be it further enacted, That all fines and penalties arising under and by virtue of this Act shall be recovered on the oaths of two credible witnesses, before any one of His Majesty's Justices of the Peace, and paid to the party who may sue for and recover the same: and all disputes which may arise respecting any nets or fish so seized and taken under and by virtue of this Act, shall be settled and determined by any two of His Majesty's Justices of the Peace, on the oaths of two credible witnesses; the party forfeiting the net or nets so seized paying all reasonable expences.

Mode of recovery of all fines under this Act.

All disputes respecting Nets seized, to be settled by 2 Justices of the Peace.

V. And be it further enacted, That it shall and may be lawful to and for any three of His Majesty's Justices of the Peace, residing near to any such fishing station as aforesaid, to make and enforce such other and further rules and regulations as are not mentioned in this Act, as to them, or any two of them, shall seem most proper, to prevent rioting or disorderly conduct amongst the Fishermen during the fishing season, and effectually to insure quiet and good order amongst them while so engaged.

Any 3 Justices of the Peace near to any Fishery may make further Rules, for preventing disorderly conduct among Fishermen.

VI. And be it further enacted, That this Act shall continue and be in force for Three Years, from and after the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

C A P. XIX.

An Act to repeal an Act made and passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ascertaining the Standard of Weights and Measures in this Island*, and to make other Provisions in lieu thereof.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for ascertaining the Standard of Weights and Measures in this Island*, and every matter, clause and thing therein contained, be, and the same are hereby repealed.

35 G. 3, c. 12.

Repealed Act repealed.

Weights and Measures to be according to the Standard of 1819.

An Assayer of Weights and Measures to be appointed for Queen's County.

Such person to notify his appointment in the Newspapers.

II. And be it further enacted, That all Weights and Measures used in this Island shall be according to the Standard of the Exchequer of *England*, as it was in the year One thousand eight hundred and nineteen, when the Standard Weights and Measures now in use here were first imported; and it shall and may be lawful, to and for the Lieutenant Governor or other Administrator of the Government for the time being, to nominate and appoint a fit and proper person to be Assayer of Weights and Measures in *Charlotte Town*, for *Queen's County*, who shall be duly sworn to the faithful discharge of his duty, and in whose care the present *English* Standard Weights and Measures hitherto used for that purpose shall be deposited; and the person so appointed as aforesaid shall, within one calendar month after such appointment, publish the same in the public newspapers within this Island, stating where his office containing the said Standard Weights and Measures is situated.

III. And be it further enacted, That it shall and may be lawful for the said Assayer of Weights and Measures, and he is hereby required, to assay and adjust all such Weights and Measures as shall be brought to his said office, agreeably to the Standard aforesaid; and shall stamp and mark thereon the letters *W. R.* or with the Initials of the then reigning Monarch; and shall grant a Certificate of having assayed and stamped the same, for which he shall be entitled to receive the sum of Sixpence for every Weight and Measure so stamped as aforesaid, and no more.

Duty of Assayer.

IV. And be it further enacted, That from and after the publication hereof, no person or persons shall use any Weights or Measures in the sale, barter or exchange of any commodity within this Island, without having the Weights and Measures assayed and stamped as aforesaid, under a penalty of Ten Shillings, to be recovered before any one of His Majesty's Justices of the Peace within this Island, and to be levied by warrant of distress and sale of the offender's goods and chattels. Provided always, that nothing herein contained shall extend, or be construed to extend, to affect persons using any Measures or Weights which shall have been assayed and stamped previously to the passing of this Act, or which shall have the *English* Standard of One thousand eight hundred and nineteen marked thereon, and which, when examined by the Assayer, shall be found correct.

Persons using Weights or Measures unstamped to forfeit 10s.

Mode of recovery.

Proviso.

V. And be it further enacted, That the Assayer of Weights and Measures appointed as aforesaid shall have full power and authority, and he is hereby empowered and authorized, to inspect all Weights and Measures, and for that purpose to visit once in every three months, or oftener if he shall see cause, the house, shop or office of every person vending, exchanging or bartering any commodity by weight

Further duty of Assayer.

Persons using
false Weights,
&c. to forfeit £5
and costs.

or measure, and to seize all such weights and measures as are not marked or branded as aforesaid, except such as are herein-before excepted; and upon proof that the said weights and measures, or any of them, are short of the standard, and have been used by any person or persons in the sale, barter or exchange of any commodity, such person or persons so using the said weights or measures shall, on due conviction thereof, forfeit and pay the sum of Five Pounds, together with the costs of recovering the same—to be recovered before any two of His Majesty's Justices of the Peace within this Island, to be levied by warrant of distress and sale of the offender's goods and chattels.

Mode of recovery.

Lt. Governor to
appoint one or
more Assayers
for Prince and
King's Counties.

VI. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor or other Administrator of the Government for the time being, to appoint one or more persons in each of the Counties of *Prince County* and *King's County* respectively, to be Assayer of Weights and Measures; and to order and direct one or more additional sets of Weights and Measures to be made, agreeably to the Standard deposited in *Charlotte Town* as aforesaid—one complete set of said Weights and Measures to be furnished to each of the persons appointed as aforesaid to be Assayers of Weights and Measures in *King's* and *Prince* Counties aforesaid—which persons when so appointed shall have the same power and authority, and be bound by and subject to the same rules and regulations as are herein-before prescribed respecting the Assayer of Weights and Measures in *Charlotte Town*.

Each Assayer to
be furnished with
a set of Weights
and Measures.

Power and duty
of persons so ap-
pointed.

Penalty on per-
sons refusing to
have their
weights and mea-
sures inspected;

VII. And be it further enacted, That if any person selling, bartering or exchanging by weights or measures, shall refuse admittance to any Assayer of Weights and Measures appointed as aforesaid for the time being, after he having declared the intent of his coming to execute the duty of his said office, the person or persons so refusing shall, for every such

refusal, to be ascertained by the oath of the said Assayer, forfeit and pay the sum of **Forty Shillings**, with costs of recovering the same; to be recovered in way and manner prescribed in the **Fourth Section** of this Act.

VIII. And be it further enacted, That from and after the passing hereof, no person being in command or charge of any vessel loading with agricultural produce to be exported from this Island, shall take or receive any such agricultural produce on board of any vessel as aforesaid, without having first measured the same in a Measure regularly stamped and assayed by any Assayer of **Weights and Measures** within this Island—which said Measure shall be made of good hardwood, well bound with iron hoops, and in a cylindrical form, and to contain as follows—(that is to say), the Measure for **Potatoes** or **Turnips** shall contain water measure, or level with the edge or brim, **Three Winchester Bushels** struck measure, which shall be taken as two and a half bushels heaped measure; and the Measure for all kinds of **Grain** shall be agreeable to the present Standard: and any Master or other person having charge of a vessel receiving agricultural produce as aforesaid, without having constantly on board the herein-before directed Measure, shall, on proof thereof, before any of His Majesty's Justices of the Peace for this Island, forfeit and pay for every such offence the sum of **Twenty Shillings**, with costs; to be levied by warrant of distress and sale of the offender's goods and chattels; and in case of no goods or chattels whereon to levy, the said offender shall be imprisoned for **Six days** in the common Jail of *Charlotte Town*.

Persons in command of Vessels loading with produce, to be provided with Stamped Measures.

Description of Measures.

Penalty for such persons receiving produce without such Measures.

Mode of recovery.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any person or persons from loading their own vessels with their own produce; or any person loading the whole of any one vessel to put such produce on board without the before

Proviso.

mentioned Measures, in case it be mutually agreed on between himself and the Master to do so.

Appropriation of
fines.

X. And be it further enacted, That all fines and penalties arising from and by virtue of this Act, shall be paid, one half thereof to and for the use of His Majesty's Government of this Island, and the other half to the person or persons who shall prosecute for the same.

C A P. XX.

An Act to enable the several Congregations of the Church of *England* in this Island to choose Church-wardens and Vestries, and for Incorporating the same; and to repeal the former Act for appointing Vestries.

21 G. 3, c. 10.

Congregations
of the different
Churches to meet
annually on the
Tuesday in
Whitsuntide
week.

WHEREAS the Act passed in the Twenty-first year of the Reign of His late Majesty King *George* the Third, intituled *An Act appointing Vestries*, is in its operation confined to the Parish of *Charlotte*: And whereas it will be conducive to the good government and interest of the Church of *England* in this Island, if the provisions of the said Act extended to the several Counties and Parishes within this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful, to and for the persons composing the congregation of each and every Church erected and formed, or hereafter to be erected and formed, within this Island, being of the Church of *England* as established by Law, to meet annually on *Tuesday* in *Whitsuntide* week, at such time as the Minister duly licensed, and appointed to the said Church of which such

congregation are members shall appoint, (notice having been given from the Pulpit at least one Sunday previous to the said day of meeting,) and then and there to proceed to the election of Eight fit and proper persons professing the faith of the Church of *England*, to be the Vestry of the said Church, out of which number, the said Vestry so elected, together with the Minister, shall make choice of two fit and discreet persons to be the Church-wardens of the said Church; which said Church-wardens and Vestry, so elected, chosen and appointed, shall have such powers and authorities for the benefit of the said Church as are usually exercised by the Church-wardens and Vestries in the parish churches of *England*; and shall, together with the Minister of the said Church, be, to all intents and purposes, a Body Politic and Corporate, in deed and in name, by the style and title of "The Minister, Church-wardens and Vestry of the Church of _____ in the Parish of _____" (according to the name of the Church and of the Parish in which the same may be situate); and by that name to have perpetual succession, and to sue and be sued, answer and be answered unto; and to sell or let the pews of their respective Churches, and to ask, demand, sue for, levy, recover and receive the purchase monies of the same; and to sue for, levy, recover and receive all rates and assessments that may be imposed and made, under and by virtue of this Act; and to take, receive and hold, use, possess and enjoy, all gifts and grants, public and private, as well of lands and tenements as of money, goods and chattels, according to their best discretion, and according to the true intent and meaning of the donors—provided that the same shall not exceed in yearly value the sum of One thousand Pounds, for each and every Church respectively.

Minister to give notice one Sunday previous to meeting to choose a Vestry.

Minister and Vestry to choose Church Wardens.

Incorporates Minister, Church-wardens and Vestry.

Style of Corporation.

Powers of Corporation.

May hold and possess gifts of Lands, Goods, &c. not to exceed £1000 in yearly value, each.

II. And be it further enacted, That it shall and may be lawful for the Minister, Church-wardens

Mode of calling public meetings.

and Vestry of each Church respectively, from time to time, as they may see fit, to call a public meeting of the congregation thereof—due notice immediately after divine service having been given, at least three Sundays previous to such intended meeting, stating the purposes for which the same is called—which meeting, when so assembled, shall have power to fix the rate of pews, and to make and order such levies and assessments, to and for the necessary purposes of the said Church, as to the majority of them may seem meet, and to cause such repairs, alterations and improvements to be made as to them shall seem necessary: Provided always, that no rate, levy or assessment shall be deemed valid, unless there shall have been present at the making thereof a majority of the pewholders, either by themselves, or by some person or persons duly authorized to act for them.

Such meetings to fix rates of Pews, levy Assessments, &c.

No rate to be valid unless a majority of the Pewholders be present at such meetings.

Congregation to elect officers and fix Salaries.

Clerk to be subject to approval of Minister.

III. And be it further enacted, That it shall and may be lawful to and for such public meeting of the congregation to elect and appoint the Clerk, Organist, Sexton, Beadle, Verger, and other Officers, and to fix the rate of salary to be paid to each respectively: Provided always, that the Clerk so chosen shall be subject to the approval of the Minister of such Church; and on his signifying his disapproval of such choice, the said congregation shall proceed to elect another in the room of the person so disapproved of; which said person, so last elected, shall be likewise subject to the approval of the said Minister.

What persons shall have voice at said meetings.

IV. And to prevent disputes as to the liability of persons to be rated and assessed, under and by virtue of this Act; be it further enacted, that the Congregations of the said Churches, respectively liable to be rated and assessed for the support of the said Churches, shall be composed of and consist of the pewholders, and such other per-

sons who claim to be present and vote at the election of the Church-wardens, Vestry, and other Officers of the said Church, and none other.

all the Cong.

V. And be it further enacted; That it shall and may be lawful to and for the Minister, Church-wardens and Vestry of their respective Churches, to make such By Laws, Rules and Regulations respecting the good government of such Church, the preservation of the property thereof, and the mode and manner by which persons who may conceive themselves aggrieved by rate, levy, assessment or otherwise, may have redress and appeal, as to them shall seem expedient: Provided always, that no such By Laws, Rules or Regulations, shall have any force or effect until the same shall have been submitted to and approved of by a public meeting of the congregation, to be called for that purpose in manner herein-before pointed out.

Minister, Church-wardens and Vestry to make By Laws, &c.

By Laws not to have any force until approved of at a public meeting.

VI. And be it further enacted, That an Act made and passed in the Twenty-first year of the Reign of His late Majesty King George the Third, intituled *An Act appointing Vestries*, be and the same is hereby repealed.

Repeals 21 G. 3, c. 10.

C A P. XXI.

An Act to regulate the Weight and Quality of Bread within the Town and Royalty of *Charlotte Town*.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the weight of all Bread made for sale, or sold or exposed to sale, within the Town or Royalty of *Charlotte Town*, except

All Bread for sale within the Town of Charlotte-Town, to be made in Leaves of 6lbs. 2lbs. or 1lb.

Fancy Bread, shall be made in loaves of six pounds, four pounds, two pounds, or one pound Avoirdupois, and no other weights.

What shall be deemed good Bread.

Bakers offending herein to forfeit not more than £3 nor less than 40s.

Journeymen offending, to forfeit not more than 40s. nor less than 20s.

Offenders' names to be published.

Penalty on Bakers selling or exposing Bread deficient in weight.

II. And be it further enacted, That the Bread which shall be sold or made, or exposed to sale, shall always be well made of good and wholesome wheaten Flour, to which no other preparation or ingredient shall be added than common salt, pure water, eggs, milk, yeast and barm; on pain that every person, other than a servant or journeyman, who shall knowingly offend in the premises, and be convicted thereof by confession, or the oath of one witness, before any Justice of the Peace, shall forfeit and pay not more than Three Pounds, nor less than Twenty Shillings, or shall be committed to the Jail of *Charlotte Town* for any time not exceeding Fourteen days nor less than Seven days, from the time of such commitment, as such Justice shall think fit; and if any servant or journeyman shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than Forty Shillings nor less than Twenty Shillings, or shall be committed as aforesaid: and it shall be lawful for the Justice before whom any such offender shall be convicted, out of the money forfeited, when recovered, to cause the offender's name and offence to be published in some Newspaper printed in the said Town or Royalty.

III. And be it further enacted, That if any person or persons who shall make any bread for sale, or who shall send out, sell, or expose to sale, any bread, shall, at any time, from and after the passing hereof, make, send out, sell, or expose to sale, any bread which shall be deficient in weight, he, she or they so offending in the premises, and being convicted thereof, in manner herein-after prescribed, shall forfeit and pay a sum not exceeding Five Shillings nor less than One Shilling for every ounce of bread which shall at any time be wanting

or deficient in the weight which every such loaf ought to be of; and for every loaf of bread which shall be found to be wanting less than an ounce of the weight the same ought to be, shall forfeit and pay a sum not exceeding Two Shillings and Sixpence, nor less than Sixpence, as such Justice or Justices before whom any such bread which shall not be of the due weight the same ought to be shall be brought, shall think fit to order, so as such bread so deficient in weight be brought before such Justice or Justices within twenty-four hours after the same shall have been baked, sold, or exposed to sale; unless it shall be made out to the satisfaction of such Justice or Justices that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by or through some accident, contrivance or confederacy.

Complaints against Bakers to be made within 24 hours.

IV. And be it further enacted, That from and after the passing of this Act, every person who shall make, send out or expose to sale, any sort of Bread whatsoever, except Fancy Bread, shall, from time to time, cause to be fairly imprinted or marked on every loaf, in *Roman* characters, the initial letters of the Christian and Surname of the baker or manufacturer thereof, together with their respective weight, in figures, agreeably to the First Section of this Act; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any loaf allowed to be made by this Act, which shall not be marked pursuant to the directions hereof, shall, for every time he, she or they shall offend in the premises, and be convicted thereof, in manner herein-after prescribed, forfeit and pay a sum not exceeding Twenty Shillings, nor less than Five Shillings, as any Justice or Justices before whom the offender shall be convicted shall order, for every loaf of bread not marked as is hereby directed.

Initials of the Bakers to be imprinted on their bread.

Offenders herein to forfeit a sum not exceeding 20s. nor less than 5s.

Clerk of the Market to visit Bakehouses, Shops, &c. once in each week, under a penalty of 5s. for every neglect.

V. And be it further enacted, That the Clerk of the Market within the said Town and Royalty shall visit the houses, bakehouses or shops, and other places, of every baker or seller of bread, at least one day in every week, under pain of forfeiting the sum of five shillings for every time he shall neglect to do so; and that it shall be lawful for the Clerk of the Market aforesaid, or for any Justice of the Peace, or for any Constable thereto authorized by warrant of any Justice, to enter in the day time into any house, shop, bakehouse or outhouse, or other place, belonging to any baker or seller of bread, and to search, view, weigh and try all or any bread which shall there be found; and if any bread shall, on any such search or trial by any Justice, Clerk or Clerks of the Market, as aforesaid, or on proof made before any Justice, by the oath of one credible witness, be found to be deficient in weight, or not truly marked, or deficient in the due baking or working thereof, such Justice, Clerk or Clerks of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as such Justice, or any other Justice respectively shall think fit; and if any person or persons whomsoever shall obstruct or oppose any such search or seizure of bread, he, she or they shall forfeit and pay a sum not exceeding Forty Shillings, nor less than Twenty Shillings each, for every such offence.

All bread found deficient, to be seized.

Penalty for obstructing such search.

Recompence to Bakers who have incurred penalties through the neglect or fault of their journeymen, &c.

VI. Provided always, and be it further enacted, That if any Baker shall make it appear to any such Justice, that any offence for which he shall have paid the penalty was occasioned by the wilful neglect or default of his journeyman or servant, the said Justice shall issue his warrant for bringing such offender before him, or some other Justice, who, on conviction, shall order what reasonable sum shall be paid by the said offender by way of recompence; and if he do not immediately pay the same, the said Justice shall commit him to the Jail

of *Charlotte Town*, there to remain for any time not exceeding **Thirty** days, unless payment be sooner made.

VII. And be it further enacted, That it shall be lawful for any of His Majesty's Justices of the Peace within the said **Town** or **Royalty**, to hear and determine in a summary way all offences against this Act, and for that purpose to summon before them, or any of them, any party accused of having so offended; and if the party accused shall not appear on summons, then, upon oath of any credible witness of any offence committed against this Act, any such Justice or Justices shall proceed to determine the said complaint; and in the event of the party accused appearing on such summons, any such Justice or Justices is and are hereby authorized to examine any witness or witnesses on oath, who shall be offered on either side, touching the matter complained of; and if any money or penalty forfeited for any such conviction be not paid within **Twenty-four** hours after default or conviction, such Justice or Justices shall issue his or their warrant of distress against the goods and chattels of such offender or offenders; and if within **Five** days after such distress taken, the money forfeited shall not be paid, the goods seized shall be sold, rendering the overplus, if any, after payment of the penalty, and the costs and charges of prosecution, distress and sale, to the owner; and for want of goods and chattels on which to distrain, such offender or offenders shall be committed to the **Jail** within the said **Town**, there to remain for the space of not more than **Fourteen** days nor less than **Seven** days, unless such penalty or forfeiture, costs and charges, shall be paid before the expiration of such term of his or their commitment; and all such penalties and forfeitures, when recovered, shall be paid, one half to the informer and the other half be paid into the **Treasury** of this **Island**.

Mode of recovering penalties.

Appeal to Supreme Court.

VIII. Provided always, and be it further enacted, That any person or persons convicted of any offence against this Act, who shall think him, her or themselves aggrieved by such conviction, shall have liberty, from time to time, to appeal to His Majesty's Supreme Court of Judicature at its then next sitting; and upon due security given by Recognizance, as in cases for the recovery of Small Debts, the execution of such judgment of conviction shall be suspended; and the Justices of the said Supreme Court are hereby empowered to hear and determine such appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if such conviction shall be affirmed, in default of such appellants paying the sum which he, she or they shall have been adjudged to have forfeited, with costs as aforesaid, he, she or they shall be committed to the Jail of *Charlotte Town*, there to remain for the space of One calendar month, unless such forfeiture and costs shall be sooner paid; and if the appellant or appellants shall make good their appeal, and be discharged of such conviction, reasonable costs shall be awarded against the informer—to be recovered as costs given to appellants on appeals in the said Supreme Court are recoverable.

Power of Supreme Court therein.

Limitation of Actions against persons acting under this Act.

IX. And be it further enacted, That if any action or suit shall be commenced against any Justice or Justices, Clerk or Clerks of the Market, Constable or other person, for any thing done or committed by virtue of or in pursuance of this Act, it shall be commenced within Fourteen days next after the same shall be alleged to have been committed, and not afterwards; and the defendant or defendants in any such action may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act.

X. And be it further enacted, That this Act shall continue and be in force for and during the space of Three Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

C A P. XXII.

An Act for establishing a Court of Divorce, and for preventing and punishing Incest, Adultery and Fornication.

WHEREAS it is necessary, in order to the keeping up of a decent and regular society, that the Matrimonial union be protected, and that a Court be forthwith constituted for cases of Divorce and Alimony: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, all causes, suits, controversies, matters and questions touching and concerning Marriage, and Contracts of Marriage, and Divorce, as well from the Bond of Matrimony as Divorce and Separation from Bed and Board, and Alimony, shall and may be heard and determined by and before the Lieutenant Governor, or other Administrator of the Government, and His Majesty's Council; and that the Lieutenant Governor or other Administrator of the Government and Council aforesaid, or any Five or more of the said Council, together with the Lieutenant Governor, or other Administrator of the Government, as President, be, and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same: Provided, and it is hereby declared, that nothing herein contained shall deprive, diminish, controul, obstruct or abridge, or be construed, deemed or extended to deprive, diminish, controul, obstruct or abridge, in any manner, the rights, powers,

All controversies concerning Marriage and Divorce to be determined by Lieut. Governor and Council,

who are constituted a Court for that purpose.

Nothing in this Act to controul the rights of any other Court.

No sentence of the Court of Lt. Governor and Council to affect the right of action of any person.

authority, judicature or jurisdiction of the Court of Chancery, or of the Supreme Court of Judicature, or of any inferior Court of this Island, in and touching the matters and premises aforesaid, or of any of them —and that no sentence, decree, judgment or proceeding of the said Court of Lieutenant Governor or other Administrator of the Government and Council, in any information, prosecution, suit or process, touching and concerning any Marriage or Contract of Marriage, or Divorce or Alimony, shall take away, annul, bar, suspend, or in anywise alter or affect the right of action of any person or persons for any injury or damage sustained for or by reason of any breach of any Covenant or Contract of Marriage.

Terms of holding Court.

II. And be it further enacted, That the said Court of the Lieutenant Governor and Council, for the purposes and causes herein mentioned, shall commence and be held on the Second *Monday* in *May*, in each and every year, with power to adjourn from time to time.

Lt. Governor may depute Chief Justice to preside in his stead,

III. And whereas the arduous affairs of Government may render it impossible for the Lieutenant Governor or other Administrator of the Government at all times to preside in person in the Court aforesaid—be it further enacted, that it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government, by Warrant or Commission, under his hand and seal, to depute, constitute and appoint the Chief Justice of the Supreme Court of Judicature to preside in his place and stead in the said Court of the Lieutenant Governor and Council, and to have, hold and exercise all the powers, privileges, authority and jurisdiction of the Lieutenant Governor or other Administrator of the Government in the same Court—and that such Deputy or Vice-President shall have, hold and exercise all such powers, privileges, authority and jurisdiction, accordingly, as are hereby given and granted

to the Lieutenant Governor or other Administrator of the Government in the same Court, in all the causes, matters and things therein cognizable by this Act.

IV. And for the more effectually preventing and punishing of Incest, Adultery, Fornication, and all acts of lewdness, and unlawful cohabitation and intercourse between man and woman; be it further enacted, that every person who shall be hereafter lawfully convicted of any of the crimes aforesaid before the Supreme Court of Judicature, or any Court of Oyer and Terminer and Gaol Delivery in this Island, shall be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender or offenders shall be convicted.

Punishment for
Incest, Adultery,
&c.

V. And it is hereby declared and enacted, That the causes of Divorce from the Bond of Matrimony, and of dissolving and annulling Marriage, are and shall be Frigidity or Impotency, Adultery, and Consanguinity, within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the Reign of King Henry the Eighth, intituled *An Act for Marriages to stand, notwithstanding pre-contracts*, and no other causes whatsoever.

Causes of Di-
vorce.

VI. Provided always, and be it further enacted, That in all cases of Sentence of Divorce from the Bond of Matrimony, for the cause of Adultery, the party who shall be adjudged to have committed the act of Adultery, shall and is hereby declared to be debarred and incapacitated from again entering into the Bond of Matrimony, during the natural life of his or her former wife or husband, from whom he or she may have been divorced as aforesaid, any thing herein contained to the contrary thereof notwithstanding.

In case of Di-
vorce for Adul-
tery, the guilty
party not to be
allowed to marry
again during the
natural life of the
party injured.

VII. Provided also, and be it further enacted, That in case of a Sentence of Divorce from the Bond

Sentence of Di-
vorce not to bar

tardize issue of
Marriage:

Nor bar wife of
her dower, nor
husband of tenan-
cy.

Act not to have
effect until His
Majesty's plea-
sure is signified.

of Matrimony as aforesaid, the issue of such marriage shall not, in any case, be bastardized, or in any way prejudiced or affected with any disability thereby: Provided also, that the wife, in such case, shall not be thereby barred of her Dower, or the husband be deprived of any Tenancy, by the curtesy of *England*, unless it shall be so expressly adjudged and determined in and by such sentence of divorce.

VIII. Provided always, That nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known.

CAP. XXIII.

An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required.

Lt. Governor in
Council may order
any Road dis-
continued to be
used by the Pub-
lic to be closed.

May be enclosed
by the adjoining
proprietors.

WHEREAS it is deemed necessary and expedient to give the Administrator of the Government of this Colony such jurisdiction as will enable him to shut up any Roads, or parts of Roads, in this Island, as are no longer required: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That whenever any alteration shall be made in any highway or road in this Island, it shall and may be lawful for the Administrator of the Government for the time being in Council, to order and direct that such roads as may, in consequence of being altered, have ceased to be used by the public, be shut up and closed; and also that any part or parts of such roads as may be included between the points of such alteration, be likewise stopped up and enclosed by the proprietor or proprietors of the lands between such points of alteration as aforesaid, fronting on such old road; and if more than one proprietor, to take share and share alike; and after the aforesaid order or direction the said old road shall no longer be con-

sidered public: Provided, that the altered or new part of the road shall be made equally as good and as passable as the old road, before the latter shall be shut up and closed as aforesaid: And provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the Administrator of the Government in Council for the time being, to order any public road to be closed, until at least Six Months' notice be given in any one or more of the public newspapers published on the Island, that application has been made to the said Administrator of the Government in Council to close up such road as has been so abandoned by the public, and such shall be stated in the advertisement; and if on the investigating of any such application as aforesaid, one person should make it appear that the closing up of the said road would prove injurious to him, or any other individual whatever, then and in that case the powers with which the Administrator of the Government in Council has been invested by this Act shall cease, and be of non-effect whatsoever, as regards the said road.

Before old road be closed the new line to be made equally as good.

Six months notice to be given.

Road not to be closed if it appears the same will prove injurious to any individual.

II. And be it further enacted, That the Entry or Minutes of Council containing any such order of the Administrator of the Government of this Island for the time being in Council, authorizing and requiring any road, or part of a road, to be altered, stopped up, or discontinued as aforesaid, or a true copy thereof, certified by the Clerk of the Council, shall be received as evidence of such alteration, stoppage or discontinuance of roads, or parts of roads, having been made pursuant to law, and shall be deemed and held as final and conclusive in that respect, by all Courts within this Island.

What shall be deemed evidence of such closing, &c.

III. And be it further enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. XXIV.

An Act appointing Commissioners to superintend the re-printing of the Laws of this Island.

WHEREAS the Statutes of the Colony are out of print, and from that circumstance, and the various alterations that have taken place in the numerous Laws now in force, it has become necessary that the Statutes be re-printed: And whereas it is requisite that this important object should be accomplished without delay: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That for the more speedy execution thereof, the Honourable *Robert Hodgson, Charles Binns, Esquire, and William Cullen, Esquire*, are hereby appointed Commissioners to carry this Act into effect; and in case of the death or absence of any of the said Commissioners from this Island, the Lieutenant Governor is hereby authorized to nominate and appoint a fit and proper person in his stead, and the person so appointed shall have the like powers and authority as is conferred by this Act upon the Commissioners herein-before named.

Commissioners named to carry this Act into effect.

In the event of death or absence, the Lt. Governor may appoint others.

Commissioners to contract for printing.

II. And be it further enacted, That the said Commissioners hereby appointed shall have full power and authority, and they are hereby directed, to agree and contract with the person or persons who will engage, under good and sufficient security, to print the Laws of this Colony on the best and lowest terms; having previously given one month's notice thereof in the *Royal Gazette Newspaper*.

Duty of Commissioners, and their power.

III. And be it further enacted, That the persons so appointed Commissioners as aforesaid, or who may hereafter be appointed, are hereby authorized and required to superintend the printing of the Laws as aforesaid, and shall have full power and authority to cause the same to be done and performed, in such way

and manner as to the said Commissioners may seem most desirable: and the said Commissioners are hereby authorized to leave out of the Book so to be printed, all Laws the provisions of which have been executed or repealed: Provided, that nothing herein contained shall authorize the said Commissioners to leave out of the said Statute Book any Law or Statute from which the title of any Lands or Tenements is derived, or which in any manner may affect the same.

IV. And be it further enacted, That the said Commissioners for the time being are hereby authorized, in their joint names, to sue for and recover the penalty or penalties contained in any agreement entered into by them for the printing as aforesaid, if the contract so made shall not be faithfully performed and executed; and the said Commissioners are hereby authorized to agree and contract with some other person or persons for the completion of such printing —the penalty so to be recovered to be paid into His Majesty's Treasury, to and for the use of His Majesty's Government.

Commissioners to sue for Penalties for breach of contract;

and if necessary to make fresh contracts.

Penalty how to be applied.

V. And be it further enacted, That it shall be part of the duty of the said Commissioners, and they are hereby required, to make a proper and full Analytical Index to the said Laws, to be printed and bound up therewith; and to cause Three hundred Copies of the said Laws and Index, with a correct marginal epitome to each Act, to be printed and bound in boards, with leather backs.

Commissioners to prepare an Analytical Index, &c.

VI. And be it further enacted, That the Lieutenant Governor, by and with the advice of His Majesty's Council, is hereby authorized to draw Warrants on the Treasurer of this Island, from time to time, for such sums as may be required by the said Commissioners, for the purpose of fulfilling on their part the contract so to be made and entered into as aforesaid.

Lt. Governor, to draw Warrants for sums required by Commissioners.

C A P. XXV.

Expired.

An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health.

C A P. XXVI.

An Act for repealing an Act of the Thirty-fifth Year of the Reign of King *George* the Third, intituled *An Act for regulating Servants*, and for substituting other provisions in lieu thereof.

WHEREAS the herein-after mentioned Act has been found insufficient for the purposes intended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Servants*, be, and the same is hereby repealed.

35 G. 3, c. 4,
repealed.

Contracts for the
hire of Servants,
to be in writing,
or verbally in the
presence of one
Witness.

II. And be it further enacted, That from and after the passing hereof, all contracts that shall be entered into relative to the hire of Servants, if for the term of one month, or for any longer period, shall be made in writing, and signed by the parties thereto, or shall be made verbally in presence of one or more credible witness or witnesses.

Servants how
punished for
breach of agree-
ment, or impro-
per conduct.

III. And be it further enacted, That every servant who shall or may engage to serve for the term of one calendar month, or for any longer period, in manner aforesaid, and who shall neglect or refuse to perform the full time for which he or she hath so contracted to serve, or be wilfully absent from his or her said employment, contrary to the true intent and meaning of

his or her said agreement, or shall be absent from his or her said Master's or Mistress's house, without permission first had and obtained, or shall otherwise misconduct himself or herself, every such servant shall be subject to the loss of his or her wages, and be liable, on conviction, upon complaint made on oath before any two of His Majesty's Justices of the Peace of such neglect or misconduct as aforesaid, to be confined for a period not exceeding one calendar month in the common jail.

IV. And be it further enacted, That all Masters and Mistresses who shall hereafter hire any Servant or Servants in manner aforesaid, and who shall ill use or ill treat any such servant so hired, or shall neglect to perform all the conditions on their parts in every such agreement so made or entered into, every such servant may and they are hereby authorized to make complaint thereof on oath before any two of His Majesty's Justices of the Peace for the County wherein such servant or servants has or have been employed; and such Justices shall have power, and they are hereby directed, to inquire into every complaint so made, and to make such order thereon, either by cancelling the agreement so entered into, or by directing its fulfilment, as to the said Justices shall seem meet; and every servant so discharged by any Justices as aforesaid, shall be entitled to his or her full wages for the term so served, to be recovered as herein-after mentioned; and the Justices are hereby authorized and required to grant a certificate to every servant so discharged by them certifying the same, which certificate shall be considered a sufficient authority for such servant to be legally hired by any other Master or Mistress; and in case any servant shall be discharged for ill treatment, the Justices before whom complaint thereof shall be made may order the offending Master or Mistress to pay a fine to the servant so ill treated, not exceeding Five Pounds.

Masters, &c. ill-treating any Servant, or refusing to perform contract, how punished.

Servants performing contract, or duly discharged, to receive full wages for time served.

Wages how to be recovered.

V. And be it further enacted, That every servant who shall or may hereafter be hired as aforesaid, and who shall fulfil the term contracted to be performed, or who shall be discharged as aforesaid, shall be entitled to receive his or her full wages for the time served; and if the same shall not be paid agreeably to contract so made as aforesaid, or according to the order made by the Justices as aforesaid, every such servant shall have power to recover the same in a summary way—if under the sum of Five Pounds, before any two of the Commissioners appointed to adjudicate in matters of Small Debt; or if above that sum, in His Majesty's Supreme Court of Judicature—in which action no Imparlance or dilatory plea shall be allowed, unless the Court shall especially direct the same, on affidavit shewing the absolute necessity thereof, in order justly to decide the case on its merits.

Penalty for hiring Servants without a written discharge.

Penalty for refusing a written discharge to servants.

Recovery of penalties.

VI. And be it further enacted, That if any person whosoever shall, after the passing of this Act, hire the servant of another, knowing him or her to be such, or shall hire any servant without a written discharge from his or her last Master or Mistress, if resident within this Island, being produced, shall, for every such offence, forfeit and pay to the injured party or informer, as the case may be, a sum not exceeding Five Pounds; and every Master or Mistress refusing to give a written discharge to any Servant or Servants, after the term contracted to be performed is fulfilled, shall, on conviction, upon complaint made to any two of His Majesty's Justices of the Peace on oath, forfeit, for every offence, a sum not exceeding Five Pounds, to be paid to such servant—all which fines shall be recovered, with costs, on the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels; and for want thereof, the offender shall be committed to prison for a period not exceeding Two calendar months.

CAP. XXVII.

An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.

WHEREAS it is expedient to consolidate and amend the several Acts of the General Assembly relating to Trespasses: Be it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Sixteenth year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent Trespasses upon Crown Lands;* and an Act passed in the Twentieth year of the same reign, intituled *An Act for preventing Trespasses by unruly Horses, Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town;* and an Act passed in the Twentieth year of the same reign, intituled *An Act to prevent the cutting of Pine or other Trees without permission of the Proprietor, and to prevent the cutting down and destroying of Fences;* and an Act passed in the Thirtieth year of the same reign, intituled *An Act to prevent the malicious killing, wounding or maiming of Cattle;* and an Act passed in the Thirty-fifth year of the same reign, intituled *An Act to amend an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act to prevent Trespasses by unruly Cattle and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town;'* and an Act passed in the Thirty-sixth year of the same reign, intituled *An Act to prevent the robbing of Gardens and Orchards, Potato and Turnip Fields, and throwing down of Fences, and for amending an Act made and passed in the Twentieth year of His present Majesty's Reign, intituled 'An Act for preventing Trespasses by unruly Horses, Cattle and Sheep,*

Repeal of
16 G. 3, c. 3.

20 G. 3, c. 6.

20 G. 3, c. 4.

30 G. 3, c. 9.

35 G. 3, c. 9.

36 G. 3, c. 2.

50 G. 3, c. 1.

5 G. 4, c. 13.

9 G. 4, c. 7.

and for preventing the running of Hogs at large through the Town of Charlotte-Town; and an Act passed in the Fiftieth year of the same reign, intituled *An Act to amend an Act intituled 'An Act to prevent the malicious killing, wounding, and maiming of Cattle;'* and so much of an Act passed in the Ninth year of the reign of His late Majesty King George the Fourth, intituled *An Act for continuing several Laws near expiring*, as relates to an Act passed in the Fifth year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for summary punishment in certain cases of persons wilfully or maliciously damaging or committing Trespasses on public or private property*; and an Act passed in the Ninth year of the said last mentioned reign, intituled *An Act to continue and amend an Act of the Fifth year of His present Majesty's Reign, intituled 'An Act to prevent the running at large of Boar Pigs, and to restrain Swine from going at large without Rings,'* be, and the same are hereby respectively repealed.

Penalty for occupying ungranted Lands without Licence.

II. And whereas sundry persons have presumed to enter upon and take possession of certain ungranted Lands in this Island, without licence duly had and obtained therefor, or being otherwise lawfully authorized thereto; be it therefore enacted, by the authority aforesaid, That from and after the publication hereof, all persons whomsoever who shall or may locate, settle or place any person or persons whomsoever on such ungranted lands, or who shall or may occupy any such lands in any manner whatever, without having first obtained a grant thereof, or licence or leave in writing for that purpose, from the Lieutenant Governor or other Administrator of the Government for the time being, shall or may be prosecuted for the same, and shall forfeit and pay a sum not exceeding Twenty Pounds, together with costs of recovering the same—to be recovered on the oath of one

credible witness, and to be sued for in the same manner as debts of the same amount, and applied to and for the use of His Majesty's Government in this Island.

Application and mode of recovery.

III. And whereas there has been great waste committed of Pine and other valuable Timber Trees in this Island—to prevent which in future, be it further enacted, That from and after the publication hereof no person or persons shall cut down or fell any Trees or Timber, nor bark or box any Pine or other Trees standing or growing upon any lands in this Island, nor carry away the same therefrom, without first obtaining a written licence from the owner or owners thereof, or from their agent or attorney, on pain of forfeiting and paying a sum not exceeding Thirty Shillings for every Tree removed, barked or boxed, together with reasonable costs of recovering the same—the said fine to be paid to the owner or owners of such Trees, and to be recovered before any one of His Majesty's Justices of the Peace in this Island, provided the forfeiture shall not exceed the sum of Five Pounds; but if the same should exceed that sum, then to be recovered by due course of law in the Supreme Court of Judicature: Provided always, that such penalties as are last mentioned shall be sued for within Six calendar months next after the offence shall have been committed, and not afterwards.

Penalty for cutting down or barking Trees, without leave of the owner.

Mode of recovery.

To be sued for within 6 months.

IV. And be it further enacted, That from and after the passing of this Act no Fence shall be deemed sufficient to entitle the owner to sue for trespasses committed by any of the animals herein-after mentioned upon the lands thereby enclosed, unless the same shall be at least four and a half feet high, and strong and substantial; and the judgment of the Fence Viewers for the district as to its sufficiency shall be conclusive to entitle the party injured to damages under this Act:

No fence to be deemed lawful unless 4½ feet high and strong made.

Fence Viewers' opinion to be evidence of its sufficiency.

Proviso, as to ground bounded by a Cape or other natural boundary.

Provided always, that when the ground enclosed is in part bounded by a Cape or any inaccessible natural boundary, the decision of the Fence Viewers of the district as to its being sufficient or otherwise shall be deemed conclusive; and no person shall be liable to any prosecution for trespasses committed as last aforesaid, unless the same shall be commenced within Three calendar months next after they shall have taken place.

Prosecutions for Trespasses to be commenced within 3 months.

Horses, Cattle, &c. breaking into grounds (not being pasture land) lawfully fenced, their owners liable to damages and costs.

V. And be it further enacted, That if any horses, neat cattle, hogs, sheep, or other beasts, shall break into any grounds (not being pasture land) enclosed as aforesaid, the owner or owners thereof shall, for every such trespass, make reparation to the party injured to the full amount of the damages he or they shall have sustained, with costs of suit; and in order to ascertain the amount of such damages, the party injured may apply to the next Justice of the Peace, who is hereby empowered and required (upon the oath of the complainant, or some other credible witness, as to the damage being done, and also stating who is or are the supposed owner or owners, and the description of the trespassing beasts,) to grant a warrant under his hand and seal to three of the nearest neighbours, empowering and requiring them to go to the grounds so trespassed upon, and to view and appraise the damages, (also giving notice to the owner or owners of the trespassing beasts, if known, to attend such appraisement,) and to cause the said appraisers, or any two of them, to return a certificate to him upon oath of the amount of the damages; and such Justice of the Peace shall have power, and he is hereby authorized and required, to direct and order a reasonable satisfaction to the said appraisers for their trouble, according to the distance they shall have travelled, and other circumstances; and which allowance to the said appraisers, it is hereby declared, shall be considered as part and parcel of the damages so

Mode of ascertaining damages.

done to the injured party, and which the owner or owners of the trespassing beasts herein-before mentioned shall be obliged to pay; and if not paid within one calendar month, the same, with the assessed damages as aforesaid and costs, shall be levied by warrant under the hand and seal of the said Justice, on the goods and chattels of the said owner or owners; and in order that the condition of the Fence at the time of the trespass committed as aforesaid may be ascertained (in case the owner or owners of the trespassing beasts herein-before mentioned should allege the same to have been insufficient), the proof thereof shall lie upon such owner or owners; and in case of such Fence being proved to be insufficient, then and in such case the owner or owners of the trespassing beasts shall not be liable to any damages whatsoever.

Mode of recovery.

Proof of the condition of the Fence to be upon the owner of trespassing Cattle, &c.

VI. And be it further enacted, That when the damages so assessed shall have been done or committed by cattle belonging to several persons, then the said appraisers shall apportion the damages so assessed amongst the owners of such trespassing cattle, the same to be recovered from each as herein-before directed; and in case any appraiser so appointed as aforesaid shall neglect or refuse to yield due obedience to such warrant of appraisement, he shall forfeit a sum not exceeding Ten Shillings—to be recovered on the oath of one credible witness, before the Justice who may have issued the same, and to be levied on the goods and chattels of such appraiser, and another shall be appointed in his stead.

Where trespassing Cattle, &c. belong to several persons, mode of apportioning damages.

Appraiser neglecting or refusing obedience to Justice's warrant, to forfeit 10s.

Mode of recovery.

VII. And whereas it frequently happens that some unruly beast is in the habit of breaking fences, and that herds of other cattle are admitted in consequence of fences being so broken down, to the great injury of the owners of such other cattle, who may be made liable for damages occasioned

On proof by three witnesses of an unruly beast being at large, any Justice may order it to be confined.

solely by means of one unruly animal; For remedy whereof—be it enacted, That from and after the passing hereof, when proof shall be made by three credible witnesses, residing in any settlement or district within this Island, to any one of His Majesty's Justices of the Peace, that any such unruly beast is so at large, it shall and may be lawful for such Justice, and he is hereby directed and required, to notify the owner of such beast of the proof so made, and to order the said beast to be confined; and if after such notice the owner of any such beast shall refuse or neglect to take up and keep the same confined, he or she shall be liable to a fine of Five shillings for every day such beast shall be seen at large after the notice so given—the said fine to be recovered as herein-before directed, and paid to the person who shall sue for the same.

Penalty on owner for neglecting to obey such order.

Owner neglecting to confine such unruly beast after notice, to be liable for all damage occasioned by other cattle following same into any enclosed ground.

VIII. And be it further enacted, That the owner of every such unruly beast shall, if he or she neglect to take up and confine the same after receiving such notice as aforesaid, be liable to all the damages occasioned by other cattle following such unruly beast into any enclosed ground as aforesaid—the same to be recovered as herein-before directed.

Penalty for horses, cattle, &c. breaking into pasture ground.

IX. And be it further enacted, That if any horses, neat cattle, or sheep shall break into any Pasture Ground fenced in manner herein-before specified, the owner or owners thereof shall forfeit and pay to the party aggrieved by the same, as follows, (that is to say)—for every Horse, Three Shillings—for every head of Neat Cattle, Two Shillings—and for every Sheep or Lamb, Sixpence—to be recovered on the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, together with the costs of recovering the same: and if any person shall enter into or pass through any in-

Mode of Recovery.

closed field or garden, without the permission of the occupier thereof, or some person duly authorized by him to grant such permission, he or she shall be liable to a penalty of **Two Shillings and Sixpence** for each offence, over and above the amount of all damages occasioned thereby—to be recovered in the same way and manner as the other penalties mentioned in this clause are to be recovered.

Penalty for entering inclosed fields or gardens without permission.

Mode of recovery.

X. And whereas the running at large of **Boar Pigs** is found to be highly prejudicial to the breed of **Hogs** within this Island, and the practice of allowing **Swine** to go at large without rings has been found injurious; be it therefore enacted, That from and after the publication hereof, it shall and may be lawful to and for any person or persons whomsoever to take up any **Boar Pig** of **Three months old or upwards**, found at large, and upon complaint made by him or them to the nearest **Justice of the Peace** within the **County or District** where the said **Boar Pig** shall be so found at large, the said **Justice** is hereby authorized and empowered to cause the same to be sold by public auction, and to pay to the person or persons who shall take up the same the proceeds of such sale, after deducting reasonable costs and expences: **Provided** that no such pig shall be sold until the person who may have taken the same up shall have given at least **Three days public notice** in writing of such intended sale, by posting the same up at three of the most public places in the district; and if the owner of such pig shall claim the same before sale, he shall be entitled to have the same returned to him, on payment of a fine not exceeding **Ten Shillings**, to be determined by the **Justice** to whom the complaint shall have been made.

Any Boar Pig of 3 months old or upwards, found at large, may be taken up.

Justice of Peace may cause same to be sold at Auction, and proceeds paid to the taker.

Three days notice of such sale to be given.

If claimed before sale, to be returned to the owner on his paying 10s.

XI. And be it further enacted, That it shall and may be lawful for any person whomsoever to

Swine going at large without being ringed, may be taken up, and owner fined 2s. 6d.

Otherwise to be sold.

Appropriation.

take and seize all Swine going at large within any Township or Settlement, or on any of the Highways in this Island, without being ringed in the nose, so as effectually to prevent them from rooting or digging, and upon proof thereof on the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace for the County in which such Township, Settlement or Highway shall be situated, the owner thereof shall be by the said Justice fined in the sum of Two Shillings and Sixpence for every pig so seized as aforesaid; and if the said fine shall not be paid within Three days, or if no owner shall appear to claim the said swine, after notices having been posted up for Three days at three of the most public places within the district, that then the said Justice shall order the said swine to be sold, and shall pay the proceeds of such sale or fine to the person or persons who shall have taken up such swine, after deducting reasonable costs and expences.

Proprietor, &c. of Land, between the 1st and 31st of July in each year, may require Owner, &c. of lands adjoining not under crop,

to destroy all Thistles growing thereon,

XII. And whereas the seeds of Thistles growing on the land or ground of one proprietor are frequently driven by the wind and otherwise conveyed upon the lands and grounds of the adjoining proprietors; be it therefore enacted, That it shall be lawful for any proprietor or occupant of land, at any time between the First and Thirty-first days of *July* in each year, by verbal notice in the presence of one witness, or by notice in writing left at the dwelling house of the person to whom it may be addressed, or in case of undivided lands in which several persons are interested, by notice to be posted up in the most conspicuous place near to such undivided lands, to require any proprietor or occupier of any adjoining lands or piece of ground not sown nor being a meadow in crop, or the persons being interested in such undivided lands as aforesaid, to destroy or cut down all such thistles as may be then growing on such adjoining

land or piece of ground—the proprietor or occupier of land giving such notice, having himself first destroyed or cut down all thistles on his own fields or grounds adjoining; and if the thistles so required to be destroyed or cut down are not entirely destroyed or cut down at the expiration of Six days from the date of such notice, then it shall be lawful for any Justice of the Peace, upon complaint duly made before him on the oath of one credible witness other than the complainant, or on the confession of the party complained of, to order in writing the proprietor or occupier or other person against whom such complaint shall be made, to destroy or cut down such thistles within a period to be assigned by such Justice of the Peace, under a penalty on such proprietor or occupier or other person as aforesaid of Five Shillings for every day such thistles shall remain standing or growing after the time allowed by the Justice for destroying or cutting the same down, with the expences incurred in obtaining such order, and recovering the said fine—the same to be recovered before the Justice of the Peace who may have granted the order last aforesaid.

he having first cut down all Thistles on his own land.

If the same be not cut down in 6 days from time of notice,

Justice of Peace may order the same to be destroyed.

Penalty of 5s. per day for every day such Thistles shall remain standing after time limited in order.

Mode of recovery.

XIII. And be it further enacted, That if any person or persons shall wilfully or maliciously do or commit any damage, injury or spoil to or upon any building, fence, hedge, gate, stile, guide-post, milestone, or post-tree, wood, underwood, orchard, garden, nursery ground, crops, vegetables, plants, land, or other matter or thing growing or being thereon, or to or upon real or personal property of any nature or kind soever, and shall be thereof convicted within Six calendar months next after the committing of such injury, before any Justice of the Peace for the County or place where such offence shall have been committed, either by the confession of the party offending, or by the oath of one or more credible witness or witnesses, or of the party aggrieved in the premises (which oath such Justice is hereby empowered to administer), every person so offending, and

Penalty for wilfully or maliciously injuring any buildings or other property.

being thereof convicted as aforesaid, shall forfeit and pay to the person or persons aggrieved, such a sum of money as shall appear to such Justice to be a reasonable satisfaction or compensation for the damage or injury or spoil so committed, not exceeding in any case the sum of Five Pounds, over and above the costs of recovering the same; which said sum of money and costs shall be paid to the person or persons aggrieved; but in case such conviction shall take place on the sole evidence of the party aggrieved, then and in such case such satisfaction and compensation shall be paid into His Majesty's Treasury, towards the support of His Majesty's Government of this Island; and in default of payment of the sum of money in which the offender or offenders shall have been so convicted as aforesaid, immediately, or within such time as the Justice shall appoint at the time of conviction, together with all costs, charges and expences attending the conviction, such Justice shall and may commit such offender or offenders to the common Jail, for any time not exceeding Three calendar months, unless such penalty, costs and charges shall be sooner paid and satisfied.

To be paid to party injured.

If recovered on sole evidence of party aggrieved, to be paid into the Treasury.

In default of payment, offender to be committed to Jail for a period not exceeding 3 months.

If damage shall be committed on any species of public property,

Justice may proceed as aforesaid, at the instance of any person prosecuting.

Appropriation of fine.

XIV. Provided always, that if any damage, injury or spoil shall have been done or committed as aforesaid, to or upon any Church, Chapel, Bridge, Building, Common way, or other property whatsoever, whether real or personal, of a public nature, or wherein any public right is concerned, it shall and may be lawful to or for any such Justice to proceed against and convict the offender or offenders within the time aforesaid, and in manner aforesaid, in any sum not exceeding Five Pounds, over and above the costs of recovering the same, as to such Justice shall seem just and reasonable, at the instance and upon the information of any person prosecuting such offender or offenders; and to order and direct one moiety of the sum forfeited for such offence to be paid to the person so prosecuting, and the other moiety for the use of His Majesty's Government as aforesaid; and in

default of payment of the sum in which any such offender or offenders shall have been so convicted as last aforesaid, together with all costs, charges and expences attending such conviction as aforesaid, such Justice shall and may commit such offender or offenders to the common Jail for any time not exceeding Three calendar months, unless such penalty, costs and charges shall be sooner paid and satisfied.

If not paid, offender may be committed not exceeding 3 months.

XV. Provided also, and be it further enacted, That if any person or persons under the age of Sixteen years shall offend against either of the last two foregoing clauses of this Act, it shall be lawful for the Justice before whom he, she or they shall have been convicted, in default of payment of the sum of money awarded against him, her or them by the said Justice, together with all costs, charges and expences attending such conviction, immediately, or within such time as the Justice shall appoint at the time of conviction, to commit such offender or offenders to the common Jail, there to be kept for any term not exceeding Six weeks.

Offenders under 16 years of age, how punished.

XVI. And for the more easy bringing of offenders against the Thirteenth and Fourteenth Sections of this Act to justice; be it further enacted, That it shall and may be lawful to and for any Constable, and to and for the owner or owners of any property so damaged, injured or spoiled, and to and for his, her or their servants or other person or persons acting by or under his or their authority, and to and for such person or persons as he, she or they may call to his, her or their assistance, without any warrant or other authority than by this Act, to seize, apprehend and detain any person or persons who shall have actually committed, or be in the act of committing, any offence or offences against any of the provisions contained in the said Thirteenth and Fourteenth Sections of this Act, and take him, her or them before any Justice of the Peace for the County or place where the offence or offences shall have been committed; and such Jus-

Offenders against 13th and 14th sections of this Act may be seized and detained without warrant,

and carried before a Justice of the Peace.

tice is hereby empowered and required to proceed and act with respect to such offender or offenders in manner by this Act directed.

Form of conviction.

XVII. And for the more easy and speedy conviction of offenders against the provisions contained in the Thirteenth and Fourteenth Sections of this Act; be it further enacted, That every Justice of the Peace before whom any person or persons shall be convicted of any offence against the provisions in the said two Sections of this Act contained, shall and may cause the conviction to be drawn up in the following form of words, or in any form of words to the same effect, as the case may happen, *videlicet*:

‘**BE** it remembered, That on the day
 ‘ of in the year of our Lord *A. B.* is
 ‘ convicted by and before me one of His
 ‘ Majesty’s Justices of the Peace for the County
 ‘ of for that the said *A. B.* [*here state the*
 ‘ *offence, and the time and place when and where*
 ‘ *the same was committed,*] contrary to the Statute
 ‘ made in the Third year of the Reign of King
 ‘ *William* the Fourth, intituled [*here set forth the*
 ‘ *Title of this Act*]; and I the said Justice do here-
 ‘ by adjudge and determine that the said *A. B.* shall,
 ‘ for his said offence, forfeit and pay the sum of
 ‘ lawful money of this Island, together with costs, and
 ‘ do order that the same shall forthwith be paid by
 ‘ him [*here direct the payment, according to the*
 ‘ *above mentioned Sections of this Act.*]
 ‘ Given under my Hand and Seal, the day and year
 ‘ first above written.’

Such conviction and punishment may be pleaded in bar of any suit for same offence.

XVIII. Provided always, and be it further enacted, That in case any person or persons shall be convicted of any offence against any of the provisions contained in the said Thirteenth and Fourteenth Sections of this Act, before any Justice of the Peace, on the complaint or information of any person or persons, of public or private property having been so injured,

damaged or spoiled, and shall have paid the penalty, costs and charges under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, then and in every such case, such conviction shall and may be pleaded in bar of any action, suit or information that shall afterwards be commenced, instituted or prosecuted for such and the same offence, in any Court whatsoever.

XIX. And be it further enacted, That when any person or persons shall be convicted on the oath or oaths of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace, of having wilfully and maliciously cut, maimed or killed any Horses, Neat Cattle, Sheep or Swine within this Island, it shall and may be lawful for such Justice, and he is hereby authorized, to fine any such offender or offenders in a sum not exceeding Five Pounds, over and above the costs of recovering the same; and as a further punishment, such Justice is hereby required to commit every such offender to prison for a period not exceeding Thirty days, nor less than Ten days, and further, for any term not exceeding Sixty days, or until such fine and costs shall be paid: Provided always, that where the damages shall exceed Five Pounds, the party aggrieved may proceed to recover the same by action in His Majesty's Supreme Court of Judicature, and therein full double damages shall be given; and the offender may be also proceeded against by indictment, and upon conviction shall be liable to imprisonment in the common Jail for a period not exceeding Six calendar months.

Cutting or maiming Horses, Cattle, &c. how punished.

To be recovered in Supreme Court when damages exceed £5.

Double Damages.

Offender may be also indicted.

XX. And be it further enacted, That it shall and may be lawful to and for any person or persons so convicted by any Justice of the Peace as before mentioned of any offence or offences against this Act, to appeal to the Justices of His Majesty's Supreme Court of Judicature, within forty-

Appeal.

Mode of obtaining appeal as permitted in cases of Small Debts.

Supreme Court to hear appeals, &c.

eight hours from the time of such conviction, in the manner permitted to any defendant in an Act passed in the Second year of His present Majesty's Reign, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned relating to the Recovery of Small Debts*, and upon complying with the provisions of that Act in this respect: and the Justices of the said Supreme Court of Judicature shall hear and determine the matter of such appeal, and may either confirm or vary, or quash and annul the judgment or conviction appealed from, and award such costs to either party as to the said Justices shall seem just and reasonable; and if upon the hearing of any such appeal the judgment of the Justice of the Peace shall be confirmed, such appellant shall forthwith pay the penalty and costs awarded to be paid, or in default thereof shall be committed by the said Court to the common Jail, and shall be subject and liable to the same imprisonment as if no such appeal had been entered or prosecuted: and in case the conviction shall be quashed, then the appellant shall have the like remedy for the recovery of his costs as is provided in cases where the judgment below is reversed on appeal in favour of the appellant, in the said Act for recovery of Small Debts; and the Sureties in any such appeal shall be liable to have such proceedings taken against them on their Recognizance, in case the appellant shall abscond, as is provided in like cases under the last mentioned Act.

If parties convicted do not appeal within the period specified in this Act, proceedings not to be removed by Certiorari.

XXI. And be it further enacted, That if any person or persons convicted under the provisions of this Act as aforesaid, shall not appeal from the Justice's conviction within the period herein-before mentioned and specified, the judgment of the Justice before whom such person or persons shall have been so convicted, shall be, and is hereby considered absolutely confirmed, and the person

or persons so convicted as aforesaid shall not be entitled to sue out His Majesty's Writ of Certiorari to remove the matter of such conviction into His Majesty's Supreme Court of Judicature—any law, usage or custom, or any thing herein contained to the contrary notwithstanding.

C A P. XXVIII.

An Act to continue for one Year an Act regulating the practice of the Supreme Court in cases of Replevin.

C A P. XXIX.

An Act to explain and amend an Act made and passed in the Eleventh Year of the late King, for raising a Fund by an Assessment on Land.

WHEREAS it is necessary to explain certain parts of the said Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Treasurer for the time being shall, and he is hereby authorized, on the First day of *June* in each and every year during the continuance of this Act, by notice in writing under his hand, to be inserted in the *Royal Gazette*, in manner provided by the said Act made and passed in the Eleventh year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for raising a Fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Island*, to call on the owners or proprietors of lands to pay

Treasurer, on the 1st of June annually, to give notice in Royal Gazette calling on owners of land to pay their assessments by the First day of Hilary Term.

If default be made, mode of further proceeding to be in accordance with 2d Section of recited Act of 11 G. 4, c. 17.

into the hands of the Treasurer, or his Deputies, to be appointed as herein-after mentioned, the amount of their respective assessments, on or before the First day of *Hilary* Term annually then next following; or, that in default thereof, proceedings will be taken on the last day of that Term by proclamation in open Court; and unless paid, with costs, at least Ten days before the next Term of the said Supreme Court, to be holden at *Charlotte Town* aforesaid, then that the said Court will proceed forthwith to judgment, in the same manner as is provided by the Second Section of the said recited Act.

Treasurer to appoint Deputies, not less than 3 in each County.

Treasurer to be responsible for their conduct.

Duty of Deputies.

Allowance to Deputies.

II. And be it further enacted, That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing under his hand and seal, to nominate and appoint such and so many Deputies for each and every Settlement within this Island, (not less than Three for each County) as to the said Treasurer for the time being shall seem meet, and for the faithful discharge of whose duties he the said Treasurer shall be responsible; and such Deputies shall, and they are hereby required, to open Books of Account for the receipt of the said assessment; and such Deputies shall, respectively, give receipts for assessments, as the Treasurer is directed to do by the said recited Act; and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings, by proclamation, are to be taken against the lands of such defaulter or defaulters, agreeably to the provisions of the said recited Act; and shall forthwith forward the assessments received, together with their books, or true copies thereof, afterwards to the Treasurer; and the said Deputies shall be allowed for their trouble, at and after the rate of Seven Pounds Ten Shillings for every One hundred Pounds collected.

III. And be it further enacted, That when the Sheriff or other Officer who shall have sold any lands under the provisions of the said recited Act, for non-payment of assessment, and that such lands shall have produced more than sufficient for the payment of such assessment, the Sheriff or other Officer shall, and he is hereby authorized, to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such monies, for the benefit of the proprietor or proprietors of such lands; and in case of dispute as to the right of any claimant to receive such overplus, the same shall be determined in a summary way by the Justices of His Majesty's Supreme Court of Judicature of this Island, and any costs incurred thereby shall be paid by such claimant.

If Sheriff, after sale of Lands for non-payment of assessment, hath any money in his hands, after satisfying judgment and costs, he is to pay the same to Treasurer, who is to hold it for the owner.

IV. And be it further enacted, That this Act shall continue in force during the operation of the said recited Act, and no longer.

Continuance of Act.

C A P. XXX.

An Act for repealing certain parts of the Act intituled *An Act for the establishing and regulating a Militia*, and for substituting other provisions in lieu thereof.

WHEREAS it is deemed expedient for the better regulation of the Militia of this Island that certain parts of the above mentioned Act be repealed, and other provisions substituted in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Second, Fifth, Sixth, Tenth, Eleventh, Fifteenth, Twentieth, and Twenty-eighth Sections of an Act made and passed in the Twentieth year of the Reign of His late Majesty King George the

Repeals 2d, 5th, 6th, 10th, 11th, 15th, 20th, and 28th Sections of 20 G. 3, c. 1.

Third, intituled *An Act for the establishing and regulating a Militia*, be and the same are hereby repealed.

Militia to be formed into Battalions, &c. and to be trained at such times as Lt. Governor shall appoint, not to exceed once in each year.

Commissioned Officers to reside within 10 miles of place of training.

Non-Commissioned Officers or Privates not to march more than 5 miles to train, except in cases of emergency.

Duty of Clerks of Companies.

Fine on Clerk for neglect of Duty.

II. And be it further enacted, That the Militia of this Island shall be formed into Battalions, Regiments, Companies, and such smaller divisions, and shall be called out for the purpose of training and other military exercises, at such times, places, and in such proportions as to the Lieutenant Governor or Commander in Chief for the time being shall appear best adapted to the conveniency of the inhabitants enrolled therein, not exceeding once in each year, except in time of war or other emergency; and that no commissioned officer shall reside more than Ten miles distant from the place of training; and that no non-commissioned officer or private in attending musters or drills, shall have to march more than Five miles from his place of abode, except in case of war or other emergency as aforesaid; and in such last mentioned cases, it shall and may be lawful for the Lieutenant Governor or other Commander in Chief for the time being to issue such further orders to the Commanding Officers of Regiments, Battalions or Companies, as he may deem requisite, and the safety of the Island may require.

III. And be it further enacted, That the Clerk of each Company, once in every year, shall take a list of all persons liable to be enrolled in the Militia, living within the precinct of such Company, and present the same to his Captain or Commanding Officer of the Company to which he belongs—the said return to be given in on or before the last *Tuesday* in *October* in each year, under pain of forfeiting the sum of Forty Shillings for each default, to be paid to the Captain or Commanding Officer of the Company; and in case of non-payment, the same to be levied by

distress and sale of the offender's goods and chattels, by virtue of a warrant from any Justice of the Peace in this Island, who is hereby empowered to grant the same; and in case of no goods or chattels whereon to levy the same fine, then the said Justice is hereby authorized and empowered to commit the said offender to the Jail of *Charlotte Town*, for a period not exceeding Twenty-one days: and the said Captains or Commanding Officers of Companies are hereby required to transmit such returns, within one month next thereafter, to the Commanding Officer of the Regiment or Battalion to which they belong, under the penalty of Five Pounds; and the said Commanding Officers of Regiments or Battalions are hereby required, on or before the First day of *January* in each year, to transmit the same to such Officer as the Lieutenant Governor shall appoint to receive such Returns.

Mode of recovery.

Captains to transmit Returns of their Companies, within one month, or forfeit £5.

IV. And be it further enacted, That the Commanding Officer of each Company shall order and direct the Clerk thereof to put up notices in three of the most public places within his precinct, therein warning the Militia-men of the said Company of the time and place appointed for each muster; and every Commanding Officer of a Regiment, Battalion or Company, neglecting to draw forth the Regiment, Battalion or Company under his command, or to cause the same to be done; or refusing in any way to obey the orders or commands of his superior officer, shall, for every such neglect or refusal, forfeit and pay the sum of Fifty Shillings, and shall also be liable to be dismissed from his situation in such Militia—the said fine to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant from the said superior officer, directed to the Clerk of the Regiment, Battalion or Company to which such offender belongs, in manner as directed by the said Act of which this is an amendment; and in case such

Mode of intimating musters.

Penalty on commanding officers of Battalions or Companies neglecting to draw forth the same—or for disobedience of orders.

Mode of recovery.

neglect or refusal should originate with the Commanding Officer of any Regiment, Corps or Battalion, that then and in such case the warrant shall issue from the person who shall be appointed as aforesaid by the Lieutenant Governor to receive Returns under this Act.

Non-commissioned officer or private to forfeit 5s. for not appearing at muster.

V. And be it further enacted, That every non-commissioned officer and private who shall neglect to appear at any Battalion or Company muster, agreeably to the provisions of this Act, shall be liable to a fine of Five Shillings for each and every neglect as aforesaid—to be recovered and levied by warrant of distress, to be issued by the Captain or other Officer commanding the Company.

Officers commanding Battalions or Companies, to be furnished with copy of Militia Laws.

VI. And be it further enacted, That all Officers commanding Battalions and Companies shall, upon their appointment, be furnished with a copy of the Militia Laws, and shall produce the same, together with a Roll of their Battalion or Company, upon all Musters or Inspections.

Men above forty-five years of age to be formed into reserved Battalions.

VII. And be it further enacted, That all Militiamen above Forty-five years of age, being privates, shall be enrolled as reserved Battalions or Corps, and shall not be called out for training or otherwise unless when specially ordered and required.

Duty of Inspector of Militia.

VIII. And be it further enacted, That the person so appointed by the Lieutenant Governor, or other Commander in Chief for the time being, to receive the returns as aforesaid from the officers commanding Regiments or Battalions, shall, when directed, inspect the respective Regiments, Battalions or Companies of Militia, at such times and places as the Lieutenant Governor or Commander in Chief for the time being may appoint, under the provisions of this Act—which said person so appointed as aforesaid shall be paid out of the Treasury of this Island the sum of Seventy-five Pounds *per annum*, in lieu of

Salary of Inspector.

the salary now attached to the office of Adjutant General, and in place of all fees, charges or expences for travelling to inspect the Militia.

IX. And be it further enacted, That the persons herein-after described be exempted from all trainings, watches and warding, except such as shall voluntarily receive Commissions in the Militia, (that is to say)—the Members and Officers of His Majesty's Council—the Members and Officers of the Assembly—the Chief Justice and other Justices of Courts—Justices of the Peace—Attorney General—Treasurer of the Island—Secretary and Registrar—Chief Surveyor of Lands—Ministers of the Gospel—Field Officers—the Collector and Comptroller of His Majesty's Customs—Licensed Schoolmasters—constant Ferry-men—one Miller to each Grist Mill—and lame persons producing certificates thereof from a Surgeon or Justice of the Peace.

Persons exempted from serving in the Militia.

X. And be it further enacted, That all fines, penalties and forfeitures arising by operation of this Act, or of the Act intituled *An Act for the establishing and regulating a Militia* (where the same are not otherwise disposed of), shall be paid to the Commanding Officer of the Regiment or Battalion, to be applied to the contingent expences of such Regiment or Battalion, to be accounted for annually to the Commander in Chief for the time being.

Appropriation of fines.

C A P. XXXI.

An Act to regulate the Salary of the Treasurer of this Island.

WHEREAS it is deemed expedient to establish and fix the Salary to be paid to the person who may hold the office of Treasurer of this Island :

Treasurer to be paid £500 per annum, in lieu of all other emoluments.

Be it enacted, by the Lieutenant Governor, Council and Assembly, That there shall be allowed and paid to the person who now holds, or shall hereafter hold, the office of Treasurer of this Island, the sum of Five hundred Pounds *per annum*, currency of this Island, in lieu of all per-centage, fees or emoluments whatsoever—which said yearly allowance or salary shall be deemed to have commenced and shall be computed from the Fifth day of *January* last past, from and after which period no other emolument or allowance shall be paid to the said Treasurer, other than the salary provided by this Act.

C A P. XXXII.

An Act for the regulation of the Public Wharf of *Charlotte Town*.

Lt. Governor and Council to appoint a Wharfinger.

Wharfinger to be paid £40 per annum.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, and he is hereby authorized, by and with the advice of His Majesty's Council, to appoint a fit and proper person to act as Wharfinger of the Public Wharf of *Charlotte Town*, which Wharfinger so to be appointed shall receive and be paid out of the monies in the Public Treasury of this Island, the sum of Forty Pounds *per annum*, for his services during the time he may hold the said appointment.

II. And be it further enacted, That it shall and may be lawful for the said Wharfinger to ask, demand, take and receive, for all Vessels (except His Majesty's Ships and the Government Packet Boat,) whilst careening, loading, unloading, or lying fast to the said Wharf, the following Rates *per diem* (*Sundays* excepted)—that is to say,

Vessels of Ten tons, and under Twenty tons, One Shilling. Rates of Wharfage.

Vessels of Twenty tons, and under Forty tons, One Shilling and Sixpence.

Vessels of Forty tons, and under One hundred tons, Two Shillings and Sixpence.

Vessels of One hundred tons, and under Two hundred, Three Shillings and Sixpence.

Vessels of Two hundred tons and upwards, Six Shillings.

For Lighters, *per* load, Eight-pence.

Provided nevertheless, that no vessel shall be subject to the payment of wharfage so long as the navigation shall remain closed by ice, except when undergoing repairs in the spring, as herein-after mentioned. No Wharfage to be paid when the navigation is closed.

III. And be it further enacted, That every ship or vessel which shall at any time only be fast to the aforesaid Wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence, in order to make room for and suffer any other ship or vessel to load, unload, or careen thereat; and on refusal or failure so to do, after due notice and request thereof to the master or commander, or to any one of the owners of such ship or other vessel, he or they shall forfeit and pay to the Wharfinger a sum not exceeding Five Pounds for each and every neglect or refusal, upon due proof thereof being made upon the oath of the said Wharfinger before any one of His Majesty's Justices of the Peace. Vessels fast to the wharf to make room for others. Penalty on Master, &c. refusing. Mode of recovery.

IV. And be it further enacted, That every ship or other vessel that shall make fast to any other ship or vessel that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs prior to or subsequent to the opening of the navigation, shall be subject and liable to pay the one half of the rates that such ship or other vessel so Vessel made fast to another, or undergoing repairs while the navigation is closed, only to pay half Wharfage.

fastened should and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded, or careened.

Wharfinger to cause encumbrances to be removed from off the Wharf.

V. And be it further enacted, That if the said Wharf shall at any time be so encumbered with lumber, coals, bricks, or any other species of goods, so as to incommode or obstruct the passing or repassing of any carts or carriages employed for the purpose of loading or unloading any ship or other vessel, then and in that case the Wharfinger shall personally warn, or by notice in writing to be left at the place of residence of the owner or owners of such lumber, coals, bricks, or other goods, their agent or agents, requiring him or them to remove the same from thence within a reasonable time; and if the same shall not be removed accordingly, the Wharfinger, by himself or his agent or agents, is and are hereby empowered to remove the same, and keep them in his custody until the whole charges attending the removal be paid by the owner or claimant of such goods; and in case the owner or agent is not to be found, the Wharfinger may and shall at his discretion remove the said goods as is herein-before directed.

Wharfinger to cause obstructions in the approaches to the wharf to be removed, and to prevent stones or rubbish being thrown into the water.

VI. And be it further enacted, That the said Wharfinger is hereby empowered to cause to be removed all obstructions which may be placed on either side of the said Wharf in a line with *Queen Street*, at the expence of the person causing such obstruction; and to prevent to the utmost of his power the master or owner of any ship, vessel, lighter or boat, or any other person, from throwing or unloading any stones, gravel, ballast, oyster shells, rubbish, or any other thing that will not float, into the water within the limits aforesaid; and the said Wharfinger is hereby authorized and required to prosecute any person so offending, who shall, upon due proof thereof, before any one of His Majesty's Justices of the Peace, forfeit and pay for every such offence a sum not exceeding Five Pounds, besides being liable to

Penalty on persons offending herein.

an action for the damage that any vessel or cargo may sustain thereby.

VII. And it shall and may be lawful to and for the said Wharfinger, during the time that any ship or vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day to ask, demand and recover from the master or commander, owner or agent of the said ship or vessel, the several rates of wharfage to which the said ship or vessel shall or may be liable: Provided, that such agent or agents of such ship or vessel shall be liable to pay the same only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the money demanded of him or them, or his or their Clerk, before the sailing or departure of such ship or vessel from port, any thing herein contained to the contrary notwithstanding.

Wharfinger to demand Wharfage daily.

In what case a ship-agent shall be liable for wharfage.

VIII. And be it further enacted, That the Wharfinger so to be appointed is hereby required to furnish an account on oath, and pay over to the Treasurer of this Island, quarterly, (that is to say)—on the *First Monday in January*, the *First Monday in April*, the *First Monday in July*, and the *First Monday in October*, in each and every year, all monies that may come into his hands, either for wharfage or fines imposed by this Act, under a penalty of Twenty Pounds for each and every neglect or refusal—the same to be recovered by bill, plaint or information in His Majesty's Supreme Court of Judicature of this Island—and shall also be liable to be displaced from his situation as Wharfinger; which said wharfage, fines and penalties shall be applied towards payment of the said Wharfinger's salary and the necessary repairs of the Wharf, and to and for such other uses and purposes as shall or may hereafter be authorized and directed in and by any Act or Acts of the Legislature of this

Quarterly periods when wharfinger shall account to Treasurer for all monies by him received.

Penalty for neglecting so to do.

Appropriation of said Penalty, wharfage money, &c.

Penalty on Wharfinger for any other neglect of duty.

Island; and for each and every neglect of the other duties imposed on him by this Act, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered before any two of His Majesty's Justices of the Peace, to be applied as herein-before directed.

Recovery of other Penalties.

IX. And be it further enacted, That all fines and penalties arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger, shall be recovered, together with costs, upon the oath of the said Wharfinger or any other credible witness, before any one of His Majesty's Justices of the Peace—to be levied by warrant of distress and sale of the offender's goods and chattels; and if no goods and chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the common Jail, for a period not exceeding Two calendar months.

Penalty for encumbering Wharf contrary to directions of Wharfinger.

X. And be it further enacted, That if any lumber or other goods shall be laid or left upon the Wharf contrary to the directions of the Wharfinger for the time being, the party so offending shall be liable to a fine not exceeding Forty Shillings, with costs, to be recovered as last herein-before mentioned, over and above the charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is herein-before authorized to do.

Wharfinger may direct vessels to take in their booms.

XI. And be it further enacted, That the person in charge of any vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the jib boom and main boom of such vessel, or either of them, to be struck, or taken on board of the said vessel, under a penalty not exceeding Twenty Shillings; and if the owner, master, or person in charge of any vessel shall allow such vessel,

through neglect or otherwise, to injure the said Wharf, such person shall be liable, for every such offence, to a fine not exceeding Twenty Shillings, over and above the amount of damage thereby done to the said Wharf—the said fines to be recovered, together with costs, before any one of His Majesty's Justices of the Peace—and the damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger by action in His Majesty's Supreme Court of Judicature of this Island; and if under that sum, then to be recovered before any one of His Majesty's Justices of the Peace.

Penalty on Vessels injuring the wharf.

Recovery of Fines.

Damage done to Wharf, how recoverable.

XII. And be it enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

C A P. XXXIII.

An Act to repeal the several Acts relating to Licences for retailing Strong and Spirituous Liquors, and to make other provisions in lieu thereof.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled *An Act prohibiting the sale by retail of Rum, or other distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due regulation of such as shall be licensed;* and an Act made and passed in the Twenty-fifth year of the reign of His late Majesty King George the Third, intituled *An Act in addition to and amend-*

13 G. 3, c. 12.

25 G. 3, c. 5.

ment of an Act made and passed in the Thirteenth year of His present Majesty's Reign, intituled 'An Act prohibiting the sale by retail of Rum or other distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due regulation of such as shall be licensed;' and also an Act made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Licences to Tavern or Innkeepers and Storekeepers, and for regulating persons licensed, and to suspend the operation of the Acts therein mentioned;* and an Act made and passed in the First year of the Reign of the present King, intituled *An Act to amend an Act made and passed in the Eleventh year of His late Majesty's Reign, intituled 'An Act for granting Licences to Tavern or Innkeepers and Storekeepers, and for regulating persons licensed, and to suspend the operation of the Acts therein mentioned'*—and to suspend part of an Act passed in the Thirty-fifth year of the Reign of King George the Third, intituled 'An Act for regulating Servants,' be, and the same are hereby respectively repealed.

11 G. 4, c. 18.

1 W. 4, c. 16.

Recited Acts repealed.

Conditions required for a Tavern Licence in Charlotte-Town.

Conditions required for a Licence in the country.

II. And be it further enacted, That from and after the First day of July next, no Licence shall be granted for keeping any Tavern or Inn within this Island on any other than the following conditions, which shall be inserted in the said Licence, (that is to say)—that the person to whom such Licence shall be granted shall keep at all times during the continuance of such Licence, in his or her Tavern or Inn, if in *Charlotte Town*, four good and sufficient feather beds and bedding, for the accommodation of travellers, with good stalled stabling and necessary and wholesome provender for six horses; and if in the country, two such beds with bedding, and the like good stalled stabling and provender for six horses: Provided always, that before any such Licence shall be

granted, the person or persons applying for the same shall produce a certificate from two neighbouring Justices of the Peace, verifying that he, she or or they hath or have, in all respects, the accommodations herein-before required, and also hath or have taken and subscribed the following Affidavit :

Persons applying for Licence to produce a Certificate from 2 Justices that they have the accommodation required, and that they had made an affidavit.

' I of in the Town [*or County, as the case may be,*] of do swear, that the beds and stable accommodations now exhibited are for the use of Travellers who may stop at this Tavern :

Form of Affidavit.

So help me GOD.'

And any person or persons obtaining such Licence, and neglecting to keep the said accommodations, or shall refuse to accommodate travellers to the extent thereof, shall, upon conviction, on every complaint thereof made on oath before any one of His Majesty's Justices of the Peace, forfeit and pay the sum of Forty Shillings.

Persons neglecting to keep the accommodation required, to forfeit £2.

III. And be it further enacted, That from and after the First day of *July* next ensuing, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, to grant Licences to retail fermented or distilled Spirituous Liquors; and that the rate or price of such Licences yearly shall be as follows, (that is to say)—for any person keeping a Tavern or Inn in *Charlotte Town*, having the accommodations herein-before required, the sum of Five Pounds; and for any person keeping a Tavern or Inn in the country, having the accommodations as herein-before required, the sum of Forty Shillings; and for any person not keeping such Inn or Tavern, but who shall require a Licence for the sale of fermented or distilled Spirituous Liquors in quantities not less than one quart, the sum of Three Pounds Ten Shillings; and for any person not keeping such Inn or Ta-

Lt. Governor authorized to grant Licences.

Licence Duty for Tavernkeepers in Charlotte Town.

Licence Duty payable by Tavernkeepers in the country.

Licence Duty for retailing not less than 1 quart.

Licence Duty for retailing in less quantities than 1 quart.

How to be appropriated.

Half yearly Licences may be granted to Storekeepers only.

Penalty for selling by retail without Licence.

Penalty on licensed Retailers of not less than 1 quart, selling a smaller quantity, or suffering Liquor to be drank in their houses, &c.

vern, but who shall require a Licence for the sale of fermented or distilled Spirituous Liquors, by retail, in less quantities than one quart the sum of Twelve Pounds—all which sums respectively shall be paid into the Treasury of this Island for the use of His Majesty's Government (over and above the usual fees of office); the same to be appropriated as may hereafter be directed in and by any Act of the Legislature of this Island.

IV. And be it further enacted, That it shall and may be lawful to and for the Lieutenant Governor or other Administrator of the Government, from time to time, to grant Licences at any period of the year to Storekeepers only for the term of Six calendar months, at a rate proportionable to that on which similar Licences are granted for one year; but that if any such Licence or Licences do not otherwise terminate, the same shall respectively expire on the First day of *July* in every year—any thing in such Licence contained to the contrary notwithstanding.

V. And be it further enacted, That any person or persons who shall retail any fermented or distilled Spirituous Liquors in less quantities than Two Gallons, without having first obtained a Licence to that effect, shall, for the first offence, forfeit and pay the sum of Five Pounds, and for every succeeding offence the sum of Ten Pounds; and any person who shall have obtained Licence to sell in quantities not less than one quart, contrary to the true intent and meaning of this Act, or shall suffer any fermented or distilled Spirituous Liquors sold by him, her or them, to be drank in his, her or their house, shop or store, shall forfeit and pay, for the first offence, the sum of Five Pounds, and for the second offence the sum of Ten Pounds, with the forfeiture of his, her or their Licence.

VI. And be it further enacted, That all persons within this Island, or the Territories thereunto belonging, who shall, from and after the publication hereof, agree or contract with any artificer, journeyman, servant, labourer, or other person employed by them, to pay such artificer, journeyman, servant, labourer, or other person, any part of his or their wages in Rum, or other distilled Spirituous Liquors, or shall set off or deduct all or any part of the wages so due to them respectively for any or either of those articles so paid or delivered, shall be deemed unlicensed Retailers, within the true intent and meaning of this Act; and shall, for the first, second, and every other succeeding offence, be subject to all and singular the penalties, forfeitures and punishments that are hereinbefore enacted against unlicensed Retailers; and all such artificers, journeymen, servants, labourers, or other persons, shall be entitled to his, her or their whole wages, notwithstanding any such agreement, set-off or deduction, and shall have the like remedy in law for the recovery of the same, as if all or any part of such wages were not paid, or in any manner satisfied.

Persons paying, deducting, or setting off all or any part of the wages of Artificers Servants, &c. in Spirituous Liquors, to be deemed unlicensed Retailers, and to be proceeded against as such.

Artificers, Servants, &c. so aggrieved, to be entitled to the whole of their wages or hire.

VII. And be it further enacted, That all persons having Licences as aforesaid who shall take or receive any pawn or pledge whatsoever, by way of security for the payment of any sum or sums of money owing for Rum, or other distilled Spirituous Liquors, shall, upon complaint on oath before any of the said Justices of the Peace, and in virtue of his direction and order thereupon, be compelled to restore the said pawn or pledge to the pawner thereof; and the pawner shall also be exonerated from the payment of the sum for which the said pawn or pledge was made; and if the said pawnee shall have destroyed or otherwise disposed of the said pawn or pledge, that then and in such case the said Justice to whom such complaint may have been made, shall order the full value thereof at the time of making the same to be paid to the pawner, and which value may be ascertained and

Pawns or Pledges to be restored.

If destroyed or disposed of, the value thereof to be paid.

established on his oath only; and if such pawnee should refuse or neglect to obey such order, the said Justice may thereupon issue a warrant of distress, to levy by sale of the said pawnee's goods and chattels, to the value so as aforesaid proved, together with all the costs attending the same: Provided nevertheless, that such complaint be exhibited and made within Three months next after the time of making such pawn or pledge.

Complaint to be exhibited within 3 months.

Innkeepers in the country to provide a place for the exclusion of Pigs, &c. on pain of forfeiting 20s. for every complaint.

VIII. And whereas much inconvenience and loss of property has heretofore been sustained by travellers with sleighs, carioles, carts, and other carriages, from pigs, sheep, cattle, and other animals, running at large about houses of entertainment; be it therefore further enacted, by the authority aforesaid, that every person keeping a Tavern or Inn in the country shall have a place enclosed for the exclusion of all such animals, with gates or bars for the free ingress and egress of all such sleighs, carioles, carts, and other carriages belonging to travellers who may have occasion to call at such house for refreshment, on pain of forfeiting, for every complaint on oath, the sum of Twenty Shillings.

Persons or their servants retailing Liquor in any other place than where they reside, although possessing a Licence, liable to be fined as unlicensed Retailers.

IX. And be it further enacted, That all persons who, either themselves or by their wives, or by any of their children or known or reputed servants or substitutes under them, shall, directly or indirectly, sell any fermented or distilled Spirituous Liquors by virtue or under pretence of any Licence obtained as in this Act is directed, in any other place whatsoever than at the house or place where such person or persons themselves shall actually and constantly reside and dwell, upon pain that, on conviction thereof, he, she or they shall be subject and liable to the like pains and penalties as persons convicted of selling Spirituous Liquors without Licence are by Law made subject and liable to.

X. And be it further enacted, That no licensed Tavernkeeper or other Retailer shall sell to or supply any person or persons, except Lodgers and Boarders in the house of any licensed Tavernkeeper, or knowingly suffer him, her or them to be supplied with Spirituous Liquors of any kind on the Lord's Day, commonly called *Sunday*, on pain of forfeiting, for the first offence, the sum of Twenty Shillings, and for every succeeding offence the sum of Two Pounds.

Penalty for any Licensed Tavernkeeper or Retailer selling spirituous Liquors on a Sunday, except to Lodgers.

XI. And be it further enacted, That all licensed Tavernkeepers shall cause sign boards to be affixed over their doors outside, or on some other conspicuous part on the outside of their houses, with the name of the party so licensed, and the words "Licensed Tavernkeeper" painted thereon, under the penalty of Twenty Shillings.

Licensed Tavernkeepers to have Sign Boards, under a penalty of 20s.

XII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, and he is hereby authorized, to summon before him any person or persons to give evidence relative to any breach of this Act, or any part or clause thereof, except the party, his wife or children, who may so sell or supply Liquor against its enactments, or his, her or their confidential clerk; and any person or persons who shall or may refuse to attend and declare on oath, when thereto required, his, her or their knowledge of the premises, shall forfeit and pay a sum not exceeding Five Pounds.

Penalty for refusing to give evidence when required.

XIII. And be it further enacted, that all penalties, fines and forfeitures inflicted by this Act, shall and may be recovered, if not exceeding Five Pounds, before any one of His Majesty's Justices of the Peace, on view, or on the oath of the Informer, or any other credible witness or witnesses; and if exceeding the sum of Five Pounds, then before two Justices of the Peace—all which said fines and penalties shall be recovered over and above the costs attending the recovery thereof.

Recovery of Penalties.

Application of Penalties.

XIV. And be it further enacted, That one half of the monies arising from the several penalties, fines and forfeitures inflicted by this Act, shall be paid into the hands of the Treasurer of this Island, to and for the use of His Majesty's Government, and the other half shall belong and be paid to him, her or them who shall inform and sue for the same.

Prosecutions for fines to be commenced within 3 months.

XV. And be it further enacted, That all prosecutions in pursuance of this Act, for penalties, fines and forfeitures, shall be commenced within Three months after the same shall have been incurred.

Licensed Retailers not to be deprived of Licence except by judgment of two or more Justices of the Peace.

XVI. And be it further enacted, That no licensed Retailer shall be deprived of his Licence except by judgment rendered by two or more of His Majesty's Justices of the Peace, upon complaint to them made of the irregularity or improper behaviour of such licensed Retailer—the said judgment being grounded upon a summons duly issued by the said Justices, requiring such Retailer to appear before them, and upon proof made of the charge therein contained; and thereupon it shall and may be lawful for the said Justices to suspend the Licence of such Retailer, or wholly to vacate and make void the same, as they shall or may in equity and good conscience see cause.

Justices prosecuted may plead the General Issue.

XVII. And be it further enacted, That if any action or suit shall be commenced or brought against any of the said Justices, or other officer or person, for doing or causing to be done any thing in pursuance of this Act, the defendant in such actions may plead the general issue, and give the special matter in evidence.

Penalty on Justices omitting their duty.

XVIII. And be it further enacted, That if any of the said Justices, or other qualified person, shall wilfully omit the performance of his duty in the execution of any part or clause of this Act, he or they so offending shall forfeit and pay the sum of Ten Pounds, one moiety thereof for the use of the Informer, and

the other moiety to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

XIX. And be it further enacted, That all persons deeming themselves aggrieved at the sentence or determination of any of the said Justices, relative to any of the offences before mentioned, may appeal therefrom to His Majesty's Supreme Court—provided such appeal be prayed in Forty-eight hours, and security given in manner as the Law in such cases directs in regard to the recovery of Small Debts: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent the Lieutenant Governor or other Administrator of the Government for the time being, to grant a free Licence to retail fermented or distilled Spirituous Liquors to any person or persons to whom he may judge it expedient to grant the same.

Appeal allowed from judgment of Justices of the Peace.

Lieut. Governor authorized to grant free Licences.

XX. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace, before whom any person or persons shall be convicted of any offence committed against the provisions of this Act, to order the payment thereof; and in default of payment of the fine or penalty adjudged to be paid by the said person or persons so convicted as aforesaid, when directed by the said Justice or Justices, to issue a warrant of distress against the goods and chattels of the said person or persons for the amount of the said fine or penalty, and costs, and cause the same to be sold to satisfy the said fine or penalty and costs; and in case no goods or chattels shall be found whereon to levy the same, the said Justice or Justices shall and may commit the person or persons so convicted to the Jail of *Charlotte Town*, or to any other Jail within this Island near to where the offence or offences may have been committed, for a period not less than One calendar month, nor exceeding Two calendar months.

Mode of proceeding against persons convicted before Justices of the Peace under this Act.

Retailers allowing Servants or Apprentices to drink within their houses, without leave of their Masters, &c. to forfeit 20s. for each offence.

Mode of recovery and appropriation thereof.

No action to be maintained by any unlicensed Retailer, for Liquors sold in less quantities than 2 Gallons.

XXI. And be it further enacted, That no Retailer or person whatsoever having a Licence to retail spirituous or fermented Liquors, shall knowingly harbour or suffer any apprentice or servant whatsoever to sit drinking in his or her house, nor sell or give him, her or them, nor suffer to be sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses; on pain of forfeiting, for each and every offence, a sum not exceeding Twenty Shillings—to be recovered, together with costs, upon conviction before any one of His Majesty's Justices of the Peace within the County where the offence shall be committed—the payment of said fine and costs to be enforced as is herein-before directed, and which fines shall be paid into the Treasury of this Island to and for the use of His Majesty's Government.

XXII. And be it further enacted, That no unlicensed Retailer of Spirituous Liquors shall hereafter maintain any action or suit for the recovery of the price of any Spirituous Liquors sold by him, her or them, in less quantities than Two Gallons.

C A P. XXXIV.

Continued for another year by 4 W. 4, c. 21.

An Act to continue for one year an additional Duty imposed on Wines and Spirituous Liquors imported into this Island.

C A P. XXXV.

Continued for another year by 4 W. 4, c. 19.

An Act for continuing for one year an *ad valorem* Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.

C A P. XXXVI.

An Act for levying a Duty on Tobacco and Tea. Continued for another year by 4 W. 4, c. 29.

C A P. XXXVII.

An Act to make and keep in repair the Pumps and Wells of *Charlotte Town*, and for other purposes, and to repeal a certain Act therein mentioned.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Representatives in General Assembly of the Town and Royalty of *Charlotte Town* for the time being, are, and each of them is, required to publish an advertisement in the *Royal Gazette* Newspaper, printed in *Charlotte Town*; and also to post advertisements, calling together the Inhabitants and Landholders of and in the said Town, to assemble at the *Court House* in *Charlotte Town*, on the First *Tuesday* in *May* next, after the passing of this Act, at noon; and also in each and every succeeding year during the continuance of this Act the said Representatives are and each of them is hereby required, in like manner to call a meeting of such Inhabitants and Landholders on the First *Tuesday* in *May*, at noon, at the *Court House* aforesaid—Eight days notice of all such meetings being previously given in manner aforesaid—at which meetings of the Inhabitants and Landholders so to be held, the said Inhabitants and Landholders then present shall elect a Chairman; and at each of such meetings shall proceed to choose Nine inhabitants of the said Town (any Five of whom to be a *Quorum*), who are hereby required to assess the Inhabitants and Landholders of the said Town for such sums as shall be granted,

Representatives of Charlotte-Town to advertise a meeting of Inhabitants to assemble annually on the 1st Tuesday in May.

Meeting to choose 9 persons, 5 to be a quorum, to assess inhabitants and landholders.

voted and agreed upon by the majority of Inhabitants and Landholders present at such meetings respectively.

Inhabitants to vote such sum as they judge necessary for Pumps, Wells, &c.

II. And be it further enacted, That the said Inhabitants and Landholders, at each and every of their respective meetings, shall, and they are hereby empowered to vote such sum of money as they shall judge necessary for the then current year, for the making or repairing of Pumps and Wells in *Charlotte Town*; and such further sum, as in the discretion of the majority of such Inhabitants and Landholders at any such meetings shall appear necessary, for the purchasing of hose, leather buckets, ladders, saws, axes, fire hooks, ropes and chains, for the Fire Engine Company of *Charlotte Town*; and the said Assessors are hereby required to pay the said last mentioned sum into the hands of the Captain of the said Fire Engine Company for the purposes above-mentioned, and who shall account to the Assessors for the expenditure thereof.

Assessors elected at such Meetings to assess the inhabitants, &c. in equal proportions for the sum voted.

III. And be it further enacted, That the Inhabitants so to be elected at the respective meetings herein directed to be held, or any five of them, shall be and are hereby empowered to assess the Landholders and Inhabitants of *Charlotte Town*, in just and equal proportions as near as may be, for the monies voted as aforesaid; and each particular person being assessed according to the fair value of the real estate in his or her actual possession in the said Town, shall pay the same to such person or persons as shall be appointed to collect and receive the same by the said elected inhabitants, or any five of them; and the said elected inhabitants, or any five of them, are hereby empowered to assess all unoccupied real estate in the said town, in manner aforesaid—the same to be recovered as herein-after directed.

Real Estate unoccupied also to be assessed.

IV. And be it further enacted, That the said elected inhabitants, or any five of them, are hereby

empowered and required, at such their meetings, to choose and appoint fit and proper persons to be Treasurer and Collector of the fund to be raised in pursuance of this Act (taking sufficient security for the due performance of such offices), and at their pleasure to displace either or both of such officers, and to appoint others, in case of misbehaviour; and to allow the said Collector and Treasurer respectively such poundage as the majority of said elected inhabitants shall direct.

Assessors to appoint a Treasurer and Collector,

and to settle allowance for both these persons.

V. And be it further enacted, That if any person so assessed shall, on demand made by the Collector, refuse or neglect to pay his or her proportion of the assessment on the real estate so in his or her actual possession as aforesaid, the Collector shall and may, after the expiration of Ten days from the time of making such demand, in case the same shall then remain unpaid, levy the amount of such assessment on the goods and chattels of such defaulter, which chattels shall be irreplevisable, and may be sold at auction by the Collector, after he has given at least Six days public notice of such sale.

Duty of Collector where persons neglect or refuse to pay Assessment.

VI. And be it further enacted, That the person so assessed may, within the said Ten days last mentioned, give to the said Collector a written notice of his or her intention to appeal from the said assessment; and the said Collector shall thereupon notify the said Assessors of every such notice of appeal being served on him within one week after the same shall have been served; and the said Assessors, or any five of them, shall appoint a time and place to revise the said assessment so appealed from, allowing the appellant at least Fourteen days notice thereof—and their determination, after such revision, shall be final and conclusive; and the Collector shall give the appellant at least Ten days notice in writing of the time and place of meeting of the said Assessors to

Persons assessed may appeal.

Mode of proceeding on appeal.

revise the said assessment and finally determine the same: and in case such revised assessment shall not be paid to the Collector within Twenty days after such determination of the Assessors thereon as aforesaid, then the Collector shall and may *ex officio* levy the same by distress and sale of the goods and chattels of the defaulter, as herein-before mentioned.

If goods, &c. cannot be found whereon to levy the sum assessed,

Assessors to award a Precept to Collector to sell Real Estate of defaulter—6 months' notice of sale to be given.

Appropriation of proceeds of Real Estate sold.

Collector to execute a Deed to purchaser.

VII. And be it further enacted, That in case sufficient goods and chattels cannot be found whereon to levy such assessment as last aforesaid, or that the same shall have been made upon unoccupied real estate within *Charlotte Town*, then it shall and may be lawful for the said Assessors, or the major part of them, and they are hereby required, to award a precept to the Collector, in the form herein-after prescribed, commanding him to make public sale of such estate so in arrear for the said assessment, after giving Six months' notice thereof in the *Royal Gazette* Newspaper; and out of such sale to pay into the hands of the Treasurer appointed by the said Assessors the amount of such assessment; and if any amount remains in the hands of the said Collector after paying the sum so assessed, together with the amount of expences incurred for advertising and selling the same, and other incidental charges, such balance or difference shall be paid to the owner or owners of such real estate so assessed and sold;—and the said Collector is hereby authorized and directed to make and execute a Deed to the purchaser or purchasers, at his, her or their expence, of such real estate; which Deed, when so executed and registered, together with the precept authorizing the sale of such real estate, shall be held a good and sufficient title against the original holder or holders thereof, subject only to the conditions of the original grant.

VIII. Provided always, and be it further enacted, That in case of any real estate being sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former owner or proprietor, his heirs or assigns, for the space of two years next after the sale of such real estate—the purchaser accounting to the former owner for the rents, issues and profits, and the former owner repaying the purchase money, and lawful interest thereon, and allowing for such improvements as shall or may be made thereon—the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

Equity of Redemption.

IX. And be it further enacted, That the person or persons appointed to collect the assessment aforesaid shall, once in every Three months, account with and pay into the hands of the Treasurer all such sums of money as he or they may have received; and upon his or their neglect or refusal to account and pay in the same as aforesaid, such person or persons shall and may be prosecuted by the said Treasurer for the time being, by bill, plaint or information, in the Supreme Court of Judicature, and shall also forfeit and pay a fine of Ten Pounds; and any Treasurer or Collector to be appointed as aforesaid (and who shall accept of such appointment), not complying with the duties herein-before and after set forth, shall, for each offence, forfeit and pay a fine not exceeding Five Pounds, as the Assessors, or the major part of them, at any of their meetings, shall direct and appoint—such fine to be recovered before any Justice of the Peace, and applied in aid of the fund to be raised under this Act.

Collector, once in 3 months, to account with Treasurer, on pain of forfeiting £10.

Treasurer and Collector each liable to a fine not exceeding £5 for neglect of duty.

Mode of recovery.

X. And be it further enacted, That if any of the nine inhabitants to be chosen as Assessors at the meetings to be held respectively, shall refuse to serve in their respective offices, each person so refusing shall forfeit and pay the sum of Forty Shillings—to be recovered by the Collector before any Justice of the Peace, and paid to the Treasurer in aid of the

Assessors refusing to serve, to forfeit £2.

Mode of recovery.

No person to serve more than once in 3 years.

fund to be raised by virtue of this Act: Provided, that no person shall be compelled to serve as an Assessor oftener than once in Three years.

Assessors may order improvements; and render an account on going out of Office.

XI. And be it further enacted, That the said Assessors so to be appointed shall, and they are hereby authorized and required to cause such improvements to be made in the said Town, by sinking Wells, procuring Pumps, and repairing others, as they in their discretion shall think necessary; and shall render an account of the expenditure of all monies received by them in pursuance of this Act, together with proper vouchers in support thereof, to the Inhabitants of the said Town of *Charlotte Town*, at their next meeting or meetings; and the outgoing Assessors, Treasurer or Collector, shall then pay over to the incoming Assessors or Treasurer any balance remaining in their or his hands: and any Assessor, Treasurer or Collector offending herein, shall incur a penalty of Five Pounds, to be recovered before any two Magistrates, and applied in aid of the fund to be raised under and by virtue of this Act.

Penalty of £5 for neglect thereof.

Wells not to be sunk within 25 feet of the sides of the streets.

XII. Provided nevertheless, and be it enacted, That no Wells shall be sunk in any of the Streets of *Charlotte Town* within twenty feet of either side of such Streets.

Treasurer to supply Money to Assessors.

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

Overplus how to be accounted for.

XIV. And be it further enacted, That the overplus of any monies which shall be raised by any sales which shall or may take place in consequence of the non-payment of rates to be levied under this Act, shall be paid to and remain in the hands of the Public Treasurer of this Island, to and for the use of the person or persons whose lands or premises shall be sold.

Overplus of Monies from sales of Real Estate to be paid to Treasurer of the Island for the use of the Owner.

XV. And be it further enacted, That the Assessors and Collector for the time being shall have power to sue for and recover all arrears of assessments due under this Act before they came into office, the same as if such assessments had been made after their appointment; and to punish, or cause to be punished, any Treasurers or Collectors who may be delinquents, although out of office.

Assessors & Collectors may recover arrears due before their appointment.

XVI. And be it further enacted, That it shall and may be lawful for the Representatives of *Charlotte Town*, at the requisition of any Twelve Householdors, to call a meeting of the Inhabitants of *Charlotte Town*, at any time after any of the said annual meetings of the *First Tuesday in May*, giving at least Eight days' public notice thereof, in manner aforesaid; which said meeting, when convened, shall have power to add to the rate so laid on the *First Tuesday in May*, and shall be held in the same manner and governed by the same regulations as are herein-before prescribed for the annual meetings.

Representatives of *Charlotte Town*, when requested by 12 Householdors, to call additional Meetings.

Such Meetings may add to the former rate.

XVII. And be it further enacted, That the fines and penalties hereby directed to be sued for before one or more Justices of the Peace, shall be recovered, together with reasonable costs, by warrant of distress and sale of the offender's goods and chattels—and for want of sufficient goods and chattels whereon to levy the same, then the offender shall be committed to prison for a

Recovery of Penalties.

period not exceeding One calendar month, nor less than Six days.

No Public Building or Land to be assessed under this Act.

XVIII. And be it further enacted, That notwithstanding any thing in this Act contained, no Public Buildings or Land in *Charlotte Town* aforesaid shall be assessed under or by virtue of this Act.

1 W. 4, c. 17.

XIX. And be it further enacted, That an Act made and passed in the First year of the Reign of His present Majesty, intituled *An Act to amend an Act made and passed in the Tenth year of the Reign of His late Majesty, intituled An Act to continue an Act made and passed in the Eighth year of His present Majesty's reign, intituled An Act to continue an Act made and passed in the Sixth year of His present Majesty's reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second year of the reign of His late Majesty, intituled 'An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned,'* be and the same is hereby repealed.

Recited Act repealed.

Continuance of Act.

XX. And be it further enacted, That this Act shall continue and be in force for Five Years, from and after the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

FORM OF PRECEPT TO COLLECTOR TO SELL
REAL ESTATE.

Prince Edward Island, }
to wit: }

To *A. B.* the Collector appointed under the Act intituled *An Act to make and keep in repair the Pumps and Wells of Charlotte Town, and for other purposes, and to repeal a certain Act therein mentioned*, Greeting:

WHEREAS we the undersigned Assessors appointed for carrying into effect the provisions of the said Act, having assessed [*here describe the property*], situate in *Charlotte Town* aforesaid, pursuant to the said Act, and the said Assessment, together with costs, amounts to the sum of £ Currency, and the notices required by law having been duly given, and the amount of the said Assessment remaining still unpaid— These are, therefore, to authorize and require you the said Collector to take so much of the said real estate as will satisfy the said Assessment and costs, and the same to advertise and sell and dispose of, according to law; and you are to make due return of this Precept unto us, and also have the said money ready as directed by the said Act.

Given under our Hands and Seals, this
day of in the year of our Lord One
thousand eight hundred and , and in
the year of the Reign of His Majesty.

[*To be signed by a majority of the Assessors.*]

CAP. XXXVIII.

Executed.

An Act for appropriating certain Monies for the service of the Year One thousand eight hundred and thirty-three.

CAP. XXXIX.

Passed with a
suspending clause,
and not assented
to by His Majes-
ty.

An Act to provide for the Civil Establishment of the Colony, and to repeal two certain Acts therein mentioned.

ANNO QUARTO

GUILIELMI IV. REGIS.

At the General Assembly of His Majesty's **1834.**
Island of *Prince Edward*, begun and holden
at *Charlotte Town*, the Third Day of *Febru-*
ary, Anno Domini 1831, in the First Year of
the Reign of our Sovereign Lord WILLIAM
the Fourth, by the Grace of God, of the
United Kingdom of *Great Britain and Ire-*
land, King, Defender of the Faith:

A. W. YOUNG,
Lieut. Governor.

E. J. JARVIS,
President.

WM. MACNEILL
Speaker.

And from thence continued, by several Prorogations,
to the Fourth Day of *February, 1834*, and in
the Fourth Year of His said Majesty's Reign;
being the Fourth Session of the Thirteenth
General Assembly convened in the said Island.

C A P. I.

An Act for the Encouragement of Education.

WHEREAS it is deemed expedient that suit-
able provision be made for the advancement
of General Education in this Island: Be it enacted,

Board of Education how constituted and when to meet.

by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or other Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint Seven fit and proper persons (Three of whom shall be a *Quorum*,) which Seven persons so appointed shall constitute a Board of Education, and shall meet four times in each year—(that is to say,) on the last *Thursday* in the months of *January*, *April*, *July* and *October* respectively, and shall give notice in the public Newspapers at least *Thirty* days previous to each Meeting.

Vacancies how filled up.

II. And be it further enacted, That when and as often as any vacancy shall occur in the said Board, by death, removal, or otherwise, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice aforesaid, to appoint other fit and proper person or persons to fill up such vacancy.

Candidates for Schools to undergo an examination;

III. And be it further enacted, That any person who may be a candidate for the situation of Schoolmaster for any District School in this Island, shall, on one of the days of the said Meetings, or on such other day as any three of the said Board shall appoint, present himself for and submit to an examination of his qualifications in the following Branches of Education herein-after mentioned; and if the Board be satisfied with the candidate's proficiency, they shall give him a certificate of his having passed such examination.

And produce a Certificate of moral character.

IV. Provided always, and be it further enacted, That the said Board shall in no case examine or grant a certificate to any person whatsoever, who shall not have first produced to the said Board a satisfactory certificate of good moral character.

V. And be it further enacted, That there shall be in future Three Classes of District Schoolmasters, who shall be licensed to teach in this Island, whose several qualifications shall be as follow:—
First or lowest Class, which shall consist of such persons who shall be qualified to teach *English* Reading, Writing and practical Arithmetic;
Second Class, which shall consist of persons qualified, not only to teach the above Branches of Education, but shall also possess a competent knowledge of Mathematics, and prove to the satisfaction of the Board herein-before mentioned, their ability to teach Geometry, Trigonometry, Mensuration, Land Surveying, and Navigation, together with *English* Grammar; a **Third or higher Class**, who, in addition to the qualifications of the class last mentioned, shall possess a competent knowledge of the Classics, the higher Branches of the Mathematics, together with Geography and the use of the Globes; and the Board of Education, after having examined and ascertained the qualifications of such candidates who may appear before them, shall specify in the certificate to be given them, to what class of Teachers the said candidates are duly entitled to belong.

To be in future Three Classes of District Teachers.

First or lowest Class, qualifications of.

Second Class, qualifications of.

Third or higher Class, qualifications of.

Board to grant certificates of qualification.

VI. And be it further enacted, That no Schoolmaster or Teacher of the **First or lowest Class** shall be entitled to any allowance by virtue of this Act, unless the Inhabitants of the District shall have first subscribed and raised for him at least the sum of **Twenty Pounds per annum**, and shall have also provided a sufficient School House, to be exclusively used for that purpose; and also that he shall have had under his tuition the number of **Twenty Scholars** during the space of **Twelve months**, immediately preceding the period of his claiming such allowance.

Inhabitants of a District to raise £20 per annum before First Class Teacher is entitled to allowance;

and to provide a School House; and 20 Scholars must have been under his tuition for 12 months.

VII. And be it further enacted, That no Teacher of the **Second Class** licensed as aforesaid,

Twenty-five
Pounds per an-
num,

shall be entitled to receive any allowance under and by virtue of this Act, unless the Inhabitants of the District to which such Teacher may be appointed shall have first subscribed and raised for him the sum of *Twenty-five Pounds per annum*, to be paid for his services as Teacher for the year for which he claims to be entitled to the allowance specified in this Act; and shall have likewise provided a sufficient School House, to be exclusively used for that purpose; and that during the same period no less than *Twenty Scholars* shall have been under his tuition.

a School House,
and 20 Scholars,
to entitle Second
Class Teachers to
allowance.

For Third class
Teachers, *Thir-
ty Pounds*, a
School House,
and in every year
25 Scholars, 5 at
least to be taught
the Latin or
Greek Classics,
or higher bran-
ches of Mathema-
tics.

VIII. And be it further enacted, That no Schoolmaster of the Third or highest Class of Teachers shall be entitled to receive any allowance under and by virtue of this Act, unless the Inhabitants of the District to which such Teacher may be appointed shall have first subscribed and raised for him the sum of *Thirty Pounds*, to be paid for his services as Teacher for the year for which he claims to be entitled to the allowance as specified by this Act; shall have likewise provided a sufficient School House, to be exclusively used for that purpose; and that during the same period no less than *Twenty-five Scholars*, five of whom at least shall be reading the *Latin or Greek Classics*, or the higher Branches of the *Mathematics*, shall have been under his tuition—and such Schools of the last mentioned class shall not exceed in any one County the number of *Five*, nor be situated within a less distance than six miles of each other.

Number of Third
class Schools not
to exceed five in
any County, nor
to be within six
miles of each
other.

SchoolHouse may
be used for Public
Worship, with
consent of Trus-
tees.

IX. Provided always, and be it further enacted, That nothing herein contained shall prevent any such School House as aforesaid being used as a place of *Public Worship*, with the consent of a majority of the Trustees thereof, when the same shall not interfere with the teaching of Scholars therein, as is contemplated by this Act.

X. And be it further enacted, That it shall be in the power of the Inhabitants of any Settlement or

District within this Island, who shall have subscribed the respective sums as mentioned by this Act, and shall have provided a School House as aforesaid, and they are hereby required, to nominate and appoint Five Trustees, (Three of whom shall be a *Quorum*,) whose duty shall be to examine the said School quarterly, and shall at the end of each year report to the Board the state of such School, and give to such licensed Teacher who has had the management thereof the necessary certificate as required by this Act.

Inhabitants of Districts or Settlements to appoint five Trustees, three to be a quorum.

Duties of Trustees.

XI. And be it further enacted, That in case of any dispute arising between the Subscribers to such School, or the Trustees thereof, and the Master duly qualified and engaged as aforesaid, respecting the payment of his salary or otherwise, it shall be referred to the Board to make inquiry into the circumstances, and to report the same to the Lieutenant Governor or other Commander in Chief for the time being, who shall, if he see fit, order the sum allowed by this Act to be paid to such Schoolmaster, notwithstanding the Inhabitants of the District shall not have paid the sum agreed for.

Any disputes respecting the payment of Salaries, to be referred to Board to report to Lieutenant Governor.

XII. And be it further enacted, That it shall be the duty of the Trustees, and they are hereby authorized, empowered and required, either by themselves or such person as they shall appoint, to enforce the payment of such sum or sums as the Inhabitants shall have respectively subscribed towards the maintenance of the Master or Teacher, by suing for the same, in case the sum due from the person so sued shall not exceed the sum of Five Pounds, before any two of the Commissioners of Small Debts in the County or place where they reside, and shall hand over the monies so sued for and recovered to the Master or Teacher entitled to receive the same—the same to be recovered in the usual manner that Small Debts are recoverable before such Commissioners.

Trustees to enforce payment of Subscriptions, by suing for same;

if under £5, before Commissioners of Small Debts.

XIII. And be it further enacted, That each and every Teacher, on producing from the Board afore-

Annual allowance to Teachers.

said a certificate of qualification, together with a certificate that the provisions of this Act shall have been duly complied with, and also from the Trustees of the School of which he shall have been appointed Master or Teacher, an annual certificate of good conduct, attention and sobriety (which last certificate shall also be signed by two Justices of the Peace nearest to such School), shall be entitled to receive from the Treasury of this Island—(that is to say,) Teachers of the First Class, the sum of Five Pounds; Teachers of the Second Class, the sum of Ten Pounds; and Teachers of the last or highest Class, the sum of Twenty Pounds—to be paid by warrant under the hand and seal of the Lieutenant Governor or other Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council: Provided always, that the monies so to be paid by virtue of this Act, for the improvement of Education, shall not exceed in the whole the sum of Seven hundred Pounds in any one Year.

Of the First Class
£5.

of the Second
Class £10.

of the highest
Class £20.

How paid.

Expenditure under
this Act not to
exceed £700 per
annum.

Teachers of the
First Class to re-
ceive £1 addi-
tional for every
five Scholars over
twenty.

XIV. And provided also, and be it further enacted, That when any licensed Teacher of the First or lowest Class as aforesaid shall have had under his tuition a greater number of Scholars for the period aforesaid than Twenty, and shall have produced the necessary certificate prescribed by this Act, such Teacher shall be entitled to receive, in addition to the said sum of Five Pounds, a further sum of One Pound for every Five Scholars over and above the number of Twenty as aforesaid.

Allowance to
Teacher of Na-
tional School.

XV. And be it further enacted, That the Teacher of the National School in *Charlotte Town*, although under the controul and management of the Society for the Propagation of the Gospel, shall nevertheless be entitled to the same amount as is intended to be paid to Second Class Teachers under and by virtue of this Act.

XVI. And be it further enacted, That until Masters shall have been appointed to the Academy of

Charlotte Town, and that Institution shall be in operation, there shall be granted and paid to the Master of the *Charlotte Town Grammar School*, now appointed, or who shall hereafter be appointed, the sum of Twenty-five Pounds quarterly, and every quarter—the same to be drawn by warrant of the Lieutenant Governor in Council—which said School shall be regulated and governed by the Trustees now appointed, and under its present regulations.

Master of Charlotte Town Grammar School to be paid £25 quarterly.

XVII. And be it further enacted, That this Act shall continue and be in force for and during the space of Three Years, and from thence to the end of the next Session of the General Assembly, and no longer.

Continuance of Act.

C A P. II.

An Act for the Summary Trial of Common Assaults and Batteries.

WHEREAS it is expedient that a summary power of punishing persons for common Assaults and Batteries should be provided: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor to appoint, in each County of this Island, at least Three Justices of the Peace, to hear, determine, and adjudge common Assaults and Batteries; and which said Justices shall have power and authority to meet and adjudicate at such places as shall be deemed most convenient in the respective Counties, four times in each year—(that is to say,) on the Second *Thursday* in *March, June, September* and *December*—to fulfil the purposes of this Act; and which said Justices shall have power and authority to adjourn from day to day until such cases as may come before them shall be heard and determined.

Lieutenant Governor to appoint three Justices of the Peace in each County, to try Common Assaults and Batteries.

Times of meeting.

Two to be a Quorum.

H. And be it further enacted, That any Two of such Justices, when so assembled and met at the time and place so required by this Act, shall form a *Quorum*.

Persons convicted to pay a Fine, not exceeding £5, with Costs;

III. And be it further enacted, That when any person shall unlawfully assault or beat any other person, it shall be lawful for the Justices of the Peace to be appointed as aforesaid, to hear and determine such offence; and the offender, upon conviction thereof before them, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding the sum of Five Pounds, together with costs; which fine shall be paid into His Majesty's Treasury, to and for the use of His Majesty's Government: and if such fine as shall be awarded by the said Justices, together with the costs, if ordered, shall not be paid, either immediately after the conviction, or within such period as the said Justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to Jail, there to be imprisoned for any term not exceeding Two months, unless such fine and costs be sooner paid: but if the Justices upon hearing of any such case of Assault or Battery, shall deem the offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any punishment, they shall accordingly dismiss the complaint, and shall forthwith make out a certificate under their hands, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

or be committed to Jail for a term not exceeding two months.

Duty of Justices in cases of Assault, &c. being not proved, or trivial, or justified.

Costs.

IV. And be it further enacted, That the said Justices shall and may give costs to either complainant or defendant, or compel each to pay their own, as they shall see fit.

V. And be it further enacted, That if any person against whom any such complaint shall have been preferred for any common Assault or Battery,

shall have obtained such certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to have been paid under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, in every such case he or they shall be released from all further or other criminal proceedings for the same cause.

Persons certified as discharged, or convicted and fined or imprisoned, not to be proceeded against a second time.

VI. Provided always, and be it further enacted, That in case the said Justices shall find the Assault or Battery complained of to have been accompanied by any attempt to commit Felony, they shall cease to adjudicate thereon.

Justices not to adjudicate in cases of Felony.

VII. And be it further enacted, That all Justices of the Peace before whom any complaint of Assault or Battery shall have been made, shall take the usual Recognizance, and they are hereby required to cause such parties, as also the prosecutor and witnesses, to appear before the said Justices so to be appointed as aforesaid, at their next sitting after such offence shall have been committed, except in such cases as are excepted in the Sixth Section of this Act; and if the said person or persons so bound by Recognizance to appear, shall make default and shall not appear, according to the condition of his or their said Recognizance, the said Justices shall, and they are hereby required to certify such default under their hands and seals, to His Majesty's Supreme Court of Judicature, together with the said Recognizance, when the same shall be liable to be estreated by His Majesty's Attorney or Solicitor General, in the same way and manner as if such default had been made on any Recognizance returnable in the said Supreme Court; and the said Justices so appointed, if on investigating any such Assault, on the appearing of such persons so charged, shall find the party or parties deserving a higher or greater fine than is prescribed by

Justices to take the usual Recognizance.

Recognizance, in case of default, to be estreated.

Justices deeming offence deserving a higher fine, to bind Offenders to

appear at Supreme Court; and also Prosecutors and Witnesses.

this Act, it shall and may be lawful, and they are hereby required, to bind the said offender or offenders by Recognizance, to appear at His Majesty's Supreme Court of Judicature, at its then next sitting; and also to bind the prosecutor or prosecutors, and witnesses, if necessary, to appear and prosecute.

Prosecutions to be commenced within one month.

VIII. Provided always, and be it further enacted, That the prosecution for every offence punishable on summary conviction, by virtue of this Act, shall be commenced within One calendar month after the commission of the offence, and not otherwise.

Form of Conviction.

IX. And be it further enacted, That the Justices before whom any person shall be summarily convicted of any offence, by virtue of this Act, shall cause the Conviction to be drawn up in the following form of words; (that is to say,)

' **BE** it remembered, that on the day of
 ' in the Year of our Lord at in the
 ' County of *A. B.* is convicted before us
 ' of His Majesty's Justices of the Peace;
 ' acting under and by virtue of an Act intituled
 ' [*here insert the Title of this Act*], for that he
 ' the said *A. B.* did [*specify the offence, and the*
 ' *time and place when and where the same was*
 ' *committed, as the case may be*]; and we the
 ' said Justices adjudge the said *A. B.* for his said
 ' offence, to forfeit and pay the sum of and
 ' also the sum of for Costs; and we order that
 ' the said sums shall be paid by the said *A. B.* on
 ' or before the day of ; and in de-
 ' fault thereof, to be committed to Jail, there to
 ' remain for the space of , unless the said
 ' sums shall be sooner paid.
 ' Given under our Hands and Seals, the day
 ' and year first above mentioned."

Which said Conviction, and all other proceedings in the cause, the said Justices are hereby required and enjoined to return into His Majesty's Supreme Court, on or before the first day of the Term next ensuing the taking thereof; and the said Justices neglecting to make such returns, shall forfeit and pay for every such neglect the sum of Five Pounds—to be recovered by bill, plaint or suit in His Majesty's Supreme Court, and paid into the Treasury, to be applied as herein-before directed.

Conviction to be returned into Supreme Court.

Justices neglecting to make return to forfeit £5.

X. And be it further enacted, That no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Warrant of Commitment not void for defect, if Conviction be inserted and Conviction valid.

XI. And be it further enacted, That the following Fees shall be allowed for the services enjoined by this Act :

Fees to be taken.

JUSTICES' FEES.

	s.	d.
Drawing and Engrossing Affidavit - - - - -	1	6
Subpœna - - - - -	1	0
Every Oath - - - - -	1	0
Each Warrant - - - - -	1	0
For every Recognizance - - - - -	1	6
For every Judgment and Conviction - - - - -	7	6

CONSTABLES' FEES.

For executing each Warrant, or for serving other Process - - - - -	1	0
For every Mile travelled - - - - -	0	3

WITNESSES' FEES.

For each Day's attendance	- - - -	2	0
For every Mile travelled, in coming to and returning from Court	- - - -	0	3

Continuance of
Act.

XII. And be it further enacted, That this Act shall be and continue in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

C A P. III.

An Act for regulating the Toll for the Manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills.

Toll for preparing
and grinding
Oats into Meal,
to be four pounds
of Meal for each
Bushel of Oats:

WHEREAS it is necessary to regulate and define the Toll to be taken by Millers for the manufacture of Oatmeal and Pearl Barley: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, no greater Toll shall be taken by any Miller within this Island, for kiln drying, shelling and grinding Oats into Meal, than Four pounds for every Bushel delivered to any such Miller to be manufactured—which said Toll shall be taken in Meal, after the Oats so delivered have been manufactured.

And six pounds
per Bushel for
pearling Barley.

II. And be it further enacted, That no greater Toll shall be taken by any Miller as aforesaid for pearling Barley, than Six pounds for every Bushel delivered as aforesaid to be manufactured into Pearl Barley.

Miller to return
Bran, &c.

III. And be it further enacted, That no Miller shall be entitled to keep any Bran or other offal

that may be made from any Oats or Barley manufactured as aforesaid, but that the same shall belong to the owner of such manufactured article; provided the same shall be removed with the Meal or Pearl Barley, but not otherwise, except with the consent of the Miller.

IV. And be it further enacted, That every Miller within this Island, who shall keep a Public Mill for the manufacture of Oatmeal or Pearl Barley, as herein-before mentioned, shall, in respect to the provisions of this Act, be subject to the same regulations and penalties for breach thereof, as are made and inflicted by an Act made and passed in the Thirtieth Year of His late Majesty King George the Third, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Province.*

Regulations and Penalties imposed by 30 G. 3, c. 1, extended to this Act.

V. And be it further enacted, That any Miller within this Island who shall take a greater Toll for the manufacture of Oats or Pearl Barley, or who shall change any Grain so delivered as aforesaid, or shall change any Wheat, Barley or other Grain delivered to be ground under the above recited Act (except with the consent of the owner thereof), or who shall neglect or refuse to deliver any such Grain as aforesaid when ground or manufactured, shall, for every such neglect or refusal, forfeit and pay a Fine not exceeding Two Pounds, over and above any damage the owner of the same may thereby sustain.

Miller taking greater Toll, or changing Grain (except by consent), or neglecting or refusing to deliver Grain when ground, to forfeit a sum not exceeding £2, and damages.

VI. And be it further enacted, That all Fines arising under and by virtue of this Act, and the before mentioned Act, shall be recovered as directed in the said before recited Act, over and above the costs of prosecution; and one half of every such fine inflicted by this Act and the before recited Act shall be paid into the Treasury of this Island, to and for the use of His Majesty's

Fines, how disposed of.

Government, and the other half to the person who shall prosecute and recover the same—any thing in the before recited Act to the contrary notwithstanding.

C A P. IV.

An Act for establishing the Size and Quality of Fish Barrels and Tierces, and for regulating the Weight of Fish the same shall contain.

WHEREAS it is desirable that there should be uniformity in the size and quality of Barrels, Half-Barrels and Tierces, in which Pickled Fish shall be packed, either for Exportation or Home Consumption, and that the weight of Fish the same shall contain should be regulated: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Barrels, Half-Barrels and Tierces, in which Pickled Fish, either for Exportation or Home Consumption, shall be packed (for sale), shall be made of sound well seasoned Timber, free from sap, and constructed of staves of the thickness of not less than half an Inch in the thinnest part, if made of Hardwood, or three-fourths of an Inch if made of Softwood, and shall have the Bung Stave made of Hardwood, with Heading well seasoned and planed, and free from sap; the Barrels, Half-Barrels and Tierces to be well hooped, having at least four hoops on each chime, and four on each bilge; the Barrel Staves to be Twenty-eight Inches in length, and the heads to be Seventeen Inches between the chimes, and to contain not less than Twenty-nine nor over Thirty Gallons; the Half-Barrels to contain not less than Fifteen Gallons, and the Tierces to contain not less than Forty-five nor more than Forty-six Gallons.

Barrels, half Barrels and Tierces, containing Pickled Fish, for sale or exportation, how to be made.

II. And be it further enacted, That every Barrel of Pickled Fish shall contain Two hundred Pounds weight of Fish, and in the same proportion for Half-Barrels and Tierces.

Every Barrel to contain 200 lbs of Fish—Half Barrels and Tierces in proportion.

III. And be it further enacted, That all and every person or persons who shall or may sell, or cause to be sold, any Pickled Fish in Barrels, Half-Barrels or Tierces, of a less size or weight than is prescribed by this Act, shall, for each and every Barrel, Half-Barrel or Tierce so sold, forfeit and pay to His Majesty a fine of Five Shillings—the said fine, where the amount shall not exceed the sum of Forty Shillings, to be recovered before any one of His Majesty's Justices of the Peace—or where the same shall be more than Forty Shillings and shall not exceed Five Pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution—the same to be recovered on the oath of one or more credible witness or witnesses, and be levied by warrant of distress under the hand and seal of such Justice or Justices, and sale of the offender's goods and chattels; and for want of sufficient distress, such offender shall suffer not less than Fifteen days nor more than Thirty days imprisonment; and in case such fine shall exceed Five Pounds, the same shall be recovered in His Majesty's Supreme Court of Judicature by action of debt, together with costs of suit—the said fines to be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

Penalties for offending against provisions of this Act.

Mode of recovery.

All Fines to be paid into the Treasury.

IV. And be it further enacted, That this Act shall continue and be in force for Seven Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. V.

An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons; and to repeal the Acts formerly passed for that purpose.

WHEREAS the rearing of Sheep and improving the Breed thereof is of great importance to the Inhabitants of this Colony: Be it therefore enacted, That from and after the passing hereof, it shall and may be lawful for the Commissioners of Highways for the time being, in their respective Districts, and they are hereby required and directed, to nominate and appoint yearly, on or before the first day of *July*, as many fit and proper persons as they may conceive necessary, to act as Sheep Reeves in the several Settlements for which they are appointed; and whose duty it shall be, to take up and seize any Ram or Rams going at large beyond the enclosures of the owner or owners' farm or farms within such Settlement or District, between the Fifteenth day of *August* and the Tenth day of *December* in each year; and on receiving information of any Ram or Rams being at large as aforesaid, and on the same being shewn to the Sheep Reeve of such Settlement or District, shall seize and take, or cause to be seized and taken, any such Ram or Rams going at large; and the said Sheep Reeve is hereby authorized to call on such of the Inhabitants of such Settlement or District as he may deem necessary, to assist him to effect the same: and such Reeve shall give notice of his appointment, by posting at least two notices in writing, in the most public places within his District, in Ten days after he shall receive such appointment.

Commissioners of Highways to appoint yearly on or before 1st July, as many Sheep Reeves in their respective Districts as they think necessary.

Sheep Reeves to seize and take Rams going at large between 15th August and 10th December.

May call upon Inhabitants to assist.

To give notice of appointment.

II. And be it further enacted, That if any such Sheep Reeve so appointed shall refuse to serve

when appointed, or neglect or refuse to perform the duties required of him by this Act, immediately on his receiving the information as aforesaid, he shall forfeit and pay to His Majesty, for each and every refusal or neglect, the sum of Forty Shillings—and each and every person refusing or neglecting to assist in seizing and taking any Ram or Rams at large as aforesaid, within the District or Settlement where such person may reside, when requested by the Sheep Reeve of such District or Settlement, shall, for each neglect or refusal, forfeit and pay to the said Sheep Reeve the sum of Five Shillings.

Refusing to serve or neglecting or refusing to assist when appointed, to forfeit 40s.

Persons neglecting or refusing to assist Reeve when required, to forfeit 5s.

III. And be it further enacted, That for every Ram so found at large as aforesaid, the owner or owners shall forfeit and pay to the Sheep Reeve of such Settlement or District the sum of Fifteen Shillings; and if no owner can be found to claim such Ram or Rams so found at large as aforesaid, within Three days after the seizure thereof, it shall and may be lawful for the said Sheep Reeve to sell, or cause to be sold, at public auction, (at least Three days notice of such auction having been previously given, by posting written notices at two of the most public places in such Settlement or District wherein such Ram or Rams was or were taken,) and the proceeds of such sale shall be paid as a recompence to the Sheep Reeve for his trouble.

For every Ram so found at large, owner to pay the Reeve 15s.

If no owner appear within 3 days, Ram to be sold.

Three days notice to be given.

Reeve to keep the proceeds of sale.

IV. And be it further enacted, That if any person or persons shall obstruct any of the Sheep Reeves in the execution of their duty, such person or persons shall severally forfeit and pay to the Sheep Reeve so obstructed a fine not exceeding Twenty Shillings, to be recovered as is herein-after directed.

Penalty on persons obstructing Reeves not to exceed 20s.

V. And be it further enacted, That no person shall be compelled to serve as a Sheep Reeve under and by virtue of this Act, oftener than once in Three years.

No one compelled to serve as Reeve oftener than once in three years.

Fines and Forfeitures to be sued for within 30 days,

before any Justice of the Peace for the County.

How levied.

For want of goods, offender may be committed.

VI. And be it further enacted, That all fines and forfeitures arising under and by virtue of this Act shall be sued for within Thirty days after the commission of the offence for which the same shall have been incurred, and be recovered before any one of His Majesty's Justices of the Peace within the County where such offence shall have been committed; and the same shall be levied by warrant of distress on the goods and chattels of the offender or offenders; and if no goods and chattels can be found whereon to levy, the said Justice is hereby authorized and empowered to commit the offender or offenders to prison, for a period not exceeding One month.

21 G. 3, c. 6.

43 G. 3, c. 5.

1 W. 4, c. 10.

Recited Acts repealed.

VII. And be it further enacted, That an Act made and passed in the Thirty-first year of the reign of His Majesty King George the Third, intituled *An Act to prevent the running at large of Rams at improper Seasons*; and an Act made and passed in the Forty-third year of His said Majesty's reign, intituled *An Act to amend an Act made and passed in the Thirty-first year of His present Majesty's reign, intituled 'An Act to prevent the running at large of Rams at improper Seasons'*; and an Act made and passed in the First year of His present Majesty's reign, intituled *An Act to prevent the running at large of Rams at improper Seasons, and to regulate the appointment of Sheep Reeves, and to suspend two certain Acts therein mentioned*, be and the same are hereby respectively repealed.

CAP. VI.

An Act relating to Costs, in Cases of Penalties recoverable before Justices of the Peace.

WHEREAS there are several Acts of this Island which inflict Penalties for certain offences, without ordering Costs, whereby such

Acts are in a great measure rendered nugatory and useless: For remedy whereof, be it declared and enacted, by the Lieutenant Governor, Council and Assembly, That in all cases of convictions which hereafter may be had before any Justice or Justices of the Peace against any person or persons whomsoever, under and by virtue of any Acts of this Island which inflict Penalties or order Damages, without adding Costs thereto, it shall and may be lawful for such Justice or Justices to tax and award Costs to the Plaintiff in case of conviction, or to the Defendant in case the Plaintiff shall make default or be non-suited, agreeably to the scale established by the Act now in force for the Recovery of Small Debts; and to issue a Warrant of Distress or Execution for the same, together with the amount of the Penalty or Damages assessed.

In cases of convictions for Penalties before Justices of the Peace under Acts which are silent as to Costs, Justices may add Costs, according to scale in Small Debt Act;

and issue Distress or Execution.

C A P. VII.

An Act to enable the Supreme Court to give Costs in Cases of Certiorari.

WHEREAS doubts have arisen whether the Supreme Court can award Costs to Plaintiffs in Cases of Certiorari—For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Justices of the Supreme Court, (and they are hereby empowered so to do,) to give reasonable Costs in cases of Certiorari, as well to the Plaintiff as to the Defendant; any Rule of Court, law, usage or custom to the contrary thereof in any wise notwithstanding.

In cases of Certiorari Supreme Court may give Costs as well to Plaintiff as Defendant.

II. Provided always, and be it further enacted, That in all cases where an appeal is given by any Act to the Supreme Court, no such Writ of Cer-

Proviso, as to Acts by which an appeal to Supreme Court is granted.

tiorari shall be issued, unless special cause on affidavit be shewn to the Chief Justice or other Justices of the said Court; and unless notice of such motion for a Writ of Certiorari shall have been served upon the party against whom such Writ of Certiorari is prayed, at least Ten days before such motion shall be intended to be made.

Writ to be applied for within one month.

III. And be it further enacted, That no Writ of Certiorari shall be issued unless the same shall have been applied for within One month from the time of judgment having been given in the Court below.

C A P. VIII.

Passed for one year only.

An Act for the more effectual Punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

C A P. IX.

An Act for the Regulation of the Jails in *King's* and *Prince* Counties.

When Jails shall be completed, prisoners are to be committed to the Jail of the County where offence is alleged to have been committed,

WHEREAS the Public Jails of *King's County* and *Prince County* in this Island are now in a state of forwardness, and will soon be ready for the reception of Prisoners; and whereas the various Acts now in force contemplate Imprisonment in the Jail of *Charlotte Town* only: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as either of the said Jails shall be completed and finished, and so declared by the Commissioners appointed to superintend the building thereof, all persons liable to be committed to Jail within any County in this Island, shall be sent to the Jail of the County in which the offence is alleged to

have been committed, (except in cases after trial, where it shall form part of the sentence that the Prisoner be put to hard labour in the Jail of *Charlotte Town*,) any thing contained in the former Acts of Assembly of this Island to the contrary notwithstanding: Provided, that no person shall be confined in either of the said Jails, until the same shall have been declared completely finished and duly prepared for the reception of prisoners, as aforesaid.

except when sentenced to Hard Labour in the Jail of *Charlotte-Town*.

Proviso.

II. And be it further enacted, That the Jailors of such Jails shall take and receive the same Fees, and no other, than are taken by the Jailor of the Jail of *Charlotte Town*; and all Laws heretofore passed respecting the conduct of such Jailor be, and the same are hereby extended to the said Jails of *King's County* and *Prince County* respectively.

Jailors to take the same Fees as the Jailor of *Charlotte-Town*, and to be bound by the same Laws.

III. And be it also enacted, That until the same shall be settled by Law, it shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to appoint and fix Limits to the said last mentioned Jails, under the regulations prescribed for the Limits and Rules of the Jail of *Charlotte Town*.

Lt. Governor and Council to fix Limits to Jails in *King's* and *Prince-Countries*.

C A P. X.

An Act for the better preventing Accidents by Fire within the Town of *Charlotte Town*.

WHEREAS the herein-after mentioned Acts have been found ineffectual for the objects intended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made in the Fifty-fourth year of the reign of His late Majesty King *George* the Third, intituled *An Act for better preventing accidents by Fire within Charlotte Town, and the Suburbs thereof*; and an Act made in the Eleventh year of the reign of His

51 G. 3, c. 1.

11 G. 4, c. 6.

late Majesty King *George* the Fourth, intituled *An Act to amend and suspend certain parts of an Act made and passed in the Fifty-fourth year of His late Majesty's reign, intituled 'An Act for better preventing accidents by Fire within Charlotte Town, and the Suburbs thereof,'* be, and the same are hereby respectively repealed.

Repealed Acts re-
pealed.

I. A. Governor in
Council to ap-
point 8 persons
as Fire Wardens,

II. And be it further enacted, That within One calendar month from and after the publication hereof, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to appoint Eight persons within the Town of *Charlotte Town* to be Fire Wardens, which persons shall be sworn faithfully to discharge their duty, and who shall remain in office during the continuance of this Act.

who shall be
sworn, &c.

Fire Wardens, or
any five, to li-
cense Chimney
Sweepers.

III. And be it further enacted, That it shall and may be lawful for the Fire Wardens, or any Five of them, to license proper persons for the sweeping of Chimnies, which persons shall enter into and give bond for the regular performance of their respective duties; and any neglect or violation in the performance of their duty, as hereafter to be specified by the Fire Wardens, shall subject the party to a fine not exceeding Five Shillings.

Chimney Sweep-
ers to give bond,
and be liable, for
any violation of
duty, to a Fine
not exceeding 5s.

No person to fol-
low the occupa-
tion of Chimney
Sweeper unless
first licensed, un-
der penalty of
40s.

IV. And be it further enacted, That no person or persons shall be permitted to follow the occupation of a Chimney Sweeper in the said Town, unless he or they shall have been first appointed and licensed by the Fire Wardens as aforesaid for that purpose, under the penalty of Forty Shillings.

Chimnies to be
swept once in
two months be-
tween 1st May
and 31st Octo-
ber,

V. And be it further enacted, That every chimney which shall or may be used in the Town of *Charlotte Town*, shall be regularly swept once every Two months, between the First day of *May* and the Thirty-first day of *October*, and once a month

from the last mentioned period until the Thirtieth day of *April*: and if any licensed Chimney Sweeper shall, when required so to do, refuse or neglect to sweep any chimney, or shall negligently or improperly do the same, he shall be liable to a penalty, not exceeding Ten Shillings, for each and every offence.

and once a month from 31st October to 30th April.

Penalty on Chimney-Sweeper for neglect of duty.

VI. And be it further enacted, That the said Chimney Sweeper or Chimney Sweepers so licensed as aforesaid shall be entitled to receive for the sweeping of each and every flue such sum as a majority of the Fire Wardens shall deem just and reasonable—notice of which shall be inserted in the *Royal Gazette* Newspaper at least four successive weeks next after they shall have fixed the same; and a majority of the Fire Wardens for the time being may vary the amount to be paid for sweeping chimnies as often as they shall see proper, during the continuance of this Act.

Fire Wardens to fix the rates for sweeping chimnies;

and may vary the same.

VII. And be it further enacted, That if the chimney of any house in *Charlotte Town* shall take fire, and if the occupant or occupants of such house cannot produce sufficient evidence that the said chimney had previously been swept by a licensed Chimney Sweeper within the period prescribed by law, or that a licensed Chimney Sweeper had been duly requested, but had neglected to sweep the said chimney, the said occupant or occupants shall incur a penalty of Ten Shillings.

Chimney taking fire, Occupant of House to incur a penalty of 10s. if not regularly swept.

VIII. And be it further enacted, That the tenant or occupant of every house in the said Town, of the yearly value of Ten Pounds and upwards, shall be provided with and keep one leathern Bucket, to contain not less than two gallons, on which the owner's name shall be painted; which Bucket shall be kept hung up in

Householders of the yearly value of £10 and upwards, to keep a Leathern Bucket, with name painted thereon, under a penalty of 5s. for each offence.

Every house to be provided with a Ladder correspondent to the height thereof.

the passage or hall of such house, under the penalty of Five Shillings for each and every time the said Bucket shall not be found so hung up in its proper place as aforesaid, by the Fire Wardens, when they shall visit the said house: and within Three months from the time which any person or persons shall in future occupy any house within the said Town, such person or persons shall in like manner be provided with a Ladder or Ladders—the same to be ready for use at all times in case of fire; and which Ladder or Ladders shall be of a length corresponding to the height of the house, sufficient to enable water to be carried to any part of the same in the event of fire.

Penalty of 20s. for not having Bucket or Ladder, or not keeping same in repair.

IX. And be it further enacted, That the occupier of any such house or houses omitting to have the said Bucket and Ladder, or not having the same in sufficient repair and fit for immediate use, shall incur a penalty of Twenty Shillings for each and every such omission.

Expence of Ladders to be borne by Proprietor;

of Bucket, by Tenant, &c.

Proprietor neglecting to provide Ladders, Tenant to do so and deduct the value from the rent.

Proviso.

X. And it is hereby enacted, That the expence of providing and keeping in repair the said Ladders shall be borne by the proprietors of the houses, and the expence of procuring and keeping in repair the said Buckets shall be borne by the tenant or occupier of each house; and if any proprietor shall neglect or refuse to provide the said Ladders, the occupier shall procure the same, and deduct the value thereof from the rent: Provided, that no person shall be subject to be fined a second time by virtue of this clause, if he shall provide or repair his Ladders or Bucket within Ten days next after any fine shall have been imposed thereunder, and paid by him.

Fire Warden to visit each House within his Ward once in 3 months,

XI. And be it further enacted, That each of the said Fire Wardens shall, once in every Three months, visit each house within his Ward or Dis-

trict in the said Town, and inspect the Buckets and Ladders, under a penalty of Five Shillings for every house such Fire Wardens respectively shall neglect to visit; and it shall and may be lawful for the said Fire Wardens, or either of them who shall think fit, to visit any house or houses in the said Town, once a month, between the hours of Eleven in the forenoon and Four in the afternoon, to inspect the water buckets and ladders; and any housekeeper refusing to produce the same, shall, for every such refusal, incur a penalty of Five Shillings.

under a penalty of 5s. for each house neglected:

May visit any house once a month between 11 and 4 o'clock in the day time.

Housekeeper refusing to produce Buckets, &c. to forfeit 5s.

XII. And be it further enacted, That if any housekeeper in the said Town shall collect or keep, or permit to be kept, any hay, straw or flax in any part of a dwelling house, or shall collect or keep ashes on a wooden floor, or in a wooden vessel in the said house, or any out-house appertaining thereto, such housekeeper shall forfeit Ten Shillings for every such offence, and likewise the hay, straw or flax found in such dwelling house—excepting always such hay or straw as may be in use for bedding.

Housekeeper having Hay, Straw, or Flax, or Ashes on a wooden floor or vessel, in House or Out-house, to forfeit 10s., and the Hay, &c.

XIII. And be it further enacted, That no lighted candle, fire or firebrand shall be carried from house to house, or place to place, through the Streets of *Charlotte Town*, unless such fire or firebrand shall be properly enclosed, or otherwise secured, so as to prevent accident; and any person carrying such lighted candle, fire or firebrand, not secured as aforesaid, shall forfeit and pay a penalty of Five Shillings for each and every such offence—the said fine or penalty to be paid by the parents, or by the masters, mistresses or guardians of any minors or apprentices so offending.

Penalty of 5s. for carrying a lighted Candle, Fire, or Firebrand from house to house, unless properly secured.

Minors or Apprentices offending, Parents, &c. to pay penalty.

XIV. And be it further enacted, That no person residing within the said Town shall keep, or

Not more than 25 lbs of Gunpowder to be kept in any

house or shop at one time—and how to be secured.

Justices of the Peace, on information on oath,

may issue a search Warrant, and if more than 25lbs. be found, penalty incurred of 2s. per lb. for all above 25lbs.

No penalty to be incurred unless there be a Magazine to which the public can have access.

No Stove-pipe to pass through any wooden partition, floor or roof, unless there be 5 inches clear between pipe and partition, &c.

Pipe to be surrounded with a sheet of Iron, Tin, &c.

permit to be kept, in any dwelling house, store, shop, stable, or out-house, any greater quantity than Twenty-five pounds weight of Gunpowder at any one time; nor shall any quantity of Gunpowder be so had or kept unless the same be contained in a covered copper, lead, tin, or pewter canister, or if in a covered wooden keg or vessel, such keg or vessel shall be secured in a leathern bag; and all persons found offending herein shall incur a penalty of Two Pounds for each offence: and it shall and may be lawful for any one of His Majesty's Justices of the Peace, upon information on oath being made before him of a reasonable ground of suspicion, that any person in *Charlotte Town* has a greater quantity of Gunpowder than Twenty-five pounds weight in any place or places, contrary to the true intent and meaning of this Act, to issue a warrant, directed to any Constable of the District, to search such suspected place or places along with one of the Fire Wardens, and on any greater quantity being found, a penalty shall be incurred of Two Shillings for every pound weight of Gunpowder so found above the quantity by this Act allowed to be kept: Provided always, that no person shall incur the penalties for having Gunpowder in his or her keeping, contrary to the intent and meaning of this Act, unless there shall be in *Charlotte Town*, or the suburbs thereof, a Magazine for the reception and security of Gunpowder, to which the public can have access.

XV. And be it further enacted, That no stove pipe within *Charlotte Town* aforesaid shall be passed through any partition of wood, or of wood and lime, or through any wooden floor or roof, unless there shall have been left Five Inches clear between the pipe and the partition, or floor, or roof, and which pipe shall be surrounded with a sheet of iron, tin, lead or copper, which shall be nailed to every such partition, floor or roof; and close stoves shall be fixed and set up in such man-

ner as that in all cases they shall be at least Eighteen Inches in every direction, except the bottom, from any wainscot, laths or wooden partition, through or alongside of which the same may be placed; or if at a less distance, then the wall or partition shall be well and securely protected by sheet iron or lead, to the satisfaction of the Fire Wardens; and any person offending in the premises shall incur a penalty of Twenty Shillings; and the several persons to be appointed Fire Wardens in pursuance of this Act are hereby required to pay due attention to this clause at the time of the different inspections or visitations herein-before mentioned.

Close-Stoves to be 18 inches from any Wainscot, Laths, or wooden Partition:

If at a less distance, to be protected by Sheet-Iron or Lead.

Penalty 20s.

Fire Wardens to pay due attention to this Clause.

XVI. And be it further enacted, That on the discovery of the breaking out of any Fire, an alarm drum shall be beat, and the church bells of the different Churches shall be rung; and all the inhabitants of the said Town shall be bound to give their assistance to the said Fire Wardens, who are hereby, jointly and severally, empowered to require the assistance of the said inhabitants for the purpose of securing or removing any property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such fire; and also to require the assistance of the said inhabitants on any service calculated to stop or to prevent the further spreading of the fire; and to suppress all tumults and disorder; and if any person or persons shall wantonly and wilfully make any false alarm of fire, and be thereof convicted on oath before a Justice of the Peace, such person or persons shall for such offence forfeit and pay a sum not exceeding Five Pounds.

In case of Fire, alarm Drum to be beat and Church Bells rung.

Duty and authority of Fire Wardens on such occasions.

Persons convicted of raising false alarm of Fire, to forfeit not exceeding £5.

XVII. And be it further enacted, That the said Fire Wardens shall each of them have a staff of seven feet in length, painted red, and headed with tin or iron; and when any fire shall break out as aforesaid, the Fire Wardens shall forthwith repair

Fire Wardens to have a staff.

to the place where the fire may be, and use every endeavour to regulate and direct the exertions of the inhabitants in the way that shall be most effectual to extinguish or to arrest the progress of the fire; and the inhabitants are hereby required to observe due obedience to the commands of the Fire Wardens on such service; and all persons guilty of disobedience or neglect of the same, shall respectively, upon information and conviction thereof before one or more of His Majesty's Justices of the Peace residing in the said Town, within one week thereafter, forfeit and pay a sum not exceeding Twenty Shillings.

Inhabitants to obey Fire Wardens.

Persons convicted within one week of disobedience, &c. to forfeit not exceeding 20s.

Constables to attend with their Staves, and enforce orders of Fire Wardens, prevent theft, &c.

XVIII. And be it further enacted, That the Constables of *Charlotte Town* shall, upon all occasions of fire, be ready to attend with their staves, and enforce the commands and directions of the Fire Wardens, to prevent theft, and for other necessary purposes.

Clergymen, &c. exempt from serving as Fire Wardens.

Persons refusing to serve to pay 40s.

XIX. And be it further enacted, That no Clergyman, Physician or Surgeon shall be obliged to serve as Fire Warden; and that any person refusing to accept the office of Fire Warden, after having been nominated thereto as aforesaid, shall forfeit the sum of Forty Shillings.

Members of Fire Engine Company must at least serve one year, unless permitted to resign by Officer commanding.

8 G. 4, c. 8.

XX. And be it further enacted, That no person already appointed, or who shall hereafter be appointed an Officer or Member of the Fire Engine Company, under and by virtue of an Act made and passed in the Eighth year of His late Majesty King *George the Fourth*, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlotte Town*, or any Act continuing the same, shall be at liberty to resign or withdraw from the said Company (unless with permission of the Officer commanding the said Company for the time being), until such person shall have served at least one year in the said Company, and have given to such Commanding Officer at least Three months

previous notice in writing, of such his intention to resign.

XXI. And whereas hooks, chains, ropes, ladders and axes have been provided by the voluntary subscription of the people of *Charlotte Town*, and it will conduce much to good order at the time of fires if the same were put into the custody and charge of fit and proper persons; be it therefore enacted, That it shall and may be lawful for the Captain and Officers of the said Fire Engine Company, from time to time, and so often as the same may be necessary, to choose and appoint such number of prudent and discreet men, not exceeding Four, as may be found necessary, who shall be denominated Fire-men, and shall have the charge of the said hooks, chains, ropes, ladders and axes, and shall be obliged to keep them in good order and fit for service on all occasions; and the persons so appointed shall be exempted from all Statute Labour upon the Highways so long as they duly perform this service.

Officers of the Fire Engine Company to appoint four men to take charge of, and keep in repair Hooks, Chains, &c.

Such persons to be exempted from Statute Labour.

XXII. And be it further enacted, That at the time of any alarm or breaking out of Fire in the said Town of *Charlotte Town*, the said Fire-men shall, without delay, repair to the place where the said before-mentioned implements are kept and deposited, and shall bring the same to the place or places where the fire shall have been discovered, and shall there diligently use and work with the same, under the direction of the Fire Wardens, in such way as shall be deemed most likely to extinguish such fire.

Such persons to attend at fires with said implements.

XXIII. And be it further enacted, That if any person or persons shall have in his, her or their possession any of the said hooks, chains, ropes, ladders or axes which belong to the said Fire-men, and shall neglect to return them for Twenty-four hours after such fire, or shall be found using the same except at the time of fire, or the alarm of fire, he, she or they

Any person having any such implements in his possession, 24 hours after a fire, to be fined 5s.

Constables neglecting to attend at Fires, or refusing to obey orders of Fire Wardens, to pay not exceeding 10s.

Constables to produce a certificate of their having attended, if called for, under a like penalty.

shall be subject to the penalty of Five Shillings; and all and every constable or constables who shall hereafter neglect to attend at the time of fire, or who at the time of such fire, or alarm of fire, shall refuse or neglect to obey the orders of any Fire Warden, such constable or constables, on conviction thereof before any one of His Majesty's Justices of the Peace, shall forfeit and pay a fine not exceeding Ten Shillings; and every such Constable for the Town of *Charlotte Town*, if called on by any Justice of the Peace after any fire, or alarm of fire, shall prove by certificate from one or more of said Fire Wardens that he or they duly attended and did his or their duty at such fire, or shall otherwise show some good and sufficient cause to the satisfaction of the said Justice that prevented him or them from attending at such fire or alarm; and every one of said Constables who shall, when called upon as aforesaid, neglect or refuse to produce such certificate or other good excuse as aforesaid, shall be liable for each and every such neglect to be fined as last aforesaid; and those who may administer the oaths of office to any Constables for the Town of *Charlotte Town*, shall likewise read to them this clause.

Parents and Masters liable for Children and Apprentices found transgressing.

XXIV. And be it further enacted, That the parent or parents of any child or children under age, who shall be found transgressing any of the regulations so to be made by the Fire Wardens or others as aforesaid, and the master or masters, mistress or mistresses of any apprentice or apprentices who shall be found transgressing any of the said regulations, shall be subject and liable to a fine not exceeding Five Shillings, to be levied of their goods and chattels.

Inhabitants of *Charlotte Town* may, at their meetings for the making and repairing Pumps and Wells,

XXV. And be it further enacted, That when the inhabitants of *Charlotte Town* shall meet under or by virtue of any Act of the General Assembly of this Island for making and repairing the Pumps and Wells of the said Town, the majority of such Inha-

bitants may at any such Meetings vote such sum or sums as may be considered necessary for the purchase or repair of any Fire Engine or Engines, or any apparatus for the same, or for providing any implements to be used at fires; and the same shall be assessed on the Inhabitants of the said Town, and collected in the same manner as the sums voted for making and repairing the Pumps and Wells of the said Town are now by law assessed and collected.

Vote money for the purchase of Engines, &c.

To be assessed and collected as Pump and Well Monies are.

XXVI. And be it further enacted, That the said Town shall be divided into eight Wards or Districts, and one Fire Warden shall be appointed to each Ward; and the same shall be numbered and bounded as mentioned and described in the Schedule at the end of this Act: and in case of the removal of any Fire Warden, by death, resignation or otherwise, it shall be lawful for the Administrator of the Government for the time being, and he is hereby required, within Thirty days after notice in writing from any Fire Warden shall be given to him of such vacancy, if by death or removal from the said Town, to appoint another Fire Warden in the place and stead of him who is so removed.

Town to be divided into 8 Wards, 1 Fire Warden to each.

Removal or death of Fire Warden, how provided for.

XXVII. And be it further enacted, That when any Fire shall break out in the said Town of *Charlotte Town*, a majority of the Fire Wardens of the said Town who may be present (or in their absence, any two of His Majesty's Justices of the Peace resident in the said Town,) shall and may, and are hereby empowered to give directions for pulling down any such house or houses as shall by them be adjudged meet to be pulled down, for the stopping or preventing the further spreading of the fire; and if it shall so happen that the pulling down of any such house or houses by the direction aforesaid shall be the occasion of stopping the said fire, or that the said fire shall stop before it come to the same, that then all and every owner of such house or houses shall receive reasonable satisfaction, and

A majority of Fire Wardens present at any Fire, or in their absence two Justices, may order Houses to be pulled down.

Mode of recovering satisfaction for Houses pulled down in order to stop fire.

be paid for the same by the owners of houses in the said Town whose houses shall not have been burned, in the manner herein-after prescribed—(that is to say,) the owner or owners of such house or houses so pulled down, and entitled as aforesaid, shall, as soon as may be, make application to a Meeting of the said Fire Wardens and the Assessors in office, who may have been appointed under and by virtue of the Law for making and keeping in repair the Pumps and Wells of *Charlotte Town*; and the majority of persons attending such Meeting being satisfied, by such proof as shall be made or brought, of the justice of the claims made, they shall then issue an order for a valuation of the damages so sustained, to be made by Five indifferent persons, to be therein named (Three of whom shall be a *Quorum*), and who shall make a return of their proceedings upon oath to another like Meeting on the day which may be affixed in such order for the same to take place; whereupon the majority of the Meeting last mentioned shall appoint two or more Assessors, who shall tax the houses of the said Inhabitants that have not been burnt, at such rate or rates as shall by them be thought just, in proportion to the value of the houses that are to be so taxed, for paying the said damages and charges of valuation, taxation and collection, and all other reasonable and necessary charges and expences attending the same, to be ascertained, fixed and settled before the making of such assessment; and the said last mentioned Assessors are to report their proceedings also upon oath to another such Meeting as aforesaid, at a time to be appointed at the last previous Meeting; and such assessment and rate being made, the Meeting shall proceed to appoint a Collector of the said Tax; and in case of non-payment the same shall be levied *ex officio* by such Collector, by warrant of distress, to be obtained from any one of His Majesty's Justices of the Peace residing near to the said Town, and not being interested in the payment of the said tax or assessment;

and as soon as the assessments and charges are collected, the parties claiming shall be paid according to a report to be made and approved of by a majority of the persons who may attend such Meeting as last aforesaid: Provided, that if the house where the fire began or broke out shall be adjudged to be pulled down, to prevent the increase and further spreading of the fire, that then the owner of such house shall receive no manner of compensation therefor, any thing herein contained to the contrary notwithstanding: And provided also, that if it shall appear to the majority of the persons, being Fire Wardens and Assessors, who may attend at the first Meeting mentioned in the last foregoing clause, that any house or building which may be pulled down as aforesaid, must inevitably have been burnt down by the fire which existed when it was pulled down, then the owner or owners of such house shall receive no compensation for the same; nor shall the owner or owners of any house which may be so pulled down as aforesaid receive any greater sum than shall be allowed by a majority of such Assessors and Fire Wardens at some of their Meetings mentioned in the said last mentioned clause of this Act, who shall, in their discretion, regulate and fix the amount of such compensation, according to the greater or less risk there was that such house would or would not have been burnt if left standing, or if it had not been pulled down.

No compensation to be made for pulling down the house where the fire began :

Nor if it appear that any House so pulled down must have been inevitably burnt.

XXVIII. And be it further enacted, That all fines and forfeitures imposed by this Act shall be recovered, with costs, if not exceeding Five Pounds exclusive of costs, before a Justice or Justices of the Peace, or a Commissioner or Commissioners for the Recovery of Small Debts, in like manner in all respects as Small Debts of the same amount may now be recovered, but without any right of appeal to any party; and if such fines and penalties shall exceed Five Pounds, exclusive of costs, the same shall be sued for and recovered, with costs, by due

Fines and Forfeitures, how recovered and applied.

course of law, in His Majesty's Supreme Court of Judicature of this Island; and the said fines, penalties and forfeitures, when recovered, shall be paid over to the Treasurer for the time being, appointed, or to be appointed, under and by virtue of any Act for making and keeping in repair the Pumps and Wells of *Charlotte Town*, to be by the Assessors for the time being under such Act, applied towards the making or repairing of Pumps and Wells in the said Town, or for the better prevention of fires within the said Town, as to the said Assessors shall appear most proper.

Continuance of Act.

XXIX. And be it further enacted, That this Act shall continue in force for and during the term of Three Years, from and after the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

SCHEDULE to which this Act refers.

No. 1.—The East side of *Cumberland Street*, and all to the Eastward thereof.

No. 2.—From the East side of *Weymouth Street* to the Western side of *Cumberland Street*.

No. 3.—From East side of *Hillsborough Street* to Western side of *Weymouth Street*.

No. 4.—From East side of *Prince's Street* to the Western side of *Hillsborough Street*.

No. 5.—All south of *Queen's Square*.

No. 6.—All North of *Queen's Square*.

No. 7.—From East side of *Pownal Street* to West side of *Queen's Street*.

No. 8.—All the rest of the Town West of *Pownal Street*.

C A P. XI.

An Act to repeal certain Acts therein mentioned.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Twentieth year of the reign of His late Majesty King George the Third, intituled *An Act to regulate the Salmon, Salmon Trout and Eel Fishery*; and an Act made and passed in the Twenty-first year of the reign of His late Majesty King George the Third, intituled *An Act to explain and amend an Act passed in the Twentieth year of His present Majesty's reign, intituled 'An Act to regulate the Salmon, Salmon Trout and Eel Fishery;*' and an Act made and passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled *An Act to continue an Act made and passed in the Eighth year of His present Majesty's reign, intituled An Act to continue an Act made and passed in the Sixth year of His present Majesty's Reign, intituled An Act to revive, alter and continue an Act made and passed in the Fifty-second year of His late Majesty, intituled 'An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte Town, and for other purposes therein mentioned,*' and each and every of the said Acts, and each and every clause, matter and thing therein contained, be and the same are hereby respectively repealed.

20 G. 3, c. 5.

21 G. 3, c. 1.

10 G. 4, c. 17.

Recited Acts repealed.

CAP. XII.

An Act for continuing the General Assembly in case of the death or demise of His Majesty, His Heirs and Successors.

WHEREAS the peace, welfare and security of this Island might be exposed to great dangers, if the General Assembly of this Island should be dissolved by the death or demise of the King our Sovereign Lord (whom God long preserve), or by the death or demise of any of His Majesty's Heirs and Successors: For remedy thereof—be it enacted, by the Lieutenant Governor, Council and Assembly, That this General Assembly, or any other General Assembly of this Island which shall have been summoned and called by our present Sovereign Lord King *William* the Fourth, or His Heirs and Successors, shall not determine or be dissolved by the death or demise of His said Majesty, His Heirs and Successors; but such General Assembly shall, and it is hereby enacted, to continue, and may meet, convene and sit, proceed and act, notwithstanding such death or demise, in the same manner as if such death or demise had not happened.

General Assembly not to be dissolved by the death or demise of the King.

II. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the King, His Heirs and Successors, to prorogue or dissolve the General Assembly of this Island.

Not to prevent the King from proroguing or dissolving the General Assembly.

Provided, that nothing in this Act contained shall be of any force or effect until His Majesty's pleasure thereon shall be known.

Act not to have effect until His Majesty's pleasure be signified.

C A P. XIII.

An Act to regulate the conveyance of the Mails by a Steam Vessel, and to repeal an Act formerly passed for that purpose.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That when and so soon as His Excellency the Lieutenant Governor, by and with the advice of His Majesty's Council, shall contract with any person or persons residing within this Island, for the conveyance of the Mails between *Charlotte Town* in this Island, and *Pictou*, in the Province of *Nova Scotia*; and from *Charlotte Town* aforesaid to *Miramichi*, in the Province of *New Brunswick*; from the opening of the navigation in the Spring, until the closing thereof in each Year, by a good and sufficient Steam Vessel, of at least Fifty Horse power, having good accommodations for Passengers, and being properly equipped and manned, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to pay or cause to be paid, out of the Public Treasury of this Island, to the person or persons so contracting as aforesaid, a sum not exceeding Five hundred Pounds *per annum*: Provided always, that if no person or persons residing within this Island should within Six months from the passing of this Act, offer and give security for the due conveyance of the Mails by a Steam Vessel as aforesaid, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the consent of His Majesty's Council, to contract with any other person or persons residing out of this Colony, to furnish a Steam Vessel for the conveyance of the Mail, agreeably to the provisions of this Act.

Lt. Governor may contract for the conveyance of the Mails to Nova-Scotia and New-Brunswick, and pay Contractor an annual sum not exceeding £500.

Contract may be entered into with persons not residing in this Island.

Contractor to give security for the performance of his Contract.

II. And be it further enacted, That the said Contractor or Contractors shall enter into good and sufficient security for the performance of such Contract, and shall be bound to cause such Steam Vessel to be at *Pictou*, and ready to receive the Mail, weekly, during the period herein-before mentioned, on its arrival there from *Halifax*; and immediately on receiving the same to proceed therewith to *Charlotte Town*, and from thence to *Miramichi*, calling at *Charlotte Town* on her return, for the purpose of taking and carrying the return Mails to *Pictou*.

Contractor having given requisite security, and Steam Boat having performed her first trip to the satisfaction of Lt. Governor and Council, Contractor to be paid £1000 in advance.

III. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, on the Contractor or Contractors giving the security required as aforesaid, and on the said Steam Vessel performing her first trip to the satisfaction of the Lieutenant Governor and Council, and on request made by the said Contractor or Contractors, to cause to be paid to him or them, a sum not exceeding One thousand Pounds in advance, on account of the said Contract.

2 W. 4, c. 26, repealed.

IV. And be it further enacted, That an Act made and passed in the Second year of His present Majesty's reign intituled *An Act to provide for the conveyance of the Mails between Charlotte Town and Pictou, by a Steam Vessel*, be and the same is hereby repealed.

Continuance of Act.

V. And be it further enacted, That this Act shall be and continue in force, for and during the space of Six years from the passing hereof, and no longer.

C A P. XIV.

An Act authorizing Collectors of Impost to appoint
Deputies.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Clerk or Deputy of any Collector of Impost and Excise within this Island is hereby authorized, in the absence of any such Collector as aforesaid, to perform the duties of the said Collector, as prescribed in and by the respective Acts of this Island, whereby any Duty of Impost is levied and imposed, and wherein the same is directed to be paid and secured.

Clerk or Deputy of Collector of Impost to perform duties of Principal in his absence.

II. And be it further enacted, That every such Collector of Impost as aforesaid, who shall hereafter appoint any such Clerk or Deputy, shall require him to be duly sworn faithfully and impartially to perform the duties of his office; and every such Collector of Impost shall, and is hereby declared to be responsible and liable for all and every neglect of duty or improper conduct on the part of any such Clerk or Deputy appointed by him in discharge of his duty as aforesaid.

Clerk or Deputy to be sworn.

Collector responsible for conduct of Clerk or Deputy.

III. And be it further enacted, That all such Clerks or Deputies so appointed and sworn as aforesaid, shall, and they are hereby authorized and required to seize and detain any article or articles that they may find fraudulently and improperly landed, contrary to the Acts of this Island in such case made and provided.

Such Clerks, &c. authorized to make seizures.

CAP. XV.

An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.

WHEREAS the Lines and Boundaries of the different Counties and Townships into which this Island is divided, although laid down and marked on the General Survey thereof, have not generally been ascertained and settled by actual survey, nor have any known rules and principles yet been provided by Statute for ascertaining and establishing the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the commencement of the several County and Township Boundaries shall be ascertained by admeasurement from such natural or other marks on each side thereof as are of the most certain or unchangeable nature, connected with such other evidence as can be best obtained of the real and true commencement of such County and Township Boundaries; and that all County and Township Boundary Lines shall be run from the point of commencement, in such manner ascertained and fixed, according to the Magnetic position of the Year One thousand seven hundred and sixty-four, by which it appears that the whole of the several Boundaries were laid down on the original Survey of this Island—being North, Fifteen degrees Thirty minutes West—and from which the descriptions in the several Grants from the Crown of the respective Townships were taken.

Commencement of County and Township Boundaries, how ascertained.

County & Township Boundary Lines to be run from the point of commencement, according to Magnetic of 1764, being N. 15 deg. 30 min. W.

Governor and Council to appoint three Commissioners, Surveyor General to be one.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government, by and with the advice of His Majesty's Council, to appoint Three Commissioners, one of whom shall be the Surveyor

General of this Island for the time being, who, together with two other persons duly qualified to carry into effect the provisions of this Act, but who shall not be practising Land Surveyors, which said Commissioners shall be duly sworn before the Lieutenant Governor in Council to perform the duties of such office faithfully and honestly, according to the best of their skill and abilities, and strictly according to the directions of this Act; and such Commissioners shall have full power and authority to summon witnesses and examine them on oath when they shall deem it necessary; and it shall be their duty to ascertain and fix the points of commencement of each County or Township Boundary, which point of commencement so fixed by them shall be binding on all parties interested therein; and all lines shall be run from such points of commencement by the Surveyor General or other Surveyor duly qualified by this Act as herein-after mentioned: and in case of the death or absence, or other removal of any of the said Commissioners, it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to appoint another or others duly qualified as aforesaid, in the place of such Commissioner or Commissioners removed by death or otherwise, so as there shall be at all times Three effectual Commissioners to act during the continuance of this Act: Provided nevertheless, that the authority so vested in the said Commissioners shall not extend, or be construed to extend, to interfere with the Surveyor General in the discharge of his duty in any thing relating to Crown Lands.

The other Commissioners not to be practising Land Surveyors, who shall be sworn, &c.

Power to summon Witnesses, &c.

Their duty.

In case of death, &c. vacancy how filled up.

Not to interfere with Surveyor General's duty as respects Crown Lands.

III. And whereas it is highly expedient and necessary that the two County Lines should be run, marked and staked; be it therefore enacted, That the Commissioners appointed by virtue of this Act, after having ascertained the commencement of the Line between *King's County* and *Queen's County*, on the South side of this Island,

Boundary Line between King's County and Queen's County, how to be run.

under the direction and in pursuance of this Act, shall run, or cause the same to be run, according to its true course, from said point of commencement to the Southern boundary of Townships Numbers *Thirty-seven* or *Thirty-eight*, where it shall be connected, either East or West, as the case may be, with the Division Line of Townships Numbers *Thirty-seven* and *Thirty-eight*, which Division Line, after being ascertained, shall be the remainder of said County Line, and which said Boundary of Townships Numbers *Thirty-seven* and *Thirty-eight*, after ascertaining the correct point of commencement on the North side of the Island, shall be run, according to its true course, to the extent of said Townships.

Boundary Line between Queen's County and Prince County, how to be run.

IV. And be it enacted, That the Commissioners aforesaid shall in like manner ascertain the commencement of the Line between *Queen's County* and *Prince County* on the North and South sides of the Island, and run, or cause the same to be run, respectively, according to their true courses, to the Southern boundary of Township Number *Twenty-five*, which said Boundary of Township Number *Twenty-five* shall connect the said County Line.

Commissioners to cause County Lines to be run, on Royal Assent having been signified to this Act.

Expence to be borne by Government.

Commissioners to give 30 days notice of time and place of holding Survey, &c.

V. And be it enacted, That immediately after His Majesty's Royal allowance of this Act shall be signified, the Commissioners appointed under and by virtue of the same shall cause the County Lines to be run as herein-before directed, the expence of which shall be paid by the Government of this Island; but before the Commissioners so to be appointed as aforesaid shall proceed to ascertain the commencement of either of the said County Lines, they shall give public notice in the *Royal Gazette* of the time and place of holding the Survey for that purpose, at least *Thirty* days previous to holding such survey.

VI. And be it enacted, That any Proprietor who shall be desirous of having the Boundary Lines ascertained and established between his Township and the adjoining Township, may apply to the Commissioners aforesaid for that purpose, who are hereby required and directed, on such application, to give Thirty days notice to the proprietor of the adjoining Township, or to his agent, that he may be present at such survey if he think fit: and should it so happen that there be no proprietor or agent for such Township resident within the Island, then and in that case the Commissioners aforesaid shall signify the same to the Lieutenant Governor in Council, who is hereby authorized to appoint a person for such absent proprietor, to attend the said Commissioners: and any Township Boundary Lines, of which the points of commencement shall be proved to the said Commissioners to have been ascertained and fixed agreeably to the descriptions in the original grants, and run according to the Magnetic position of the year One thousand seven hundred and sixty-four, by the Surveyor General, or any other person, which the proprietors interested therein have acknowledged and acted upon, are hereby declared to be good and valid and binding upon all parties concerned, any thing in this Act contained to the contrary notwithstanding.

Any Proprietor may apply to Commissioners to have Boundary Line ascertained between his and the adjoining Townships.

30 days notice to be given to Proprietors of adjoining Townships.

If no Proprietor or agent resident in the Island, Lt. Governor, &c. to appoint a person for such absent Proprietor.

Township Boundary Lines proved to be agreeable to description in the Grants, and run according to magnetic of 1764, and acknowledged so by Proprietors interested therein, to be good and valid.

VII. And be it enacted, That all Township Boundary Lines which run through this Island shall be run from the points of commencement on each side thereof, duly fixed and ascertained under the directions of this Act, to the centre or midway between such points of commencement; and in all cases where Lines do not meet or correspond with the original survey of the Island, the Boundary shall be settled and connected by a Line perpendicular to the side Lines, either North or South, East or West, as the case may be; and the expence attending the establishing and run-

Township Boundary Lines running through the Island, how to be run.

Expence to be borne by nearest Proprietors.

ning of Township Boundary Lines shall be paid in equal proportions by the Proprietors of the Lands bounding on such Lines.

No person to be disturbed in the *bona fide* possession, &c. of land, by reason of any Line intersecting it.

VIII. And be it enacted, That if on accurately settling any County or Township Boundary Line, under the directions of this Act, it shall appear that the said Line intersects or divides any land in the *bona fide* possession or occupation of any person whomsoever, such person shall not, in consequence thereof, be disturbed in his said possession or occupation; and in case he shall be a Tenant or Lessee, he shall continue to pay his rent to his Lessor as heretofore; and nothing in this Act contained shall extend, or be construed to extend, to enable the Commissioners so to be appointed under and by virtue of this Act, to adjudicate upon the title to any lands within this Island, but that their jurisdiction shall be confined in the strictest manner to the settling of Boundary Lines, or the commencement of such Boundary Lines.

Such person, being a Tenant, to pay rent to his Lessor, as heretofore.

Commissioners not to adjudicate upon Titles to Land.

Supposed Proprietor of intersected Land having leased the same, shall pay to true Proprietor the future Rent reserved;

IX. And be it enacted, That the supposed proprietor of such intersected or divided land, who hath leased or sold the same, shall, if leased, pay to the true proprietor of any part thereof, or his agent, the future rent reserved for the said land, yearly and every year during the continuance of the said lease; and if the same hath been sold, shall account for and pay to the true proprietor thereof, or his agent, the sum or purchase money for which the same hath been so sold—the said yearly rent and purchase money to be recoverable by the true proprietor, his heirs, executors or administrators, against the said supposed proprietor, his heirs, executors or administrators, in His Majesty's Supreme Court of Judicature of the said Island; and in all cases where such lands are held under lease for any term of years, the tenant or tenants, occupier or occupiers thereof, shall, at the expiration of his, her or their term therein, peaceably and

and if sold, the purchase money.

Tenants, &c. at the expiration of Lease or Tenancy, to give quiet possession to true Proprietor.

quietly yield, surrender and deliver up the same to the true proprietor, his heirs, executors or assignees.

X. And be it enacted, That no person shall be deemed a competent Surveyor to run any County or Township Line under the authority of this Act, who shall not previously have obtained from the Commissioners appointed under and by virtue of this Act, a certificate that he is duly qualified for such office: and every Surveyor of Lands so qualified is hereby required, annually, to demand and obtain from the said Surveyor General a certificate that the several instruments of such Surveyor to be used by him in surveying are good and sufficient; and in the certificate so to be granted shall be set down and expressed the variation of said instruments at the period of making such certificate, which certificate the said Surveyor General is hereby required and authorized to grant: and each and every Surveyor, being duly qualified as aforesaid, is hereby authorized and required to administer an Oath to each of the Chainmen employed by him, in the words following, *videlicet*:

Surveyors to obtain Certificate from Commissioners of their competency;

and from Surveyor General annually, that the Instruments used by them are good.

Variation of Instruments to be expressed in Certificate.

Surveyors to administer Oath to Chainmen.

“ YOU do swear, that you will justly and truly
 “ admeasure, according to the best of your skill and
 “ judgment, and conformable to such instructions as
 “ you shall from time to time receive from me in
 “ the premises, and render a correct account
 “ thereof.

Form of Oath.

“ So help you GOD.”

And each and every Surveyor shall cause accurate Plans of the different Boundaries, as surveyed or ascertained by him or them, to be drawn, delineating thereon the adjacent parts of the different Townships which the respective Boundary Lines divide; and they shall also annex to the said Plans in every case a particular description of the point where the Boundary Line commences, its distance

Surveyors to cause accurate plans of lines surveyed by them to be made,

and annex a particular description of the point of commencement;

and cause a square Post or Stone to be fixed at the corners of Townships.

Plans and Descriptions to be lodged in the Surveyor General's Office, which shall be evidence.

Surveyor General to furnish copies when demanded.

Penalty on Surveyor not complying with directions of this Act, not to exceed £20

How applied.

No Action to be sustained for Trespass, in consequence of Lines being altered by this Act.

This Act to extend to Sub-division Lines of Townships where not divided into more than 4 parts.

from any headland, river, creek, or other natural mark on either side thereof, and shall also cause a square post or stone to be fixed at each corner of such Township, with the words "Boundary of the Township Number" (as the case may be), engraved on each side thereof; and the said plans and descriptions of the different Boundaries hereby directed to be made shall be lodged in the Office of His Majesty's Surveyor General of Lnds for this Island for the time being, and shall be given in evidence at all times to come in any dispute or question as to the said Boundaries respectively: and any persons interested in said Boundary shall be furnished from the said Office with a copy of any such plan and description, on paying the usual fee: and any Surveyor neglecting to comply with the directions of this Act shall, for each and every offence, forfeit and pay a sum not exceeding Twenty Pounds, to be recovered by suit in His Majesty's Supreme Court of Judicature in this Island, to be applied to the use of His Majesty's Government.

XI. And be it enacted, That no action or suit at Law shall or may be sustained on account of any Trespass alleged to have been committed in consequence of any Township Division Line having been run according to the then Meridian, but now altered by this Act.

XII. And be it enacted, That the provisions of this Act shall extend, and be construed to extend, to settling and ascertaining the Sub-division Lines of Townships which shall have been divided into not more than four parts; and such Sub-division Lines shall be adjusted and settled in the same mode and manner as is herein-before prescribed for the adjusting and settling the Lines and Boundaries of Townships.

XIII. And be it enacted, That an Act passed in the Eleventh year of His late Majesty's reign,

intituled *An Act to ascertain and establish the Boundary Lines of the several Counties and Townships of this Island, and to regulate the duty of Surveyors*, be and the same is hereby repealed. Repeals 11 G. 4. c. 10.

Provided nevertheless, that nothing herein contained shall have any force or effect until His Majesty's pleasure therein shall be known. Act not to have effect until His Majesty's pleasure be signified.

CAP. XVI.

An Act in further amendment of an Act passed in the Tenth Year of His late Majesty's Reign, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

WHEREAS the Fifth Section of an Act made and passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*, stands in need of some amendment: Be it therefore enacted, That before any proprietor shall be called upon to pay his proportion of the sum adjudged by the Jury to be paid by him, or to surrender the land as directed by the said recited Act, the road which is intended to pass through and over such proprietor's land, together with the necessary bridges, shall have been made and completed. 10 G. 4 c. 10. Proprietor not to be called upon to pay Money or to surrender Land, until Road and Bridges have been completed.

Sheriff, &c. having returned the Inquisition, no Road to be contracted for until Road Commissioners shall have advertised for Tenders, or given notice that Roads, &c. will be let at Auction.

Contract or bidding being for a less sum than assessed by Jury, Proprietor to pay no greater sum than contract or bidding.

Proprietor being Contractor, and performing work satisfactorily, to receive the difference between the sum assessed by Jury and that contracted or bid for.

II. And be it enacted, That when the Sheriff or Coroner shall have returned the Inquisition so directed to be made, no such contemplated Road and Bridges shall be contracted for, until the Commissioner for the District shall have advertised at least three times in the *Royal Gazette* that Tenders will be received at a time and place therein specified, and that the lowest Tender, on security for the due performance thereof having been given, will be accepted, or that the same will be let at public auction at the time and place therein specified; and if the contract upon such Tender, or the bidding at such Auction, shall be for a less sum than that assessed by the Jury on the Inquisition, such proprietor shall be called upon to pay no greater sum than that specified in the tender or contract, or bid for at such auction, in the proportion that he has been assessed by the Jury: and if such proprietor shall be the contractor or bidder, and shall perform the work agreeably to contract and specification, to the satisfaction of the Commissioner, he shall not be called upon to pay any sum or sums of money, or to surrender any lands whatever, but shall receive such further or greater sum than that assessed by the Jury as shall be necessary to complete the amount specified in such contract or bid for at such auction.

C A P. XVII.

This Act disallowed by His Majesty.

An Act to suspend for One Year a certain part of an Act passed in the Third Year of His present Majesty's Reign, authorizing a further Issue of Treasury Notes, to the amount of Five Thousand Pounds.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That so much of an

Act made and passed in the Third year of His present Majesty's reign, intituled *An Act to authorize a further Issue of Treasury Notes, to the amount of Five thousand Pounds, and to repeal an Act therein mentioned*, as requires that One thousand Pounds of the Notes now in circulation shall be cancelled in one year from the date of the Notes so to be issued under and by virtue of the said recited Act, be and the same is hereby suspended for one year, from and after the First day of *May* next.

Suspends for one year 3d, 4th and 5th, Sections of 3 W. 4, c. 18.

C A P. XVIII.

An Act for the better Conveyance of the Mails in the Winter Season.

WHEREAS it is necessary for the safe conveyance of the Mails and Passengers between this Island and *Nova Scotia* during the Winter Season, that a sufficient Ice Boat be provided by Government, and proper regulations made for the management of the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and immediately after the passing of this Act, a good and sufficient Ice Boat, of not less than the length of sixteen feet, and breadth of four feet eight inches, shall be built at the public expence, under the direction of two competent mechanics or persons to be appointed by the Administrator of the Government for the time being; which Boat when built shall be provided by the said mechanics or persons appointed as aforesaid, at the expence of the Government, with not less than three oars, plated at the end of the blade with iron or steel, two boat hooks, two grapnels, thirty fathoms of line or rope, a compass, four light boards and two beetels, and an oil cloth sufficient to cover the boat in case of need—and which boat, when so built and provided, shall afterwards be used for the purpose of

Description of Ice Boat to be built by Government:

To be used for carrying Mails

and Passengers
between this
Island and Cape
Tormentine.

carrying the Mails and Passengers between this Island and *Cape Tormentine*, and for no other use or purpose whatsoever.

Lt. Governor to
contract with two
persons to take
care of Boat and
materials, and to
carry the Winter
Mails, for 5 years.

II. And be it further enacted, That when and so soon as the said boat shall be built and provided as aforesaid, it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to contract with two fit and proper persons to take charge of the said boat and the said articles so to be provided as aforesaid, and to carry the Winter Mails between this Island and *Cape Tormentine*, for the term of Five Years—which persons when so engaged shall enter into good and sufficient security for the faithful performance of the contract so made.

Contractors to
give Security.

Contractors to
employ two other
active Men.

III. And be it further enacted, That the persons so contracting to carry the Mails as aforesaid shall, during the Winter of every year of the term of their contract, provide and keep at their own proper cost and expence, two other active and able bodied men, who shall at all times be in attendance at the time and place that may be fixed and specified in the contract so made as aforesaid, and shall assist in carrying the said Mails between this Island and *Cape Tormentine*.

Contractors to
cross with the
Mails weekly.

IV. And be it further enacted, That the persons so contracting, together with their two assistants, shall be required to attend at a specified day in each and every week for the term of their contract, at *Cape Traverse*, and there remain until a fit and proper time offers for crossing from this Island to the opposite coast; and after crossing from this Island to *Cape Tormentine*, shall there receive any Mail or Mails that may be ready, and shall thereafter take the first safe opportunity to return to this Island.

V. And be it further enacted, That the persons so contracting shall give good and sufficient security for the safe keeping of the said boat and articles to be provided as aforesaid; and shall at all times during their said contract keep the said boat and other articles, at their own proper cost and expence, in good and sufficient repair; and shall, when required by the Lieutenant Governor or other Administrator of the Government, return the said boat and other articles to any person or persons appointed to receive the same, under a penalty of Fifty Pounds.

Contractors to give security for keeping Boat in good repair;

and shall return the same when ordered, under a penalty of £50.

VI. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or other Administrator of the Government to cancel any such agreement as aforesaid, in case either of the said Contractors shall be guilty of any breach thereof, or shall at any time neglect or refuse to perform the duties imposed thereby, or if either of them shall at any time while crossing the Strait be intoxicated; and the said Lieutenant Governor or other Administrator of the Government is hereby authorized, in case of neglect as aforesaid, or in case of the death of either of the Contractors, to contract with other persons (but of whom the survivor may be one), under the directions of this Act, for the carriage of the Winter Mails as aforesaid: Provided always, that a condition shall be inserted in such contract so to be made as aforesaid, by which the Lieutenant Governor or other Administrator of the Government, if it shall be considered for the benefit of this Government, shall, on giving one month's notice to the Contractors as aforesaid, be able to cancel the same at the end of such month.

Lt. Governor may cancel agreement for breach thereof, or for neglect of duty, or intoxication while crossing.

In case of vacancy by death or removal, Lt. Governor to contract with other persons (of whom survivor may be one.)

Lt. Governor may cancel agreement on giving one month's notice.

VII. And be it further enacted, That the persons so contracting shall at all times be provided with good and sufficient clothing, and shall at all times have with them while crossing all and every

Contractors to have with them while crossing all the articles provided, under a penalty not to exceed £2.

of the articles provided as aforesaid, under a penalty, for every article deficient, not exceeding **Two Pounds**.

No more than 4 Passengers to cross at any one time, under a penalty not exceeding £5.

VIII. And be it further enacted, That no greater number of persons shall be taken at any one time, over and above the persons required by this Act to manage the boat, than four, under a penalty for every offence not exceeding the sum of **Five Pounds**.

Rates of Passage.

Persons first entering name and paying passage money, to have priority.

IX. And be it further enacted, That the rates of passage shall be, for each and every person, the sum of **Twelve Shillings**, and no more; who shall be entitled to carry twenty pounds of baggage, and no more; and that at the respective places specified in the contract, there shall be kept a book wherein the persons wishing to cross may enter their names, and that person whose name stands first on the said book shall be entitled to priority of passage—provided, at the time he shall have so entered his name he shall have paid to the person keeping the book the passage money herein-before directed.

Contractors to receive £6 per trip.

X. And be it further enacted, That there shall be paid out of the monies that may hereafter be in the Treasury of this Island, the sum of **Six Pounds** for every time such Contractors shall cross to *Cape Tormentine* and return to the Island with the Mails as aforesaid.

Fines and Penalties how recovered and applied.

XI. And be it further enacted, That all fines and penalties arising under and by virtue of this Act, shall be recovered, with costs of prosecution, before any two of His Majesty's Justices of the Peace, if the same shall not exceed the sum of **Ten Pounds**, by warrant of distress and sale of the offender's goods and chattels, which fines and penalties shall be paid into His Majesty's Treasury, to and for the use of His Majesty's Government; and if no goods and chattels can be found whereon to levy, then the said offender shall be imprisoned for a term not exceeding **Sixty days**.

C A P. XIX.

An Act to continue an *ad valorem* Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions. Expires 7th May 1835.

C A P. XX.

An Act to continue for One Year an Act levying a Duty on Tobacco and Tea. Expires 7th May 1835.

C A P. XXI.

An Act for continuing for One Year an Act imposing an additional Duty on Wines and Spirituous Liquors. Expires 7th May 1835.

C A P. XXII.

An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, there shall be paid by the Master of every Vessel clearing out at any of the Custom Houses of this Island for any other Port or Colony whatsoever, a Light Duty of Two-pence *per* Ton for each and every Ton such Vessel may register—the said Duty to be paid at the time or before the clearing of any such Vessel at any of the Custom Houses as aforesaid, to such person or persons as are now appointed,

Masters of Vessels to pay Two-pence per ton before clearing, to Collector of Light Duty.

In case of refusal,
how recovered.

or may hereafter be appointed, by the Administrator of the Government for the time being, to receive the same; and upon refusal of payment, to sue for and recover such Duty before any one of His Majesty's Justices of the Peace; which Justice is hereby directed and required to cause a Capias to be issued for the recovery of the same, and immediately to proceed and adjudicate thereon.

Vessels engaged
in the Fishery ex-
empted.

II. Provided always, and be it further enacted, That all Vessels belonging to this Island while actually and exclusively engaged in the Fishery, shall be exempted from paying any Light Duty, any thing in this Act to the contrary notwithstanding.

Money raised to
be applied in sup-
porting Light
Houses.

III. And be it further enacted, That all monies arising under and by virtue of this Act shall be paid into the Treasury of this Island, and applied in such manner as may hereafter be directed by the Legislature of this Colony, in aid of supporting Light Houses.

Allowance to Col-
lectors.

IV. And be it further enacted, That every Collector of the Duties imposed by this Act shall be allowed and paid Fifteen *per centum* as commission on all monies received by him under and by virtue of this Act.

Continuance of
Act.

V. And be it further enacted, That this Act shall be and continue in force for Five Years from the passing hereof, and no longer.

C A P. XXIII.

Executed.

An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and thirty-four.

INDEX.

	Page.
ABATEMENT. See <i>Suits</i> .	
ABSENT or ABSCONDING. See <i>Debtors</i> .	
ACADEMY.	
In Charlotte Town. Trustees of, incorporated, with power to make By Laws, &c. and to hold and enjoy lands, legacies, &c.	400
On death or removal of any of the Trustees, who are Members of the Council or Assembly, vacancy to be filled up by the Lieutenant Governor	401
Two Masters to be appointed, who shall be allowed £150 per annum each, to be paid quarterly	402
Tuition money payable by the scholars, to be fixed by the Trustees, and divided equally between the Teachers	ib.
No Clergyman having spiritual charge of a congregation, to be eligible as a Master	ib.
Lieutenant Governor to be Patron and Visitor	ib.
Branches to be taught in the Academy	403
Masters to keep Boarders if required by the Trustees, who shall fix the rate of board, &c.	ib.
Trustees may remove Masters, and suspend or expel scholars, for improper conduct	ib.
No religious test of any kind to be used	ib.
Sum granted for erecting a suitable building	445
Commissioners appointed to procure Plans, make Contracts, &c. and to submit the same to Governor and Council, for approval	446
Warrants to be drawn on the Treasury, at the requisition of the Commissioners	447
ACCESSARIES.	
To Murder and Mayhem, Felons, without Benefit of Clergy	202
Receivers of Stolen Goods deemed Accessaries after the fact, and punishable as for Misdemeanors	206
Allowance of Clergy to principal, not to prevent trial of	209

	Page.
ACCOUNTS.	
Persons admitted in certain cases to swear to their own	188
Such oath only to extend to the delivery of the articles charged, but not to the price thereof	ib.
Form of Oath	ib.
Not permitted to swear to any articles delivered two years previous to commencement of action; nor if, at the time the charge was made, the Plaintiff kept a Clerk; nor unless Defendant shall have been served with a copy of the Account ten days before issuing of process	189
Plaintiff, after filing his Declaration, to give Defendant a Two-day Rule to plead thereto	190
Court may enlarge the Rule	ib.
In vacation time, a Four-day Rule to be given	ib.
ACTIONS.	
<i>Limitation of.</i>	
All Actions, either in Law or Equity, for the recovery of Lands, to be commenced within twenty years after title thereto has accrued	76
Right of Entry taken away after twenty years	77
Minors, <i>feme covert</i> s, persons <i>non compos</i> , imprisoned, or beyond seas, at the time title accrued, may commence suit within ten years after impediment is removed	ib.
Actions of Trespass, <i>quare clausum fregit</i> , Trespass, Detinue, Replevin for Goods and Cattle. Actions of account upon the case (other than concerning Trade between Merchant and Merchant, &c.), Actions of Debt grounded upon any Lending or Contract without specialty, Actions of Debt for Rent arrears, to be commenced within six years after cause of action	78
Actions of Assault, Battery, &c. within one year—Action for words, within six months	ib.
Any of the said Actions reversed, by error, or in arrest of judgment, may be commenced <i>de novo</i> within one year	79
After judgment or non-suit in actions <i>quare clausum fregit</i> , the Plaintiff barred to renew the suit	ib.
In actions of Trespass, Assault and Battery, and Slander, if Damages are found under 40s. no more Costs than Damages to be given—unless in actions of Assault and Battery, or Trespass, the Judge certify	80
Proviso in favour of <i>feme covert</i> s, minors, &c. in relation to personal actions	ib.
Actions against persons beyond seas, may be brought after their return, if done within the periods respectively limited as aforesaid	ib.
<i>Abatement of.</i> See <i>Suits</i> .	
<i>Summary Trial of.</i>	
See <i>Summary Trials</i> .	

Page.

ACTIONS, continued.

- For less than £5, not to be commenced in Supreme Court . . . 156
- On Book Accounts.
 - Defendants may file their Accounts against Plaintiffs, if the same be done, and an attested copy thereof served also on the Plaintiffs or their Attorneys, at least seven days before the opening of the term . . . 157
 - Jury to try both Accounts ib.
 - See further, *Accounts.*
- On Bonds, Agreements, &c.
 - Defendants may file Receipts for part or the whole . . . 157

ACTS OF ASSEMBLY.

- Clerk of Council to endorse on each Act the date of its passing and receiving the Governor's assent—which shall be the date of its commencement . . . 330
- All Orders in Council relative to the King's allowance thereof or otherwise, to be registered within 30 days after receipt, together with the Proclamations notifying the same . . . 588

ADIN, REV. THOMAS.

- How Marriages celebrated by, may be put on record . . . 489

ADMINISTRATORS. See Intestates.

- May have *scire facias.*
 - See *Suits.*

AFFIRMATION. See Quakers.

ALARMS.

- How to be made at Charlotte Town, when directed by the Governor . . . 46
- How to be made at other parts of the Island . . . 47
- Duty of Members of Council, Justices, Militiamen, &c. on such occasions . . . ib.
- £50 Penalty, or 12 Months Imprisonment, for making false alarm . . . ib.
- No drums to be beat nor guns fired after sunset, under a penalty of 40s.
 - Not to extend to His Majesty's Ships or Troops . . . ib.
- How to be made in the event of Fire . . . 693
- Penalty for making false alarm in such case, not to exceed £5 . . . ib.

ALE.

- Duty of 2d. per gall. on importation of 222

ALEWIVES.

- Act for preservation of. See *Herrings and Alewives.*

ANONYMOUS LETTERS.

- Felony, without Benefit of Clergy 207
- 5 A 2

	Page.
APPARITOR (or MARSHAL.)	
His fees	27
APPRAISERS.	
Their Fees, when employed by Court of Probate	27
To value Lands to be sold for payment of Debt, to be sworn	144
How chosen	145
APPRENTICES.	
Guilty of robbing their Masters, if under fifteen years of age, to have the benefit of Clergy for the first offence	207
Parents or guardians may bind children as apprentices, until the age of twenty-one	378
Minors, 12 years of age, having no parents or guardians, may be indentured, until they are 21, or for a shorter period, with their own consent—Indenture to be made in presence of two Justices, who shall subscribe the same	ib.
Minors of 16 and upwards may indent themselves	ib.
Any two Justices may indent any infant pauper, or the children of paupers	ib.
If an apprentice desert his service, any Justice of Peace may order him to return—and on his refusing to comply, may commit him to prison, until he shall return	379
If ill-treated by his master or mistress, any two Justices may, on proof thereof, order the apprentice to be discharged, and the Indenture to be cancelled	ib.
Persons wilfully harbouring an Apprentice who may have deserted his service, to be fined £5, before one Justice	ib.
Any retailer of Liquor allowing an apprentice or other servant to drink in his house, or who shall give or sell him liquor without his employer's leave, shall forfeit for each offence, not exceeding 20s.	656
ARBITRATION.	
Suits or Controversies submitted to Arbitration, submission may by agreement, be made a Rule of Court	71
Parties refusing to obey Award, to be punished as for a contempt, unless it shall appear, on oath, within one term afterwards, that such Award was obtained by undue means, in which case it shall be judged void	72
ARRESTS.	
Persons attending Militia Musters, and in going to and returning therefrom, exempted from Arrest in Civil Causes	44
In all causes, where the sum in demand shall exceed Five Pounds, Debtors may be arrested, imprisoned, or held to bail, on the Plaintiff, or his Attorney, Clerk, &c. making an affidavit in writing to the amount of the claim, to be endorsed on the back of the Writ	149

ARRESTS, continued.

Merchant Seamen engaged for a voyage, not to be arrested for any debts they may have contracted after their engagement, without the sanction of the Master, until the expiration of the voyage 338

ARSON.

Made Felony 207

ASSAULTS.

In actions for, no more Costs than Damages to be given, if the Jury assess the latter under forty shillings 80
 With intent to commit unnatural crimes, how punished 203
 With intent to commit Rape, how punished 204
 See further, *Assaults and Batteries*.

ASSAULTS AND BATTERIES.

Lieutenant Governor to appoint at least Three Justices of the Peace in each County, to try Common Assaults and Batteries, who shall meet four times a year, viz. on the second Thursday in March, June, September and December, with power to adjourn from day to day 673
 Two Justices to be a quorum 674
 Persons convicted, to pay such Fine as may appear meet, not exceeding £5, and costs—in default of payment, to be committed to Jail, for a term not exceeding two months ib.
 If complaint be dismissed, Justices to grant a certificate of such dismissal to the accused party ib.
 Justices may give costs to either party, or make each pay their own ib.
 Persons punished, or certified as discharged, not to be proceeded against a second time 675
 In cases of attempt to commit Felony, Justices not to adjudicate ib.
 All Justices, on complaint made before them of any Assault or Battery, shall take the usual Recognizance, and cause all the parties and witnesses to appear before the Justices aforesaid, at their next sitting, except where any attempt to commit felony—and if any of the parties so bound make default, the said Justices shall certify the same to the Supreme Court, when their Recognizance shall be estreated ib.
 Justices deeming any offence deserving of a higher fine than above stated, to bind offenders to appear at Supreme Court, together with Prosecutors and Witnesses ib.
 Prosecutions for offences punishable on summary conviction, to be commenced within one month 676
 Form of Conviction ib.
 Justices to return every such conviction into Supreme Court by the first day of the Term next ensuing, under a penalty of £5 for every neglect—to be recovered in Supreme Court 677
 No warrant of commitment to be void by reason of defect ib.

	Page.
ASSAULTS AND BATTERIES, <i>continued.</i>	
Justices' Fees, under Act for trial of	677
Constables do.	ib.
Witnesses do.	678
ASSAYERS. See <i>Weights and Measures.</i>	
ASSEMBLY.	
Members of, how elected. See <i>Elections.</i>	
Persons elected to serve as Representatives in, to be summoned by the Sheriff to attend the meetings of, receiving seven days notice	265
Members of, to be possessed of a Freehold or personal estate, of the value of Fifty Pounds	269
In case of a vacancy, the Speaker, on receiving intimation thereof, from any Member in his place—or during recess, from two Members under their hands and seals—to report the same to the Lieutenant Governor, who shall, within six days thereafter, issue a new Writ for filling up such vacancy	271
Persons in Holy Orders in the Church of Rome, excluded from sitting in	425
Duration of Assemblies not to continue longer than four years from the day of the Return of the Writs for calling the same—subject to be sooner dissolved by the Administrator of the Government	589
Members and Officers of, exempted from serving in the Militia	641
Assembly not to be dissolved, in consequence of the death or demise of the King	702
ATTAINDER.	
Works no corruption of Blood, or Forfeiture of Dower, Lands or Goods of Offender	202—206
ATTORNEY.	
Powers and Letters of, under which Deeds, &c. relating to Land are executed, to be recorded in the Register Office; until when, Deeds so executed shall have no effect	576
ATTORNEY GENERAL.	
Fees of, under the Acts regulating the laying out and altering of Highways	567
Exempted from serving in the Militia	641
ATTORNEYS.	
Their fees, under Act for the regulation of	20
In Actions or Suits, to file their Warrants, under penalty of Five Pounds	137
For regulating admission of. See <i>Barristers.</i>	

BAIL.

- No person to be held to Special bail, where cause of action shall not amount to £5 149
- When debt shall exceed £5, Sheriff to take bail for the amount endorsed on the Writ; said endorsement to be made on Affidavit of Plaintiff or his Attorney, before a Judge of Supreme Court, or in his absence, before a Justice of the Peace ib.
- If Plaintiff be absent, Clerk of the Court may endorse the Writ, on Plaintiff's agent producing an Affidavit of the Debt of his Principal, duly authenticated ib.
- Defendant, if arrested, to be set at large, on giving the Sheriff bond, with two sufficient Sureties, for his appearance, which, if he neglect, judgment shall be entered against him by default, and Bail Bond assigned to Plaintiff, who may proceed to final judgment and execution 150
- Upon Defendant's appearing, or giving Special Bail, the Bond to the Sheriff to be discharged ib.
- Common Bail only to be filed, upon any Writ or process, without an Affidavit and Endorsement 151
- Chief Justice may commission persons (not Attorneys or Solicitors) to take Bail in the country and remit the Recognizance to said Chief Justice, who shall receive the same on proof, on oath of some credible person who was present and saw it acknowledged 185
- Chief Justice's Fee 2s. ib.
- Bail taken before Commissioners to be of like effect as if taken *de bene esse* before Judge of Supreme Court ib.
- Commissioner for marking a Writ to receive 2s. and for taking bail 3s. and no more ib.
- Chief Justice to make Rules for justifying Bail 186
- No Cognizor of Bail obliged to appear in Court, unless residing within 15 miles of Charlotte Town; but affidavit and examination may be made before Commissioners ib.
- Persons personating others, by entering into Recognizance before a Commissioner in any other person's name, to suffer as felons ib.

BAILMENT (of PRISONERS.)

- Justices duty in 212

BAKERS.

- Penalties for selling Bread deficient in weight, or made of unwholesome flour 606
- Penalty, not exceeding 20s. nor less than 5s. for every loaf sold by them, without having the weight thereof in figures, and their own initials impressed thereon 607
- See *Bread*.

	Page.
BALLAST.	
Not to be unloaded in Rivers, Harbours or Creeks, unless above high water mark, or a league from the shore, or where Ballast Master may direct, under a penalty of Fifty pounds Sterling	283
Not to extend to vessels of less than 120 tons burthen	497
Penalty may be mitigated by Supreme Court to not less than £10, with costs	ib.
Persons unloading ballast from vessels under 120 tons, or from boats and flats, in any of the said harbours, &c. to forfeit a sum not exceeding £20	ib.
Masters of vessels complying with provisions of the Acts of 8 G. 3, c. 3, and 2 W. 4, c. 6, to be exempt from Ballast Masters' fees	500
Fines and Penalties under 2 W. 4, c. 6, to be recovered before two Justices, and paid to person prosecuting	ib.
Persons convicted, not having goods, how punished	ib.
BALLAST MASTERS.	
Governor to appoint Ballast Masters for Charlotte Town, Three Rivers, Richmond Bay, &c. who shall be sworn—form of oath	282
To receive half the fine imposed on Ship-masters, &c. for throwing Ballast into Harbours, &c.	283
To board all vessels, on their arrival, point out where their ballast shall be landed, and attend to the delivery of the same	ib.
To prosecute for all offences against Ballast Acts	284
Persons appointed, and refusing to serve, to signify refusal within twenty days, or forfeit Five Pounds Sterling	ib.
To be allowed 10s. per day, for attending vessel discharging ballast—to be paid by the Master or Owner	ib.
Ballast Masters for the harbours of Rustico, Bedford Bay, Covehead, St. Peter's, Savage Harbour, Colville Bay, Bay of Fortune, Howe Bay and Boughton Bay, to be appointed by the Road Commissioners annually on the 1st April	498
Such Harbour Masters to be exempt from Statute Labour and Militia duty	ib.
Such Ballast Masters to prevent vessels unloading ballast, &c. where hurtful to the navigation	ib.
Persons unloading ballast, &c. in such small harbours, except where directed by the Ballast Master, to forfeit not exceeding £5, and costs	499
Such Ballast Masters to board vessels, read Act, and point out where ballast is to be discharged	ib.
BAPTISMS.	
Clergymen to keep a Record of, and be entitled to a fee of 1s. 6d. for every Certificate therefrom	422
BARRELS. See <i>Fish Barrels and Tierces.</i>	

BARRING. See *Estates Tail*.

BARRISTERS, ATTORNEYS and SOLICITORS.

Not admitted to practise in Supreme Court, or Court of Chancery, unless having served for four years as an articled Clerk; or produce proof of having been called to the Bar in Great Britain, Ireland, or the Colonies, or of being qualified to be so admitted 327

Every candidate for admission to undergo an examination before Attorney or Solicitor General, and the senior practising Barrister, in presence of the Chief Justice and Chancellor—and to be 21 years of age 328

BASTARDS.

Murder of, Felony 203

BEANS.

Standard weight of 390

BEARS.

Reward of 15s. to be paid for killing, on presenting the snout at the Treasury, with the certificate of a Magistrate, that it was sworn to have been killed within the Island 461

BEDEQUE.

Commissioners of Customs authorized to appoint a resident Justice of the Peace as Sub-Collector for the port of 537

BEER.

Duty of 2d per gallon, on importation of 222

BILLS of EXCHANGE.

Stealing of, made Felony. 205

For Law relative to Protests, &c. See *Exchange*.

BLOOD.

Corruption of 202—206

BOARD of EDUCATION.

Board to consist of Seven persons, chosen by Lieutenant Governor and Council (Three to be a Quorum) 668

To meet four times a year, viz. last Thursday in January, April, July and October, giving thirty days notice of every such meeting, in the Newspapers ib.

Vacancies to be filled up by Lieutenant Governor and Council ib.

Board to examine candidates at such meetings, or on such days as any three of the Members may appoint, and grant certificates of qualification ib.

See further *Schools*.

	Page.
BOARDS.	
Exportation and Measurement of, regulated. See <i>Lumber.</i>	
BOAR PIGS.	
Any boar pig of 3 months old or upwards, found at large, may be taken up by any person, and by order of a Justice, may be sold at auction, and the proceeds paid to the taker—3 days notice in writing of such sale to be given	627
If claimed before the sale, to be returned to the owner, on his paying such sum as the said Justice may direct, not exceeding 10s.	ib.
BOATS.	
Felonious taking away of, or any rope, chain, &c. belonging thereto, how punished	213
Using or taking from her moorings, any boat of 14 feet keel or under, canoe, &c. without permission, 20s. penalty, besides making good any damages sustained by owner	355
BONDS or NOTES.	
Stealing of, made Felony	205
BOUNDARIES.	
Commencement of the several County and Township Boundaries to be ascertained by evidence, and by natural land marks	706
County and Township Boundary Lines to be run from the point of commencement so as aforesaid ascertained, according to the Magnetic of 1764, being N. 15 deg. 30 min. W.	ib.
Lieut. Governor and Council to appoint the Surveyor General and other two persons (not practising Surveyors) to be Commissioners, who shall be sworn, and who shall have power to summon Witnesses, and examine them on oath; such Commissioners to ascertain and fix the points of commencement of each County or Township Boundary, which shall be binding on all parties interested	707
Surveyors to run all lines from such points of commencement	ib.
The number of three efficient Commissioners to be always kept up	ib.
Boundary line between King's County and Queen's County, how to be run	ib.
Boundary Line between Queen's County and Prince County, how to be run	708
Expence of running County lines to be borne by Government	ib.
Any proprietor of a Township desirous of having his boundaries ascertained, to apply to the Commissioners, who shall give the adjoining proprietors or their agents 30 days notice of the intended survey	709
Should there be no proprietor or agent of the adjacent Township in the Island, Governor in Council to appoint a person to attend the Commissioners on his behalf	ib.

Page.

BOUNDARIES, *continued.*

Township Boundary lines proved to be agreeable to the description in the Grants, and run according to the Magnetic of 1764, and which the proprietors interested in have acknowledged and acted upon, not to be disturbed	709
Township Boundary Lines which run through the Island, to be run from the points of commencement on each side to the midway between such points	ib.
Where lines do not correspond with the original survey, Boundary to be settled and connected by a line perpendicular to the side lines	ib.
Expence of running Township Boundary Lines to be paid by the Proprietors bounding on such lines, in equal proportions	710
No person to be disturbed in the <i>bona fide</i> possession or occupation of land, by any alteration of lines under Boundary Act; and if a Tenant, such person to continue to pay rent to his Lessor	ib.
Commissioners not to adjudicate upon Titles to Land	ib.
Supposed proprietor of land intersected or cut off by alteration of lines, if the same hath been leased, shall pay to the true proprietor the future rent reserved; and if sold, the purchase money—recoverable in the Supreme Court	ib.
Tenants at the expiration of Lease or Tenancy, to give quiet possession to true proprietor	ib.
No Surveyor to be employed under this Act, who has not obtained a certificate of his competency from the Commissioners; and also an annual certificate from the Surveyor General that his instruments are good, expressing the variation	711
Surveyors to administer an Oath to Chainmen	ib.
Form of Oath	ib.
Surveyors to cause accurate plans of Boundaries ascertained by them to be made, to which shall be annexed a particular description of the point of commencement; and shall erect a square post or stone, with a suitable inscription, at each corner of such Township	ib.
Said Plans and descriptions to be deposited in the Surveyor General's Office, and may be given in evidence	712
Surveyor General to furnish copies thereof, when demanded, on receiving the usual fee	ib.
Penalty on Surveyors not complying with the directions of the Act, not to exceed £20, to His Majesty	ib.
No action sustainable for Trespass in consequence of Township Division Lines being altered	ib.
Act to extend to Sub-division Lines of Townships, which have not been divided into more than four parts	ib.

BRANDY.

See *Impost.*

	Page.
BREAD.	
All Bread offered for sale within Charlotte Town or Royalty, (except Fancy Bread), to be in Loaves of 6lbs. 2lbs. or 1lb.	605
Penalty on Bakers making Bread of any other than good wheaten flour	606
Penalty for Journeymen, &c. offending herein	ib.
Offenders' names to be published	ib.
Penalty on Bakers selling or exposing Bread short of weight	ib.
Complaints against Bakers to be made within 24 hours	607
Initials of Bakers' names to be impressed on their Bread, on pain of forfeiting a sum not exceeding 20s. nor less than 5s. for any loaf not so marked	ib.
Clerk of the Market to visit all Bake-houses, Shops, &c. at least once a week, on pain of forfeiting 5s for every neglect	608
All Bread found deficient, or not marked, or not of proper quality, to be seized and given to the poor	ib.
Penalty for obstructing such search	ib.
How Bakers are to be recompensed, who have incurred penalties through the fault of their servants	ib.
Mode of recovering Penalties	609
Appeal to Supreme Court from judgment of Magistrates, upon entering into Recognizance for debts	610
Prosecutions against Justices, or other officers, for any thing done in pursuance of Bread Act, must be commenced within 14 days	ib.
BRIDGES.	
Penalty on persons injuring, or placing timber, stones or other weighty articles on, or fastening vessels to	553
BURGLARY.	
Breaking and entering in the night, a dwelling house, shop or warehouse, or vessel lying within the County, with a felonious intent, whether the intent be executed or not—Felony, without benefit of Clergy	204
BURNING.	
Houses, &c. Felony without Clergy	207
Woods, how punished. See <i>Woods.</i>	
CANOES.	
Felonious taking away of, how punished	213
Taking from moorings, without leave, without a felonious intent, 20s. penalty, besides damages	355
CAPIAS.	
Form of, in cases not exceeding £5.	435
See further <i>Justices of the Peace.</i>	

CARIOLES.

- Driving of, without Bells, prohibited, under a penalty of 5s. for each offence—one half to the informer 331
 Penalty not to be incurred twice in one day, and must be sued for within 48 hours ib.
 See further *Carts, Carriages, &c.*

CARRIAGES.

- Fine of 10s. for disorderly driving of, in Charlotte Town 75
 Not to be left unyoked in the Streets of Charlotte Town, for more than two hours, if after sunset, under a penalty of 5s. 492
 See *Carts, Carriages, &c.*

CARTS.

- Fine of 10s. for disorderly driving of, in Charlotte Town 75
 In case of refusal to pay fine, how punished ib.
 Parents of children under fourteen, liable for their offences against Act 76

CARTS, CARRIAGES, SLEIGHS and CARIOLES.

- Persons driving of, on the Highways, to pass on the left of persons driving in an opposite direction, under a penalty of 5s. one half to the informer 380
 Same rule to be observed by Horsemen 331
 Penalty of 10s. for not having sufficient reins ib.
 If left unyoked for two hours in streets of Charlotte Town, or after sunset, owner to forfeit 5s. 492

CASCUMPEC.

- Commissioners of Customs authorized to appoint a resident Justice of Peace to be Sub-Collector for port of 537

CATTLE.*Killing or Maiming of.*

- Persons convicted before a Justice of maliciously cutting, killing or maiming any horse, sheep, swine or cattle, on the oath of one witness, to be fined not exceeding £5, besides costs, and be also imprisoned for not more than 30 days, and further for 60 days, or until fine, &c. be paid 633
 Where damages exceed £5, the party aggrieved may recover the same in Supreme Court, when double damages shall be given ib.
 Offender may be also indicted, and on conviction, be liable to not more than six months imprisonment ib.

Trespasses by.

- Fences to be 4½ feet high, and strong made, to entitle owners of inclosed fields to sue for damages committed by trespassing cattle 623
 Opinion of Fence Viewers to be conclusive thereon ib.

	Page.
CATTLE.	
<i>Trespasses by, continued.</i>	
Opinion of Fence Viewers to be also conclusive, as to ground bounded by a Cape or other natural boundary	624
Prosecutions for trespasses to be commenced within 3 months	ib.
Cattle breaking into inclosed grounds (other than pasture), owners to make reparation to party injured	ib.
Justice, on complaint on oath, shall grant a warrant to three of the nearest neighbours, requiring them to view and appraise the damages, and to certify the amount thereof to him, on oath	ib.
Justice to allow a reasonable compensation to the appraisers, which shall be considered as part of the damages to be paid by the owners of the trespassing cattle	ib.
Said damages, if not paid, with costs, within one month, to be levied by distress	625
If Fence be insufficient, no damages to be allowed—proof of condition of Fence to be upon the owner of the cattle	ib.
Where trespassing cattle belong to different persons, appraisers to apportion damages, to be recovered from each as aforesaid	ib.
Appraisers refusing to act, to forfeit not exceeding 10s. to be levied by distress	ib.
On proof by three witnesses of an unruly beast being at large, any Justice may order it to be confined; and the owner thereof, neglecting to obey such order, shall forfeit 5s. for each day such beast shall be seen at large afterwards—to be levied by distress, and paid to the person who shall sue for the same	626
Owner of such beast neglecting to confine the same, after such order, to be liable for all damages committed by other cattle following it into inclosed ground	ib.
Penalties for horses, neat cattle, or sheep breaking into Pasture ground, lawfully fenced	ib.
CERTIORARI.	
Supreme Court, in cases of Certiorari, may give Costs as well to Plaintiffs as Defendants	685
No such Writ to be issued in cases where an appeal is given by any Act to Supreme Court, unless special cause on affidavit be shewn to the Court; and unless ten days' notice of such motion be served on opposite party	ib.
No Writ of Certiorari to be issued, unless applied for within one month after judgment in the Court below	686
CHAINMEN.	
Surveyors to administer oath to	711
CHALLENGE of JURORS.	
By Criminals, right of, limited to Twenty	210

	Page.
CHANCERY.	
Court of, Fees of Officers, &c.	17
CHARLOTTE TOWN.	
Galloping of Horses through streets of, prohibited, and driving of Carts, Carriages, &c. regulated	75
Firing guns off unnecessarily in the Streets, &c. prohibited under a penalty of 10s or 48 hours imprisonment	196
Complaint to be made within 24 hours	197
Geese found at large in the streets may be seized, and sold by order of a Justice of Peace	219
<i>See Geese.</i>	
Hogs found at large, to be sold by Hog Reeves, and owners fined 20s. for each	353
<i>See Hog Reeves.</i>	
Sheep found at large may be seized	362
<i>See Sheep.</i>	
Fire Engine Company appointed	383
Academy, Trustees of, incorporated	400
<i>See Academy.</i>	
Inhabitants to keep street and gutter before their premises free from filth, &c.	491
Persons putting any nuisance in the streets to be fined 5s. for each offence	ib.
Fire Wardens to cause rubbish to be removed, at the expence of the parties placing it in the street, or otherwise at the expence of those whose property is nearest, who, suffering the same to remain 6 hours, shall be also fined 5s.	ib.
Persons building may inclose a space 10 feet in front, provided fence be 5 feet high, and gutters not obstructed	ib.
Any unyoked carriage left in the streets for two hours, or after sunset, owner to pay 5s.	492
Fire Warden to sue for penalties, and to forfeit 10s. for suffering a nuisance to remain in the streets six hours after complaint is made	ib.
Fines to be applied in keeping Fire Engines in order	ib.
Regulations for vessels entering the harbour with Emigrant passengers, or from an infected port, &c.	597
<i>See Quarantine.</i>	
Health Officer, duties of	512
<i>See Health Officer.</i>	
Statute Labour to be performed by Inhabitants of, between 20th May and 20th June annually	549
Regulations as to the size and quality of Bread, sold within the Town and Royalty. <i>See Bread.</i>	
Pumps and Wells, Act for the making and repairing of	657
<i>See Pumps and Wells.</i>	
Majority of Inhabitants present at Pump and Well Meetings may vote money for the purchase of Fire Engines. Apparatus, &c. to be assessed and levied as for Pumps and Wells	696

	Page.
CHARLOTTE TOWN <i>continued.</i>	
Town to be divided into eight Wards, and a Fire Warden appointed to each	697
For regulations as to Fires, Chimnies, &c. See <i>Fires.</i>	
CHIEF JUSTICE.	
His fees, under Act for regulation of	18
On the third Monday of April, annually, to nominate three fit persons for the office of High Sheriff	158
To commission persons to take Bail in the country	185
His Fee for receiving Recognizances from said Commissioners	ib.
To make Rules for the justifying of Bail	186
To be allowed £100 per annum for attending Courts in King's and Prince Counties	584
Exempted from serving in the Militia	641
CHIMNIES.	
How to be swept; and fines respecting them. See <i>Fires.</i>	
CHURCHES.	
Incorporation of. See <i>St. James' Church. St. John's Church, Belfast. Church of England.</i>	
CHURCH of ENGLAND.	
Liturgy of, to be the fixed form of worship in this Island	256
No person to officiate as a Minister of, unless a testimonial of his having been licensed by the Bishop of London or Nova Scotia be produced to the Governor, who shall thereupon proceed to induct him into any Parish making presentation	ib.
Governor and Council to suspend and silence pretended ministers of	257
Congregations of the different Churches in the Island to meet annually on the Tuesday in Whitsuntide, to choose eight persons as a Vestry	602
Minister to intimate meeting from the pulpit the Sunday previous	603
Minister and Vestry to choose two persons out of the said Vestry to be Church Wardens	ib.
The Minister, Church Wardens and Vestry of each Church incorporated	ib.
Powers of Corporation	ib.
May hold Lands, Goods, &c. not exceeding £1000 of yearly value each	ib.
Corporation, when they see fit, may call a public meeting of the congregation (by giving notice three Sundays previous), to fix rates of pews, levy assessments, and order repairs	604
No rate to be valid unless a majority of Pewholders, or their proxies, be present	ib.
Such Meeting to elect Officers and fix their Salaries—the Clerk chosen to be subject to the approval of the Minister	ib.

	Page.
CHURCH of ENGLAND, continued.	
All pewholders and persons claiming a right to vote for Church Wardens, &c. liable to be rated	604
Corporation to make By-Laws, &c. subject to the approval of the congregation	605
CHURCH WARDENS.	
How appointed. See <i>Church of England.</i>	
CLERGY.	
Allowance of, not to protect Accessaries	209
Benefit of, how allowed to persons claiming	ib.
Persons claiming benefit of, how punished	ib.
Women admitted to benefit of, and punishable as men for similar offences	ib.
Benefit of, not allowed more than once	209, 210
CLERGYMEN.	
Not eligible to be Masters in the Central Academy	402
To transmit a Certificate of every Marriage performed by them to the Surrogate	421—522
£5 Penalty for every neglect	422—523
To demand from parties married for such certificate the sum of 1s. 6d. to be paid to the Surrogate for recording the same	ib.
To keep a Record of Baptisms, and for every certificate from such record, to be entitled to 1s. 6d.	422
Exempted from serving in the Militia	641
Exempted from serving as Fire Wardens	694
See further <i>Marriages.</i>	
CLERK.	
<i>Of Assembly.</i>	
His fees	16
<i>Of the Council.</i>	
His fees under Act for the regulating of	15
To give attested copies of proceedings of Council, relative to Titles to Lands, when required	174
His fees for so doing	ib.
To endorse on each Act of Assembly the date of its passing and receiving the Governor's assent, which shall be the date of its commencement	330
<i>Of the Crown.</i>	
His fees under Fee Act	18
<i>Of the Market.</i>	
To visit all Bakers' Shops, Bake houses, &c. at least once a week, under pain of forfeiting 5s. for every neglect	608
To seize all Bread which shall be of improper quality, short of weight, or not impressed with the initials of the Baker's name, and dispose of it to the poor	ib.

	Page.
CLERK, continued.	
<i>Of Militia Companies. See Militia.</i>	
<i>Of Supreme Court.</i>	
His fees under Act for the regulating of	19
At the end of every Trinity Term, to certify, under the Seal of the Court, into the Treasury, an account of all Fines and Forfeitures adjudged to the Crown, under penalty of £20	164
To certify a Transcript of persons having benefit of Clergy	210
COLLECTORS of IMPOST and EXCISE.	
How appointed	97
Rules for guidance of	105
Salary of, for Charlotte Town, fixed at £260 per annum, in lieu of all emoluments	536
In the absence of Collector, his Clerk or Deputy authorized to perform the Duty	705
Clerk or Deputy to be sworn, and Collector to be responsible for his conduct	ib.
Clerks or Deputies so sworn, authorized to make seizures	ib.
COLONIAL SECRETARY.	
His fees under Act for the regulating of	14
To register in a Book to be kept for that purpose, all Orders of His Majesty in Council relating to any Laws of this Colony, within 30 days after they are received, together with the Proclamations notifying the same	588
Exempted from serving in the Militia	641
COLVILLE BAY.	
Commissioners of Customs authorized to appoint a resident Justice of Peace to be Sub-Collector for Port of	537
COMMISSIONERS of HIGHWAYS.	
To appoint Harbour or Ballast Masters annually for sundry small Harbours	498
Governor and Council to appoint a Commissioner for each District	544
Commissioners to appoint Overseers of Statute Labour annually, on or before the 1st of May, and prescribe their limits and the labour to be performed	546
To appoint persons contiguous to Bays and Rivers to mark winter tracks on the ice	547
To direct how money received in commutation of Statute Labour shall be expended	550
Four months after performance of Statute Labour, to make a report to Governor and Council of all their actings and doings; and receive no salary until such report be given in	ib.
To lay out the monies appropriated for the service of Roads and Bridges, within their respective Districts; by advertising for	

	Page.
COMMISSIONERS of HIGHWAYS, continued.	
Tenders, or putting the work up to auction	559
Security to be taken for the due performance of each contract	551
To be allowed $2\frac{1}{2}$ per cent. on sums so expended	ib.
Monies so expended, to be paid to Contractors, on Commissioners certifying that the work has been performed	ib.
To order removal of nuisances from the Highways, and prosecute for penalties	ib.
To be allowed £10 per annum each, exclusive of all commission	552
To direct Overseers when to summon inhabitants to break winter roads in the snow	ib.
May commute Statute Labour, for work to be done in winter, in procuring timber for Bridges, &c.	554
In the event of death or absence of Overseers, to appoint others	ib.
Penalty of £5, for neglecting to carry into effect any of the provisions of 3 W. 4, c. 2.	ib.
List of Road Districts	555
Allowance to Commissioners for attending Sheriff's Inquisitions, under Acts regulating the laying out and altering of Highways	568
Commissioners to appoint annually, on or before the first of July, as many persons as they consider necessary, to act as Sheep Reeves, within their respective Districts	682
<i>See Statute Labour—Highways.</i>	
COMMISSIONERS of SMALL DEBT.	
Mode of appointment, and duty of. <i>See Small Debts.</i>	
Duty of, in cases of summary Capias. <i>See Justices of the Peace.</i>	
CONSTABLES.	
Their Fees under Act for the regulating of	23
To apprehend delinquents who neglect to attend Militia musters under Warrant of Captains of Companies	43
To execute Officers' Warrants against Clerks of Companies, who neglect to account for fines	46
Fee for executing a Warrant against any offender, except for capital felonies, one shilling, with travelling charges—to be paid by the complainant	198
What shall be deemed due service of a Summons, under Small Debt Act	467
Executions under said Act to be directed to a Constable to levy on Debtor's goods, and sell the same, giving six days' notice; or for want of sufficient goods, to commit his body to Jail	477
Constable suffering a prisoner under said Act to escape, or detaining money received or levied thereunder in his hands, 21 days after date of execution, if demanded, how punished	479
Fees and Mileage under Small Debt Act	483
Authorized to command assistance in seizing persons guilty of violating the quarantine regulations	511—514

CONSTABLES, continued.

- In cases where Justices of the Peace are empowered to impose Penalties, and delinquents are committed to prison for want of goods whereon to levy, Constables' fees to be defrayed out of the Treasury 525
- Their duty at Fires. See *Fires*.

CONVEYANCES. See *Registrar and Registry of Deeds, &c.***CO-PARTNERS (and JOINT DEBTORS.)**

- Any one or more of such being absent from the Island, Creditors may proceed to recover their debts by Mesne process, against all the partners or joint-debtors, which shall be served upon such of them as are in the Island 324
- If the names of any joint debtors are omitted in the Writ, Court may abate Writ, or stay proceedings 325
- Declarations may be filed against such joint debtors, &c. as have been served with process ib.
- After judgment, plaintiff may levy on the joint or separate property of said joint debtors or co-partners, or take their persons in satisfaction 326
- Court may grant imparlance ib.
- Any co-partner, &c. so absent, coming to the Island before final termination of suit against his joint debtor, may be permitted to defend the same 326
- If any co-partner or joint debtor come into the Island after judgment, plaintiff may have a *scire facias* against him, in case said judgment shall be unsatisfied ib.

CORDWOOD.

Regulated. See *Firewood*.

CORONER.

His fees, under Act for the regulating of 92

COUNCIL.

- Authenticated copies of Proceedings of, relative to Titles to Land, made legal evidence 174
- Members of, their duty in case of alarm from the Batteries 47
- Not entitled to vote at Elections 272
- Excused from serving on Juries 334
- Excused from serving in the Militia 641
- See further, *Governor and Council*.

COUNTIES.

Division lines, how to be run 707, 708

COURTS.

All proceedings of, prior to a Legislature being called in the Island, confirmed 3

	Page.
COURTS, <i>continued.</i>	
All Justices of, exempted from serving in the Militia See <i>Supreme Court.</i>	641
CRIMINAL INFORMATIONS.	
How returned	212
CRIMINALS.	
How to be tried	6
Jurymen for trial of, from whence to be summoned, and their qualifications	7
CROWN LANDS.	
Persons occupying any ungranted land, without a licence, to forfeit a sum not exceeding £20, for the use of Government; to be recovered on the oath of one witness, and sued for as debts are of similar amount	622
CRYER.	
His fees	23
CUSTOMS.	
Sub-Collectors of, for Ports of Three Rivers, Colville Bay, Princetown, Bedeque and Cascumpee, appointed, with sala- ries of £40 per annum	537
DE BENE ESSE. See <i>Depositions of Witnesses.</i>	
DEBT.	
Of deceased persons, Real Estate may be sold for payment of, where personal assets shall be insufficient	69
Of persons dying Insolvent. See <i>Intestates, Wills.</i>	
Limitation of Actions of	73
Mutual, may be set one against the other	131
See further, <i>Set-off.</i>	
Small. See <i>Small Debts.</i>	
DEBTORS.	
<i>Absent or Absconding.</i>	
Goods and Estate of, may be attached, in whose hands soever found	56
Attaching any part thereof shall secure the whole, and subject the same to be taken in execution when judgment recovered	ib.
Entitled to re-hearing within three years	60
Plaintiff, before execution issues, must give security to refund, if judgment, on rehearing, be reversed	ib.
Where no Goods or Effects can be found, Agent of an abscon- ding Debtor may be summoned into Court	56
Agent admitted to defend suit; and allowed to imparle for two Terms	57

	Page.
DEBTORS.	
<i>Absent or Absconding, continued.</i>	
Goods in Agent's hands subject to Execution	57
Plaintiff to be non-suited, where no effects are in Agent's hands	58
Agent not appearing the first term, liable to pay Plaintiff his costs	ib.
Agent, after service, disposing of the property of his principal, shall answer to <i>Scire Facias</i> , on oath, what goods he had at the time, and shall be made answerable to the value thereof, out of his own property	59
Agent acting fairly, to be allowed his costs by the party pursuing	ib.
Taking such property in Execution, to exonerate Agent of any claim of his Principal	60
<i>Insolvent.</i>	
If confined, may apply, by Petition, to Court from whence process issued, or to two Judges thereof in vacation, to be discharged, and exhibit on oath an account of all effects, real or personal	123
Justices to call Creditors before them	124
If Creditors fail to appear, Court may examine into the matter of the Petition, and tender an Oath to the Prisoner	ib.
Form of Oath	ib.
If Creditors are satisfied, Court may order Lands, Goods, &c. to be assigned to one or more of the Creditors in trust for the rest, and the Prisoner to be discharged	125
Prisoner's Effects to be divided rateably among the Creditors	126
If the Creditor at whose suit the Prisoner is confined, be not satisfied, Prisoner to be remanded, and the matter further inquired into	ib.
Detaining Creditor, in the mean time, to allow the Prisoner 3lbs. of good and wholesome bread per week—on failure whereof Prisoner to be discharged	ib.
Prisoner refusing to take oath, or swearing falsely, how punished	127
Proceedings of the two Justices to be effectual	ib.
Justices may discharge Prisoner, on his appearance on any after day, unless Creditors insist on his being longer detained, and do agree, by writing, to the weekly allowance of bread being continued	ib.
Proceedings when Prisoners petition during the sitting of the Court	128
Time limited for Prisoners to present Petitions	130
Though discharged from prison, property to be always held liable until debt is paid	ib.
Persons so discharged, and afterwards convicted of perjury, to be punished according to Law, and be liable to be remanded to prison	ib.

DEBTORS.

Page.

Insolvent, continued.

Quakers allowed to affirm	131
Mutual Debts to be set one against the other	ib.
Act not to extend to Debtors, whose Debts exceed £100	132

See further, *Limits and Rules.**Joint. See Copartners.*

DEEDS.

See Registrar and Registry.

DEPOSITIONS of WITNESSES.

<i>De bene esse</i> , on Excise cases, taken before a Justice of the Supreme Court, to be admitted as evidence on the Trial	104
Notice of taking evidence to be given to Defendant	ib.
In causes between party and party, depositions of Witnesses, who are infirm, about to leave the province, &c. taken before a Judge of any Court of Record, to be deemed legal evidence	109
Proof required of due notice to adverse party	ib.
What shall be deemed due notice	ib.
Personal appearance of witnesses required if disability is removed before trial	110
Party on the trial, to have the benefit of exception to the credit of witnesses	ib.
Quakers may make affirmation instead of oath	ib.
Persons who swear or affirm falsely, to be punished as for perjury	ib.

DEPUTY SHERIFF. *See Under Sheriff.*

DESBRISAY, SOLOMON.

Act for relief of	504
-----------------------------	-----

DESERTERS.

From Army or Navy.

Penalty of £20 for harbouring of, one half to the informer, the other to the Officer or Ship to whom Deserter belongs	302
Sheriff or other officer to take suspected persons before a Justice of Peace, by whom they may be committed to jail	ib.
Jailors to receive no fee for the imprisonment of	ib.
Five Pounds reward, for the apprehension of	304

From Merchant Service.

Persons hiring or harbouring, to be fined Twenty Pounds	333
Deserter to forfeit all wages due him up to the period of desertion, if engaged by written contract	339
No action for penalties to commence after expiry of two years	340

Hired Fishermen.

or other servants, deserting during fishing season, may be committed by any Justice, for a period not exceeding 3 months	360
--	-----

	Page.
DILATORY PLEA.	
Not to be received, unless verified by affidavit, or the Court otherwise satisfied of the truth thereof	141
DISSENTING PROTESTANTS.	
All Contracts between them and their Ministers made valid	130
Exempted from the payment of Rates for support of the Church of England	ib.
To have liberty of conscience	130—257
DOGS.	
To be destroyed, if known to have killed any Sheep or Lambs, and owners to make good the damage	356
If owner refuse to kill any such dog, to be fined £5, to be levied by distress—for want of distress, to be committed, not less than 14 days, nor more than one month	ib.
DOWER.	
How to be divided after Widow's death	69
Heir neglecting, two months after demand, to set out Dower, widow to have Writ of <i>Unde nihil habet</i> for the recovery thereof	191
Form of said Writ	ib.
On obtaining Judgment, widow to recover damages from the time of demand, and shall have a Writ of Seisin	192
Form of said Writ	193
Where no damages are recovered, Writ to run only for Seisin and Costs of suit	194
Five Freeholders to be appointed by the Sheriff, and to be sworn, to set off one third of dowable estate, by Metes and Bounds	ib.
If the inheritance be such that no division thereof can by law be made, widow to have a third of the issues and profits, to be computed by five persons appointed as aforesaid	ib.
Widows made liable for waste	195
Felony to work no forfeiture of	202
Deeds made by married women, jointly with their husbands, conveying real estate, made valid to bar dower, if acknowledged before a Judge or Justice of the Peace	227
Form of acknowledgment	ib.
ELECTIONS.	
Sheriff or his Deputy to be sworn before a Magistrate, and the Oath shall be annexed to the Return of every Writ of Election, under a Penalty of £50. After reading Writ of Election, Sheriff, &c. to appoint two Poll Clerks, who shall be sworn	266
At the close of the Election, Sheriff to declare the persons having the majority of votes, duly elected	267
Sheriff, &c. to grant a Scrutiny, if demanded in writing within two hours after closing the Poll; and shall proceed therewith the day following. No vote to be scrutinized unless objected	

	Page.
ELECTIONS, continued.	
to and marked at the time of polling	267
Sheriff to return proceedings on Scrutiny to the House	ib.
Sheriff, &c. to give a copy of the Poll, if required	ib.
If more than one member to be elected, votes to be all given at the same time	ib.
Fraudulent conveyances, to qualify voters, to be deemed absolute against the Grantors; and all collateral securities to defeat them shall be void; and persons making the same, or voting by colour thereof, fined £10.	ib.
Sheriff, &c. to give 30 days' notice of an Election for a County, and 20 days for a Royalty, from the time the same shall be posted up	268
Persons elected Members must have a freehold or personal estate in the Island, of the value of Fifty Pounds; and must have been in possession thereof for Twelve Months	269
Sheriff, &c. making a false return, to forfeit £100; and for acting in any manner contrary to the Act, to forfeit £20	ib.
Bribery to be punished as in England	270
Returning Officer (other than the High Sheriff) for any County or Royalty, may be elected in another	ib.
Returning Officer to be paid out of the Treasury Ten Shillings <i>per diem</i> while the Poll is kept open; also travelling and other unavoidable expences	ib.
Absent candidates may be represented by any Elector present, without a special power	ib.
Returning Officer to execute Indenture at the close of each Election—one part to the persons elected, the other, together with the writ, oaths, &c. to be transmitted to the Secretary's Office	271
Returning Officer influencing any Election, to forfeit £50	ib.
Poll Books to be delivered into Secretary's Office	272
Members of Council and Minors not entitled to vote	ib.
Fines and Forfeitures, how recovered and applied	ib.
Prosecutions to be commenced within six months	ib.
Poll not to be kept open for more than three days at the place where it shall be first opened	274
Oath of Returning Officer	ib.
Form of Indenture, to be executed by Returning Officer	276
Qualifications of Electors for Counties	427
Qualifications of Electors for Towns or Royalties	458
Latter qualification not to confer a right to vote for Counties	ib.
Six Months' Possession of a Freehold or Leasehold qualification to be deemed sufficient, if registered one Month before the teste of the Writ	ib.
Poll for Queen's County to be opened at Charlotte Town, and adjourned, if required, to Campbeltown and Pinette	429
Poll for King's County to be opened at Georgetown, and ad-	

	Page.
ELECTIONS, <i>continued.</i>	
journed, if required, to Murray Harbour, and the head of St. Peter's Bay	ib.
Poll for Prince County to be opened at Princetown, or Royalty, and adjourned, if required, to Bedeque and Hillstown	430
Sheriff or his Deputy, within seven days after receipt of a Writ of Election, to post copies thereof, and cause Election to be held as in said Writ is directed	430
Election to commence between ten and twelve in the forenoon	431
Returning Officer not to declare the choice on view, unless with the consent of candidates	ib.
Application for the removal or adjournment of the poll, must be made on the day on which the same is first opened	ib.
On such application, Electors to be notified thereof	ib.
Poll not to be closed, without consent, until proclamation is made—If after Proclamation no voter shall come forward for the space of one hour, the poll shall be closed	432
Oath to be administered to Electors	ib.
When more than the requisite number of candidates shall have an equal number of votes, the Returning Officer shall make a special return of the proceedings—to be disposed of by the House of Assembly	433
Not to prevent a Scrutiny being granted	ib.
Oath of the Poll Clerks	ib.
At Elections held between 1st April and 1st October, Poll not to be kept open later than 7 in the evening	503
And not later than 5 in the evening, if held between 1st October and 1st April	ib.
ELECTORS.	
Qualification of, for Counties	427
ditto for Towns or Royalties	428
Oath to be taken at Elections, if required	432
ENTAILS. See ESTATES Tail. Tenants in Tail.	
ESCHEATS.	
Act for regulating the proceedings of a Court of, (since disallowed)	534
ESTATES.	
<i>(Real.)</i>	
Of persons deceased, to be sold to pay Debts and Legacies, in case of deficiency in personal assets	69
Application to be made to Governor and Council for directions to sell	ib.
Executor or Administrator to give 30 days' notice of sale	ib.
If insolvent, to apply to Governor and Council to appoint Commissioners to inquire into	70

ESTATES, continued.

Of Widows.

How divided after their death 69

Of Intestates.

How divided. See *Intestates.*

Conveyances of.

By married women to bar Dower, how made. See *Dower.*

Tail.

Deeds executed by Tenants in Tail, and acknowledged before a Judge of Supreme Court, to be valid, and conveyance to bar to have the same force as fine or common recovery 340

If executed by *Baron* and *Feme*, how acknowledged 341

Deeds to bar, executed out of the Island, how to be acknowledged ib.

Deeds to bar, to have no effect excepting against the party executing the same, unless registered 343

See further, *Tenants in Tail.*

EXCHANGE.

Bills of, on Europe, returned protested, subject to 10 per cent. damages, with 6 per cent. Interest, from date of Protest, over and above charges, &c. 4

Bills on any Colony returned protested, subject to 5 per cent. damages, with 6 per cent. Interest, from date of Protest ib.

Inland Bills subject to 6 per cent Interest from date of Protest 5

Stealing of Bills of, made Felony 205

EXCISE. See *Impost.*

EXECUTORS. See *Wills.*

May have *scire facias.* See *Suits, abatement of.*

FEEES.

Act for regulating Fees of the Governor or Commander in Chief, Provincial Secretary, Clerk of the Council, Speaker and Officers of the House of Assembly, Officers of Court of Chancery, Chief Justice and Officers of Supreme Court, Attorneys, Sheriff, Coroner, Jurors, Witnesses, Constables, Jailors, Court of Probate, Justices of the Peace, Notaries Public, Surveyor General 13

No Officer therein mentioned to take other or greater Fees than allowed by said Act ib.

Officers to hang up a List of their Fees in their respective Offices 29

And to give an account of their charges, when required, under a penalty of £5 ib.

Penalty of £5 for demanding any greater Fee than allowed by Law, besides the loss of the fee so illegally charged 50

Penalty of £5 for any breach of Fee Act, to be paid to party

	Page.
FEES, <i>continued.</i>	
aggrieved, with treble costs—provided Action be commenced within six months	ib.
Of Clerk of Council, for giving copies of proceedings	174
of Commissioners and Judge, for taking Bail	185
of Magistrates, for issuing and Constables for serving Warrants	197, 198
for surveying Lumber, Firewood, &c.	284
of Ballast Masters	348
for measuring and weighing grain	390
of Surrogate, for recording Marriages, and granting Certificates	422, 523
of Poundkeepers	439
of Sheriff, for Bond given by Prisoners on the Limits	452
of Commissioners, Constables and Witnesses, under Small Debt Act	483
of Justices, Constables, &c. under Capias Act	496
of Health Officer	513
of Surveyors, Chainmen and Labourers, Attorney General, Prothonotary, Sheriff, Jurors, Road Commissioners and Witnesses, under Road Compensation Act	567, 568
of Commissioners for taking proof of the due execution of Deeds, &c.	570
of Registrar, for recording Deeds, &c.	575
for recording Orders in Council, &c.	589
of Assayers of Weights and Measures	599
of Justices, Constables and Witnesses, under Act for trial of Assaults and Batteries	677, 678
FELONIES.	
Act relating to	201
Quakers not to give evidence respecting	111
FELONY.	
Capital, to personate Bail	186
Capital, to forge or alter Treasury Notes	366
Capital, to plunder shipwrecked goods, put out false lights, or injure persons shipwrecked	409
Capital, to do any thing to produce shipwreck	415
FEME COVERT. See <i>Marricd Women.</i>	
FENCES & FENCE VIEWERS.	
Division Fences between improved lands of different proprietors to be 4½ feet high, and made and repaired equally by each proprietor	198
Fence Viewers, their duty and power, in case of a proprietor refusing to perform his part after one month's notice	199
To be allowed 3s. <i>per diem</i> when employed, and fined 20s. for every neglect of duty	ib.

	Page.
FENCES & FENCE VIEWERS, continued.	
Occupiers of unimproved Wood or burnt land, not obliged to make any division fence	ib.
Grand Jury to nominate Fence Viewers annually in Hilary Term	200
Fences between improved lands of different proprietors, when prostrated, destroyed, or otherwise injured, to be immediately replaced—person refusing to make good his proportion, after 24 hours' notice, to be proceeded against as directed by 31 G. 3, c. 7.	399
Fence Viewers for King's and Prince Counties, to be appointed annually as in Queen's County	584
Fences to be 4½ feet high, and strong made, to entitle owners of inclosed fields to sue for trespasses committed by cattle thereon	623
Opinion of Fence Viewers to be conclusive evidence of their sufficiency	ib.
FERRIES.	
Former Acts relating to, repealed	558
When Ferries are to be let, Governor, &c. to advertise for Tenders	559
Also make rules, and state the same in the advertisements	ib.
Persons tendering lowest, to receive a Licence for three years, subject to be displaced for neglect of duty	ib.
Licensed Ferrymen to give security, and provide boats, &c.	560
Penalty on Ferrymen for neglect of duty, or for every day they may be deficient in any article stated in Licence	ib.
Where no Tender is made, Governor, and Council to fix the rate of ferriage	ib.
Purport of Licence granted to Ferrymen	ib.
Rules to be hung up in Ferry house, under a penalty of 5s. for each day's neglect	561
Persons not licensed acting as Ferrymen, to forfeit not exceeding 20s. for each offence	ib.
No higher Ferriage to be charged than stated in Licence	ib.
Penalty for rudeness to passengers, unnecessary delay, or misconduct	ib.
Ferrymen may demand payment before passengers embark	562
No revenue to be derived by letting Ferries, &c.	563
Constant Ferrymen exempted from serving in the Militia	641
FIRE ARMS.	
In Charlotte Town, the unnecessary discharge of, prohibited, under a penalty of 10s. or 48 hours imprisonment	196
Complaint to be made within 24 hours	197
FIRE ENGINE COMPANY.	
To consist of a Captain, two Lieutenants, and thirty-two other persons: to have the charge of the Fire Engine, hose and	

	Page.
FIRE ENGINE COMPANY, continued.	
buckets, and shall be obliged to keep the same in good order —members of the company to be exempted from serving as Constables, or working on the Highways	333
Company to appoint training days, of which six shall be in summer, and two in winter; and persons neglecting to attend the same, or guilty of disobedience, shall forfeit five shillings	384
Each member to be provided with a cap and tippet of leather, to be worn at fires and trainings, under a penalty of five shillings	ib.
Lieutenant Governor to appoint Captain	383
Other vacancies to be filled up by the majority of the company	384
Captain shall once a year publish the names of the company in the Newspapers.	384
And shall also give Road Commissioner a list thereof, when requested, under a penalty of 20s. for refusing such list	385
Penalties to be recovered before one Justice, and applied in keeping Engine, &c. in repair	385
Inhabitants at their Pump and Well assessment meetings may vote money for the purchase of hose, buckets, ladders, saws, axes, fire-hooks, ropes and chains—money to be paid to the Captain, who shall account to the Assessors for the appropriation thereof	658
May also vote money for the purchase or repair of Fire Engines and necessary apparatus	697
No member of the Company shall be allowed to withdraw, unless with permission of the Officer commanding, until he shall have served at least one year, and given three months' notice in writing	694
Captain and Officers to appoint four Firemen, who shall have charge of and keep in good repair the Hooks, Chains, and other Implements—and who shall be exempted from Statute Labour	635
Persons having any such implements in their possession 24 hours after a fire, to be fined 5s.	ib.

FIREMEN.

Their duty, and how appointed. See *Fire Engine Company*.

FIRES.

Act for preventing accidents by, within the Town of Charlotte Town, 4 W. 4, c. 10.	687
Eight Fire Wardens to be appointed by Governor and Council, to serve during continuance of Act, who shall be sworn	688
Fire Wardens to license Chimney Sweeps	ib.
Persons following such occupation, without such licence, to forfeit 40s.	ib.
Penalties on Chimney Sweeps for neglect of duty	688, 689
Chimnies to be swept once every two months, from 1st May to 31st October; and once every Month during the remainder of the year	688

FIRES, *continued.*

Page.

Majority of Fire Wardens to fix or vary the rates	689
Penalty of 10s. in case of a Chimney taking fire, unless the provisions of the Act, with respect to sweeping Chimneys, had been complied with	ib.
A Leathern Bucket, with name painted thereon, to be kept by the occupants of houses of the yearly value of £10, and upwards, under a penalty of 5s. for every time Fire Wardens shall call and find the same wanting	ib.
Every house to be provided with a Ladder, correspondent to the height thereof	690
Penalty of 20s. for not having Bucket and Ladder, or not keeping the same in repair	ib.
The Ladder to be provided by the Landlord, or if provided by Tenant, the expence may be deducted from his rent	ib.
Fire Wardens to visit each house within their respective Wards, once every three months, under a penalty of 5s. for every house omitted, to inspect Buckets and Ladders—and any housekeeper refusing to produce the same, to forfeit 5s.	691
Penalty of 10s. for keeping any hay, straw or flax in any dwelling house; or any Ashes on a wooden floor, or in a wooden vessel, in any house or out-house—over and above the forfeiture of such hay, straw or flax	ib.
Penalty of 5s. for carrying a lighted candle or firebrand, from house to house, unless properly secured—Minors or Apprentices offending, penalty to be paid by parents or employers	ib.
Not more than 25 lbs. of Gunpowder to be kept in any house or shop at one time; nor any quantity unless properly secured, under a penalty of 40s.	692
Justices of the Peace, on information on oath, may issue a search warrant, and if more than 25lbs. be found, the party offending to incur a penalty of 2s. per lb. for all above that quantity	ib.
No penalties to be incurred for keeping Gunpowder, unless there be a Magazine to which the public can have access	ib.
Stove-pipes, regulations as to	ib.
In case of Fire, alarm drum to be beat, and church bells rung	693
Persons convicted before one Justice of raising false alarm, to forfeit not exceeding £5	ib.
Fire Wardens to have a staff, and to regulate and direct the exertions of the inhabitants during fires	ib.
Persons convicted within one week of disobedience to Fire Wardens at fires, to forfeit not exceeding 20s.	694
Constables to attend with their staves and enforce the commands of Fire Wardens, &c.	ib.
Constables neglecting to attend at Fires, or refusing to obey commands of Fire Wardens, or failing to produce a certificate of their attendance, &c. if called for by any Justice of the Peace, liable to a penalty not exceeding 10s.	696
Parents and Masters liable for children or apprentices found transgressing	ib.

	Page.
Inhabitants may assess themselves to procure Fire Engines, &c.	696
Town to be divided into eight Wards, with one Fire Warden to each	697
A majority of Fire Wardens present at any fire (or in their absence, two Justices of the Peace), may order the pulling down of houses, to prevent the spreading of the fire	ib.
Mode of recovering compensation, for houses so pulled down	698
No compensation to be granted for pulling down a house where fire originated; nor for any house which must inevitably have been burnt	699
Fines and Penalties how recovered and applied	ib.

FIRE WARDENS.

To cause rubbish of any kind to be removed from the streets of Charlotte Town, without giving notice, at the expence of the parties placing it there, or opposite whose premises it may be found	491
To sue for penalties, and apply the same for keeping Fire Engines in order	492
Any Fire Warden suffering a nuisance to remain for six hours after complaint is lodged, to forfeit 10s.	ib.
Mode of appointment, and duty of. See <i>Fires</i> .	
Clergymen and Medical practitioners exempted from serving	694
Other persons refusing to serve to forfeit 40s.	ib.

FIREWOOD.

What shall be deemed Merchantable	347
If deficient in quality, to be forfeited	ib.
Fee for surveying, and by whom paid	348

FISH BARRELS and TIERCES.

Barrels, Half-barrels and Tierces containing Pickled Fish, for sale or exportation, shall be of sound, well seasoned timber, free of sap. Hardwood staves to be half an inch thick in the thinnest part; and softwood three fourths of an inch. Bung stave to be of hardwood; heading to be well seasoned and planed: to have at least four hoops on each chime, and four on each bilge: Barrel staves to be 23 inches in length; heads 17 inches between the chimes: Barrels to contain not less than 29 nor over 30 gallons; Half-barrels not less than 15, and Tierces not less than 45 nor over 46 gallons	680
Every Barrel of Pickled Fish to contain 200 lbs. weight of Fish—Half-barrels and Tierces in proportion	681
Any person selling any Pickled Fish in Barrels, Half-barrels or Tierces, deficient in size or weight, to forfeit five shillings for every cask so sold—to be recovered, if under 40s. before one Justice; if over that sum, and under £5, before two Justices, together with costs, on the oath of one witness, and be levied by distress; and for want of distress, offender to be committed for not less than 15 nor more than 30 days—If fine	

	Page.
FISH BARRELS and TIERCES, <i>continued.</i>	
exceed £5, to be recovered, together with costs, by action of debt, in Supreme Court—Fines to be paid into the Treasury	681

FISHERIES.

All engagements between masters and servants to be in writing, under a penalty of £10 to the King—copy of the agreement to be given to the servant, to be produced in case of dispute	358
All Fish and Oil to be subject first to payment of wages, and to pay for bait	359
Creditors furnishing supplies for the current season, to have a preferable claim on all vessels, boats, fishing tackle, fish and oil, saving claims for servants' wages	ib.
Fishermen or other servants absenting themselves, to forfeit not exceeding 15 days pay, for each day's absence—If absent two days without leave, to forfeit all the wages then due—and Justice may commit deserters to prison for a period not exceeding 3 months	360
Tavernkeepers or others harbouring or vending liquor to any hired fisherman, &c. without master's permission, during fishing season, to forfeit 40s. for every offence, to be recovered before one Justice	ib.
Fishermen, &c. privileged from arrest, and property embarked in fishery not to be attached or taken in execution during fishing season	ib.
Vessels cleared out for the Fishery in the gulf, or neighbouring coasts, need not again report at the Custom House during the current season	361
Fishing season to commence 15th April and end 1st November	ib.
Vessels engaged in, exempted from Light Duty	720
See further, <i>Herrings and Alewives.</i>	

FISHERMEN.

Persons employing any without a written agreement, to forfeit £10 to the King	359
To have a preferable claim on all Fish and Oil	ib.
To forfeit not exceeding 15 days pay, or shares, for each day's absence, or for refusing to work	ib.
If absent two days without leave, to forfeit such wages or shares as may be then due, and may be committed to prison for 3 months	360
Privileged from arrest for debt, and exempted from Militia duty, during fishing season	ib.
See further, <i>Fisheries.</i>	

FORGERY.

To forge or alter Treasury Notes, Felony, without Clergy	366
--	-----

	<i>Page.</i>
GAMING.	
Commissioners for Small Debts not to adjudicate in cases of	480
GARDENS.	
Penalty of 2s. 6d. for entering of, without permission, over and above all damages incurred	627
Penalty for wilfully or maliciously injuring or damaging of	629
GEESE.	
Found at large in the Streets of <i>Charlotte Town</i> may be seized by any person	218
Justice of Peace, if within 24 hours, to order the same to be sold— —one half to the poor, the other to the person seizing the same	219
GENERAL ASSEMBLY.	
Duration of, not to exceed Four years	589
Not to be dissolved by the death or demise of the King	702
GEORGETOWN	
Assessment for improvement of	536
Supreme Court to be held at, the second Tuesday in March and third Tuesday in July	582
Terms not to exceed seven week days each	581
GIN.	
Duty on. See <i>Impost.</i>	
GOVERNMENT HOUSE.	
Sum granted for building of	415
Commissioners authorized to make contracts, &c. and submit the same to Governor and Council, for approval	446
Warrants to be drawn on the Treasury at the requisition of the Commissioners	417
GOVERNOR and COUNCIL.	
All Rules, Ordinances, &c. of, anterior to the calling of a General Assembly, made void, and all proceedings had thereunder confirmed	2
To direct division to be made of Lands held in common by different proprietors, upon application of parties interested	50—228
To give directions for sale of real estate of persons deceased, to pay off Debts and Legacies, in case of deficiency in personal assets	69
To appoint Commissioners in case of insolvency	70
To regulate allowance to be made to Commissioners of Sewers, and to hear appeals against any of their procedures	231—233
To suspend and silence pretended Ministers of the Church of England	257

	Page.
GRAIN.	
Measurers and Weighers of, to be appointed by the Lieut. Governor	390
All grain bought or sold, to be measured and weighed at request of buyer or seller	ib.
Allowance to Measurer, &c. one farthing per bushel, to be paid equally by the parties	ib.
Grain above or below the Standard weight, allowance to be made therefor	ib.
Penalty on Measurer and Weigher for neglect of duty, who shall also be liable in damages to parties injured	391
Standard Weight of Grain and Pulse regulated	396
GUAGER.	
Duty of	93, 94—97
GUNPOWDER.	
Regulations respecting. See <i>Fires.</i>	
GUNS.	
Firing off, in Charlotte Town, prohibited. See <i>Fire Arms.</i>	
HARBOURS.	
Penalties for throwing ballast or rubbish into. See <i>Ballast.</i>	
	<i>Ballast Masters.</i>
HEALTH OFFICER.	
Lieut. Governor and Council to appoint one competent medical person for the Port of Charlotte Town, to visit and inspect all vessels entering said harbour, which shall hoist a signal off the Block House, in the starboard main-rigging; or which shall have emigrant passengers, or which may be suspected of being infected with any pestilential or contagious distemper	512
His duty on boarding such vessels	ib.
To be paid by the Master or Owner £1 3s. 4d. for each vessel inspected, and half that sum for every subsequent visit, should such be necessary	513
For any unnecessary delay in boarding, or for negligently performing his duty, to be displaced from office	ib.
To inspect the cleansing and purifying of all infected vessels, and to have charge of all persons landed from such, until risk of infection shall cease	515
	See further, <i>Quarantine.</i>
Health Officers, how appointed for the out-ports	517
HERRINGS and ALEWIVES.	
Persons setting Nets, or leaving Nets set, or stakes to fasten Nets to, in the day time, in any creek, harbour. &c. and refusing to remove the same when requested by any	

	Page.
HERRINGS and ALEWIVES, continued.	
person aggrieved, to forfeit 20s. for the first offence; and for the second a like sum, together with the Nets and Fish therein—unless the removal of such Nets, &c. is prevented by stress of weather	596
When Herrings have sholed, Lieut. Governor may appoint persons contiguous to fishing stations, to permit and regulate where Nets may be set in the day time	ib.
Persons wilfully injuring Nets to forfeit not exceeding £5, with costs	597
All penalties to be recovered before any one Justice	ib.
Disputes respecting Nets or Fish seized to be determined before two Justices—the party forfeiting the net to pay expences	ib.
Any three Justices may make further regulations for the prevention of disorderly conduct, during fishing season	ib.
HIGHWAYS.	
For regulating the laying out and altering of. See <i>Roads</i> .	
Commissioners of, how appointed, and duties of. See <i>Commissioners of Highways</i> .	
Overseers of, how appointed	546
Description of persons liable to work on Highways. See <i>Statute Labour</i> .	
Roads how to be marked in the Winter	547
Monies appropriated for service of, how to be expended	550
Nuisances, how to be removed	551
All Highways to be 60 feet wide—Royalty Roads excepted	553
Persons encroaching, by fencing or otherwise, to forfeit 20s. for each offence	ib.
Road Districts	555
HOG REEVES.	
Lieut. Governor to appoint four annually, on the first Monday in January, for Charlotte Town	352
Persons refusing to serve to forfeit £5 each—to be levied by warrant of distress	ib.
To seize all Hogs found at large in said Town, and sell the same by auction	353
Persons obstructing Hog Reeves, to be fined not exceeding £5, nor less than 40s.—if unable to pay fine, to be imprisoned not exceeding thirty days nor less than fourteen	ib.
Hogs found at large to be forfeited, and owners fined 20s.	ib.
Reeves to be fined 40s. for neglecting to seize hogs, or to prosecute owners	ib.
To receive half of all fines and forfeitures, the other half for pumps and wells	354

HOGS.

- Found at large in Charlotte Town, to be forfeited and sold at auction, and owners fined 20s. 353
 Penalty for being at large without rings. See *Swine*.
 Trespasses by. See *Cattle*.

HOMICIDE.

- Not felonious, killing a person in self defence or by misfortune, or in keeping the peace, or in chastising a child or servant 203

HORSES.

- Stone. See *Stallions*.
 Galloping of, through streets of Charlotte Town prohibited, on pain of forfeiting Ten Shillings for every offence, on conviction, within 24 hours, before one Justice 75
 On refusal to pay fine, 4 days labour in repairing Streets, or six days imprisonment ib.
 Parents liable for offences of children under 14 years 76
 Fines to be paid to Overseers of Highways ib.
 Persons riding or using Horses, without the permission of the owners, to forfeit twenty shillings, or suffer fourteen days' imprisonment—besides being liable for the hire of the horse, and all damages incurred 229
 Trespasses by. See *Cattle*.
 Killing and Maiming of. See *Cattle*.

HOUSES.

- May be pulled down to stop fires. See *Fires*.

ICE BOAT.

- For conveyance of the Winter Mails, description of 715

IMPOST.

- Duty of Sixpence per Gallon on Wines and Spirituous Liquors 91
 To be paid at landing, if under £10 ib.
 If above £10 and not exceeding £50, three months' credit—between £50 and £100, six months—and if above £100, nine months' credit ib.
 Masters of Vessels to report their cargoes before breaking bulk, and to be sworn 92
 After such entry, any Liquors found on board, not duly entered, declared forfeited 93
 Liquors landed, and not contained in Master's Report, to be forfeited ib.
 Master, Owner or Receiver liable to pay value, if concealed or stove to prevent seizure 94
 Penalty of £50 for landing without Permit, besides forfeiture of goods ib.

	Page
IMPOST, continued.	
Persons assisting in clandestinely landing, shall forfeit £50, or be imprisoned six months	95
Liquors when to be landed	ib.
Masters of Vessels liable for Duties, until the same are paid or secured—but may detain Goods in their possession, or deliver them to Collector, for security of Duties	ib.
Collector to store the articles, and if the Duties are not paid or secured within three months, to sell as much thereof as will pay the Duties, freight, storage, &c.	96
Vessels may be attached, when Masters are prosecuted for any violation of Revenue Act, unless security is given	ib.
Private Importers subject to the same Duties	ib.
Lieut. Governor and Council to appoint Collectors where deemed necessary; also Surveyors and Land waiters	97
Purchasers of Liquors not regularly entered, liable for Duties, if Importer leaves the Island before they are paid—also to a penalty	98
Penalty on Prize Agents neglecting to render a true account of cargo	ib.
Prize Wine, &c. subject to Duty	99
Marshal of Vice Admiralty Court, Auctioneers, &c. how to act with respect to such articles	ib.
Drawback on exportation	ib.
Drawback to be allowed on spirits, &c. supplied, for the use of the Navy	101
Penalty for relanding any part thereof	102
Collectors to account to the Treasury quarterly, on pain of forfeiting £50	103
Forfeitures how to be sued for, and applied	ib.
Special Jury awarded	ib.
Prosecutions to be commenced within twelve months	ib.
Depositions <i>de bene esse</i> may be taken	104
Appropriation of Monies	ib.
Penalty on Treasurer for misapplication thereof	ib.
Fourpence per Gallon additional imposed on all Wines and Spirituous Liquors, and 2d per gallon on Porter, Ale and Strong Beer	222
Collectors to take a Recognizance where credit is given	307
Bonds to bear Interest from date of payment	308
Collectors to take a Warrant of Attorney with Defeasance on the back of every Recognizance for Duties	435
To keep regular Books, to be produced to Governor and Council when called for, and handed over to successors, under a Penalty of £500	436
INFANTS.	
Under 10, carnal knowledge of, Felony without Clergy	204
For other matters. See <i>Minors.</i>	

	Page
INFECTIOUS DISTEMPERS. See <i>Quarantine</i> .	
INNKEEPERS. See <i>Tavernkeepers</i> .	
INSOLVENT.	
Estates. See <i>Intestates</i> . <i>Wills</i> .	
Debtors. See <i>Debtors</i> .	
INTEREST.	
No greater than 6 per cent. per annum to be taken	106
Bonds, Contracts, &c. for a higher interest, to be void	ib.
Persons who shall take more on any Contract for goods, &c. to forfeit the whole	107
Application of Forfeiture, and mode of recovery	ib.
Exceptions as to hire of Grain, Cattle, &c. on shares	ib.
Further exceptions as to Hypothecation, Bottomry, &c.	ib.
Prosecutions to be brought within twelve months	108
Persons aggrieved by judgment of any inferior Court, may bring Writ of Error to Supreme Court	ib.
INTESTATES.	
Judge of Probate to grant Letters of Administration to Widow or next of kin, if applied for within 30 days of Intestate's death	66
If no application is made from them, Widow or next of kin to be cited, and if they refuse, administration to be granted to such person or persons as the Judge shall think fit	ib.
Creditors to have a preference	ib.
Judge to take security, call Administrators to account, allow debts and expences, and then make distribution of the residue of real and personal Estate; allowing to the widow, if not otherwise endowed before marriage, one third of the personal estate, besides her dower for life in the real estate; and having appointed guardians, where required by law, shall then, out of what remains, allow two shares to the eldest living son (if there be no issue living of an elder son), and the remainder equally among the other children, or their representatives—portions advanced to be reckoned, so as to make all equal, except Heir at Law, who shall have a double portion	66, 67
Advances made to children during Intestate's life, to be accounted for on oath, before the Judge, or by other Evidence	ib.
Those who refuse to account, debarred from any share of the Estate	ib.
Real Estate to be divided by five Freeholders appointed by Judge, unless Parties interested, being of age, may agree to a division—such Agreement, on being acknowledged before the Judge, deemed a legal and valid Partition and Settlement	ib.
Real Estate, which cannot be divided without prejudice to the whole, how to be disposed of	68

	Page.
INTESTATES, continued.	
Portions of children dying under age, or unmarried, to be equally divided among the survivors	68
Where there are no children, nor the legal representatives of any, the Widow to have one half of the personal Estate, as also one third of the real, during her life	ib.
The residue to be equally divided among the next of kin to the Intestate, in equal degree, or their representatives	ib.
No representatives admitted among collaterals after brothers' and sisters' children	ib.
If there be no wife, the whole to be distributed among the children; if no wife or child, then among the next of kin in equal degree. Judge to take bond from each to refund, if debts be made to appear	ib.
Dower, after death of widow, to be divided in like manner, saving right of appeal to Governor and Council	69
Governor and Council may order real estate to be sold for payment of debts, where personal assets are insufficient	ib.
In case of Insolvency, Governor and Council to appoint Commissioners to settle claims of Creditors, and to authorize sale of real estate to pay them	70
JAILORS.	
Fees, under Fee Act	24
Not to be allowed Fees for confining Deserters from Navy or Army	303
Jailors for King's and Prince County Jails, to take the same fees, and be bound by the same Laws as the Jailor of Charlotte Town	687
JAILS.	
Limits and Rules of Charlotte Town Jail. See <i>Limits, &c.</i>	
All persons liable to imprisonment, to be committed to the Jail of the County in which offence is alleged to have been committed	636
Lieut. Governor and Council to fix Limits to Jails in King's and Prince Counties	687
JEOFAILS.	
After verdict, judgment to be given notwithstanding any mispleading, want of warrants of Attorney, or other default of Parties, Counsellors, or Attorneys	136
Nor shall judgment be stayed or reversed for want of form in the Pleadings or Returns	137
In suits of Law, divers Jeofails prevented and reformed	ib.
In what cases mistakes may be amended in the Court where judgment was given	138
Justices to give judgment upon Demurrer, if sufficient matter appear, as to them shall seem right, without regarding any defects in the proceedings, except the party demurring shall specially set forth the same	139

JEOFAILS, continued.

Judgment on confession, or on Writ of Inquiry executed, not to be stayed or reversed for any of the foregoing causes	140
Act to extend to all Civil Actions at the King's Suit	ib.
Not to extend to any criminal suit; nor action upon a Penal Statute	ib.
No dilatory Plea to be received, unless verified by affidavit, or probable cause shewn	141

JOINT DEBTORS. See Copartners.

JUDGMENTS.

Not to be stayed for want of form. See *Jeofails*.

JURORS.

Description of persons liable to serve as	7
Not to be challenged on account of their residence, nor for want of Freehold	ib.
Fees of, on a Coroner's Inquest	22
in Civil Causes	ib.
Grand Jurors to nominate Fence Viewers each Hilary Term	200
Right of challenge by Criminals limited to 20	210
All Jurors to be summoned six days before day of appearance	333
Must have resided six months in the Island	ib.
For default of Jurors when a cause is called, Sheriff may summon other persons	ib.
Grand Juror, if absent, without sufficient cause shewn, to be fined not exceeding £5, nor less than £2	334
Petit Juror, in like manner to be fined 5s. for each default	ib.
Not liable to serve oftener than every third issuable Term	ib.
Members of Council excused from serving	ib.
Fees of Jurors, under the Acts regulating the laying out and altering of Highways	568
No person to be summoned as a Juryman out of his own County	582
Grand and Petit Jurors for King's and Prince Counties to be of like qualifications, and summoned as above	583
Petit Jurors to be summoned to attend the different sittings of the Supreme Court, the second day of each Term, Michaelmas Term in Queen's County excepted	584
Grand Jurors for King's and Prince Counties to prepare lists of Constables and Fence Viewers	584

JURY, SPECIAL.

How to be struck	333
Expence of to be paid for by the party applying	ib.

JUSTICES of the PEACE.

Their Fees under Fee Act	27
Their duty, in the event of alarm guns being fired	47
Fee of 1s. 6d. allowed for issuing a Warrant (to be paid by complainant), except for a capital felony	197

	Page.
JUSTICES of the PEACE, <i>continued.</i>	
Two Justices may indent infant paupers, or children of paupers	378
May compel the attendance of Witnesses in any case cognizable before them—and if they neglect to attend, or refuse to be sworn and give evidence, to be fined from 5s. to 50s. and costs, to be levied by warrant of distress—and for want of sufficient distress, to be committed not exceeding one month	458
May award Witnesses their expences	459
On affidavit that a Debtor is about to leave the Island, in cases not exceeding £5, Justice may issue a Capias, and may try the cause, issue execution, &c. as in cases of Small Debt	493
If defendant tender bail, or deposit amount sworn to, Justice may grant an imparlance, not exceeding three months; and if defendant then fail to appear, judgment to be given by default against him and his bail, and money, if any hath been deposited, handed over to plaintiff	494
Either party may appeal, on entering into security, as required by Small Debt Act (2 W. 4, c. 1.)	ib.
Form of Affidavit of Debt	ib.
Form of Capias, and Execution against Defendants and Bail	495
Fees to be taken	496
Executions for debts under 40s. under summary Capias Act, how to be issued, term of imprisonment, &c.	579
Justices exempted from serving in the Militia	641
How to recover Penalties and Costs, under Acts which do not provide for their recovery. See <i>Penalties and Costs.</i>	
In cases of conviction for Penalties or Damages under Acts which are silent as to Costs, Justices may award Costs to Plaintiff (or to Defendant in case of non-suit, &c.) according to scale in Small Debt Act (2 W. 4, c. 1.)	685

KING'S COUNTY.

Supreme Court to sit twice a year at Georgetown, viz. the second Tuesday in March and third Tuesday in July	582
Sheriff to appoint a Deputy residing in the County	ib.
Prothonotary also to appoint a Deputy to sign and seal Writs	ib.
Writs to bear teste the last day of the Term	ib.
Grand and Petit Jurors, qualifications of, and how summoned	583
Petit Jurors to attend the second day of the term	584
Terms not to exceed seven week days each	ib.
Grand Jury to prepare lists of Constables and Fence Viewers	ib.
Return days for Writs	585
Limits and Rules for the Jail, how fixed	687
County line how to be run. See <i>Boundaries.</i>	

LAND ASSESSMENT.

Two shillings per hundred acres in the Townships; and upon each Town, Pasture, Common and Water Lot in the Towns and Royalties of *Charlotte Town, Georgetown and Princetown,*

	Page.
LAND ASSESSMENT, continued.	
2s. on the former, and 1s. 4d. on the latter, imposed for five years	444
If not paid, after due notice, Supreme Court to give judgment against the lands in arrear, and direct so much thereof to be publicly sold, as will pay the sum assessed, with costs	445
Sheriff to sell the said lands, giving 30 days' notice, and shall execute a conveyance to purchasers	ib.
Equity of Redemption on lands so sold	ib.
Appropriation of Monies	ib.
Accounts to be annually laid before the Assembly	447
Treasurer to keep distinct accounts of monies raised, and give receipts for all sums received by him	ib.
Commencement and continuance of Act	ib.
Not to go into operation, unless His Majesty relinquish all claim to Quit Rent during continuance of Act	448
On the 1st June annually, Treasurer to publish a notice in the <i>Gazette</i> , calling on proprietors of land to pay their assessments on or before the first day of Hilary Term following, or that in default thereof proceedings will be adopted as directed by 11 G. 4, c. 17	635
Treasurer to appoint Deputy Collectors (not less than three in each County), and be responsible for their conduct	636
Such Deputies to collect and give receipts for assessments, and keep open their Books until fourteen days before Hilary Term annually, when the same shall be forwarded, together with the assessments by them received, to the Treasurer	ib.
Deputy Collectors to be allowed $7\frac{1}{2}$ per cent.	ib.
When any lands have been sold for non-payment of Assessment, if any overplus should remain after satisfying the judgment, to be paid to the Treasurer, for the benefit of the proprietors of the lands so sold	637
In case of dispute as to the right to such overplus, the same to be determined by the Supreme Court	ib.

LANDS.

Division of.

Resident Proprietors of parts of Townships held in common with others who may not reside in the Island enabled to divide the same	49
Person desiring such division to apply to Governor and Council, who shall appoint an Agent for the absent Proprietors, who shall be sworn	50
A qualified Surveyor, with the assistance of three Landholders, shall make an equal division	ib.
Draft of division to be reported, and lots drawn for, in presence of Governor and Council, whose certificate shall be recorded, and held unalterable against parties interested	51

	Page.
LANDS, division of, continued.	
Expences how to be paid	51
Different persons holding lands in common, if residing or having Agents in the Island, may be compelled by Writ of Partition to divide the same	52
<i>Undivided.</i>	
Persons holding not less than 1000 acres of undivided land in a Township, or 500 acres in a Half Township, may have the same set off, by the Surveyor General, on applying as above	228
Surveyor General to complete such division within forty days, under a Penalty of Ten Pounds	229
Of Proprietors who have contributed nothing towards their settlement or improvement, to be assessed by three Justices, for making Highways and Bridges	181
No Township to be assessed on which Ten persons reside who are liable to Statute Labour	182
<i>Lands and Tenements.</i>	
Made liable for Debt	142
Advertisements of the sale of real estate taken for debt, to be posted on the premises, and in three of the most public places in Charlotte Town	143
Sheriff to sell the same at Public Auction, and execute a Deed to the purchaser, without any clause of Redemption	ib.
Tenants of Lands, &c. so sold, to attorn to purchaser	144
Tenant refusing to attorn, shall forfeit his lease, and be subject to an action of Damages for illegally overholding	ib.
If only part of Lands, &c. included in a Tenant's lease, be sold under execution, Sheriff to swear three Appraisers to estimate the portion of rent to be paid to the purchaser	ib.
Appraisers how chosen	145
Sheriff, 14 days before proceeding to sale of real estate, to have the same appraised by three Householdors	ib.
And so much only shall be sold as shall discharge Execution and Costs	146
Debtor may point out which part of such real estate it may be least inconvenient to be deprived of; but in case he do not attend, Sheriff may then sell such part thereof as he may deem least injurious to the Debtor	ib.
Overplus, if any, arising from sale, to be paid to Debtor, or into Court for his use	ib.
If lands sell for less than the debt, &c. the Creditor to have an <i>alias</i> execution	ib.
Not to be sold within less than two years after they have been taken in execution	221
<i>Mortgaged. See Mortgages.</i>	
<i>Tiles to, confirmed. See Tiles.</i>	

LAND SURVEYORS. See *Surveyors.*

LARCENY.

What shall be deemed	206, 207
Stealing under 20s. value, petit larceny	208

LAWS.

When to take effect. See <i>Acts of Assembly</i> .	
Commissioners appointed to contract for and superintend the re-printing of 300 copies of	616

LEASEHOLD ESTATE.

Taken in execution, Sheriff to advertise the same for sale, as directed in the case of Freehold estates	335
Under-tenants to attorn to plaintiff named in Writ of execution	336
Sale not to affect under-tenant	ib.
Writ to be returned within 8 days after levy made	ib.
Sheriff to execute a Deed of Assignment to purchaser	337
Not to be sold until the expiration of twelve months after the date of the Execution	382

LEGACIES. See *Wills*.

LETTERS.

Anonymous and threatening, felony, without benefit of clergy	207
--	-----

LICENCES. See *Licensed Houses*. *Marriages*.

LICENSED HOUSES.

Persons desiring a Tavern Licence, if in Charlotte Town, must keep four good beds for Travellers, with good stalled stabling and provender for six horses; if in the country, two such beds, and stabling, &c. for six horses—and before a Licence is granted, Tavernkeepers must produce a certificate from two Justices of their having the required accommodations, and have subscribed an Affidavit to that effect	648
Form of Affidavit	649
Tavernkeepers neglecting to keep the said accommodations, or refusing to accommodate Travellers, to forfeit 40s.	ib.
Lieutenant Governor authorized to grant Licences	ib.
Licensed Taverns in Charlotte Town to pay £5 yearly, and in the country 40s.	ib.
Shop Licences for the sale of not less than one quart of liquor £3 10s.; and for the sale of liquor in lesser quantities, £12 per annum, exclusive of fees	ib.
Money received for Licence Duty to be paid into the Treasury, and appropriated by Act	650
Half yearly Licences may be granted to Shopkeepers only	ib.
Persons selling fermented or distilled Spirituous Liquors, in less quantities than two gallons, without licence, shall forfeit for the first offence £5, and £10 for every succeeding offence	ib.

LICENSED HOUSES, *continued.*

Page.

- Persons licensed to retail not less than one quart, and selling a smaller quantity, or suffering liquor to be drank in their houses, shops, &c. to forfeit for the first offence £5, and for the second offence £10, with the forfeiture of their licence 650
- No part of Wages to be paid in liquor 651
- Pawns or pledges for liquor to be restored, or satisfaction made ib.
- Innkeepers in the country to have a place for the exclusion of pigs and other animals, on pain of forfeiting 20s. for every complaint on oath 652
- Persons licensed retailing liquor any where out of their own place of residence to be deemed unlicensed retailers, and punished as such ib.
- No liquor to be sold on the Lord's Day (except by licensed Tavernkeepers to their lodgers), on pain of forfeiting 20s. for the first, and 40s. for every succeeding offence 653
- Tavernkeepers to have sign boards, under a penalty of 20s. ib.
- Justices may summon any person to give evidence, except the wife, child, or confidential clerk of the accused party ib.
- Witnesses refusing to attend and give evidence, to forfeit not exceeding £5 ib.
- Penalties, if not exceeding £5 (exclusive of costs), may be recovered before one Justice, on view, or on the oath of the informer or other witness—if above that sum, before two Justices ib.
- Half of all penalties to go to informer, and the other half to His Majesty 644
- Prosecutions for Penalties, &c. to be commenced within 3 months ib.
- Two or more Justices, on complaint made of irregular or improper conduct on the part of any licensed retailer, may summon said Retailer to appear before them, and on the charge being proved, may either suspend or make void the Licence ib.
- Justices prosecuted may plead the general issue ib.
- Any Justice wilfully omitting the performance of any part of the duty enjoined by Licence Act, to forfeit £10—one half to the informer, the other to His Majesty ib.
- Appeal granted to Supreme Court from judgment of Justices, if prayed for within 48 hours, and security given as in cases of Small Debt 655
- Lieut. Governor authorized to grant free Licences ib.
- Justices before whom convictions are made, to order the payment thereof; in default of payment, to issue a warrant of distress for penalty and costs—and for want of goods, shall commit the person convicted for not less than one nor more than two calendar months ib.
- No Retailer to harbour apprentices or servants, nor sell or give them liquor, without the special order of their employers, on pain of forfeiting for every offence a sum not exceeding 20s. and costs 656
- No unlicensed Retailer shall maintain any action for the price of any liquor sold by him, in less quantities than two gallons ib.

Page.

LIGHT DUTY.

Masters of Vessels to pay Two-pence per ton, before clearing for any other Port or Colony	719
In case of refusal Collector may recover the same before one Justice, who shall issue a Capias and immediately adjudicate thereon	720
Vessels engaged in the Fishery exempted	ib.
Money raised to be appropriated for the support of Light Houses	ib.
Collectors of Light Duty to be allowed 15 per cent.	ib.

LIMITATION of ACTIONS. See Actions.**LIMITS and RULES of CHARLOTTE TOWN JAIL.**

Sheriff to permit Debtors in custody (except under Small Debt Act) to go at large within the boundaries of Charlotte Town (including Wharves and Water Lots), on a Bond being given, with sufficient sureties, in double the amount of the debt	452
Sheriff to be allowed 5s. for making bond	ib.
Form of Bond	ib.
Sheriff to assign Bond to plaintiff, when requested; and if the same should be forfeited, plaintiff may sue therefor in his own name, and Court shall decide thereon agreeable to justice and equity	453
Sureties to justify on oath, before a Judge of the Supreme Court or a Commissioner for taking special bail—14 days' notice thereof to be given in writing to the plaintiff or his attorney, with the names, &c. of the Sureties	ib.
Sheriff may at his own risk allow prisoner to go at large before the Sureties justify	454
Sureties may surrender their principal, and have the bond cancelled	ib.
Prisoners on the Limits not entitled to allowance of Bread under Insolvent Debtor Act; unless where the Debts shall not exceed £100, and the Court is satisfied that the prisoner is unable to procure subsistence	455

LORD'S DAY.

No Shops to be opened, nor goods sold	52
Milk and Fresh Fish may be sold before 9 a. m. and after 5 p. m.	53
No labour or business to be performed; nor sports or pastime permitted, under penalty of ten shillings for each offence, on conviction before one Justice, or upon view of such Justice:	ib.
Fines to be to the use of the Poor	ib.
No Liquor to be sold (except to Lodgers), on pain of forfeiting 20s. for the first, and 40s. for every succeeding offence	653

LOUPCERVIERS.

Reward of 5s. to be paid for killing	461
--------------------------------------	-----

	Page.
LOYALISTS.	
American, Tender to Government of Lands for the benefit of, by certain Land Proprietors in this Island	176
Governor empowered to give Grants under the Great Seal of such resigned Lands as are in the possession of such Loyalists or disbanded Troops	179
LUMBER.	
All Boards, Plank and Scantling, for exportation, to be surveyed by a sworn Surveyor, and have the contents marked thereon	346
What shall be deemed Merchantable	ib.
Surveyors of, to be appointed by Governor, and sworn	347
Fees of, and by whom paid	348
MAILS.	
Lieut. Governor and Council authorized to hire a Steam Vessel, of not less than fifty horse power, for the conveyance of the Mails between Pictou, Charlotte Town and Miramichi, while the navigation remains open; at the rate of £500 per annum	703
Contractor to give security, and to carry the Mails weekly	704
Lieut. Governor and Council to contract with two persons to carry the Winter Mails between this Island and Cape Tormentine: Government to furnish a Boat and certain materials	715, 716
Contractors to employ two other able men to accompany them and to cross with the Mails weekly	716
Contractors bound to keep the boat in good repair; and to return the same, with all the materials, when desired, under a penalty of £50	717
Lieutenant Governor may cancel agreement for improper conduct, or for any breach thereof, or at pleasure, on giving one month's notice	ib.
Contractors crossing without all the articles provided by Government, subject to a penalty not exceeding 40s. for every article deficient	ib.
Not more than four passengers to cross at one time, under a penalty not exceeding £5	718
Rate of passage to be 12s.—not more than 20lbs. weight of baggage allowed for each passenger	ib.
If more than four persons apply for passage, those whose names were first entered, and money paid, to have priority	ib.
Contractors to receive £6 per trip	ib.
Fines and Penalties, if not exceeding £10, to be recovered with costs, before two Justices, and levied by distress, and paid into the Treasury—for want of sufficient distress, offenders may be committed for a term not exceeding sixty days	ib.
MAIMING.	
How punished. See <i>Cattle</i> .	
MANSLAUGHTER.	
How punished	209

MARRIAGES.

Page.

Form of Certificate of, to be forwarded by Clergymen or others celebrating the same, to the Surrogate, within six months, under a penalty of £5	421—522
Surrogate to record the same, which shall be deemed good evidence	421—522
Parties married to pay 1s. 6d. to the clergyman, who shall pay the same to the Surrogate as a recording fee	422—523
1s. 6d. to be paid for a certified copy of the Record	ib.
Persons married by the Rev. Thomas Adin, may have their marriages registered, on producing proof of the issuing of Licence and solemnization of marriage	490
Rector's Fees for such registry	ib.
Act for regulating Marriages, 2 Will. 4, c. 4,—all Marriages solemnized within this Island, prior to passing of, where the parties have cohabited, confirmed, and issue declared legitimate	520
Provided no lawful impediment existed	521
Clergymen of all denominations, having spiritual charge of a Congregation, on producing to the Lieutenant Governor satisfactory proof of their ordination or appointment, and receiving a certificate thereof, and all others whom the Lieutenant Governor may authorize, may solemnize marriage, either by Licence from the Lieut. Governor, or after publication of Banns in their respective churches or chapels on three successive Sundays during divine service	ib.
Ordained Clergymen of the Churches of England, Scotland or Rome, of dissenters from the Church of Scotland, Wesleyan Methodists and Baptists, having spiritual charge of a congregation, may solemnize marriage according to the forms of their respective churches, without a certificate as before mentioned, from the Lieutenant Governor	ib.
Clergymen or others solemnizing Marriage without Licence, or Banns published as aforesaid, or marrying Minors, without consent of parents or guardians, (if any there are within the Island), to forfeit for every offence £500	522
Marriages of persons under twenty-one years of age, without such consent, to be null and void	ib.
All marriages to be solemnized in the presence of at least two credible witnesses, besides the officiating Minister or Justice	ib.
In what cases Minors having no parents or guardians within the Island, may contract Matrimony	523
Penalty of £50 on any Clergyman or Justice celebrating Marriage contrary to the provisions of 2 W. 4, c. 15	524
Marriage Licences to be directed to such Clergymen or Justices as the parties may desire	ib.
MARRIED WOMEN.	
Wills made by, not good in Law	62
If entitled to any Action or Suit, or having right of entry on Lands, not to be excluded although twenty years may have	

	Page.
MARRIED WOMEN, continued.	
expired, after title accruing, if they commence their action, or make entry within ten years after Discoverture	77
Limitation of right in relation to personal actions	80
Deeds voluntarily made by, jointly with their husbands, conveying real estate, made valid to bar dower, if acknowledged before a Judge or Justice of the Peace	227
Form of acknowledgment	ib.
MARSHAL.	
Of Vice Admiralty Court, not to deliver any Prize Goods liable to duty, without a Permit, under a penalty of £200	99
MARSH LANDS.	
Proprietors of, may be assessed by Commissioners of Sewers, for erecting and repairing Dams, Dykes and Wares	231
To work also, and furnish oxen and carts, when required	232, 233
See <i>Sewers</i> .	
MAYHEM.	
Felony	202
MEASURES. See Weights and Measures.	
MERCHANT SEAMEN.	
When engaged on a voyage, not to be arrested for debt, if contracted without the consent of their employers	333
Any Ship-master, or other person, hiring or harbouring an articulated seaman, knowing him to have deserted, to forfeit £20— and Seaman deserting, besides other penalties, forfeits all wages	333
Seamen neglecting duty while on board, or being absent without leave, may be imprisoned until vessel is ready for sea, and wages made liable for expences	339
Seamen not bound, unless agreement be in writing	ib.
Prosecutions for penalties to commence within 2 years	340
MERIDIONAL LINE.	
Commissioners appointed for the establishment of	292
Surveyors to regulate their instruments thereby, annually, in presence of the Surveyor General	ib.
Expence of fixing Meridional line, how defrayed	293
MILITARY WATCHES.	
May be appointed by the Governor	43
All persons of age to attend, under penalty of 5s.	ib.
MILITIA.	
Male persons, from 16 to 60 years of age to be enrolled in their respective Districts	42

	Page.
MILITIA, continued.	
Persons liable, who attempt to evade service, to be fined 5s.	42
Commissioned Officers may punish disorders by fine or imprisonment	43
Military Watches when to be kept	ib.
Penalty of 5s. for non-attendance on ditto	ib.
If fines be not paid, how offenders are to be punished	ib.
Commissioned Officers of Companies to appoint and displace Sergeants and Corporals	44
Persons appointed Sergeants or Corporals, and refusing to serve, to pay a fine of Two Pounds	ib
Non-commissioned officers to be punished by fine or imprisonment for disorderly conduct, or neglect of duty	ib.
Persons while attending Musters, as well as in going and returning therefrom, protected from arrest in civil causes	ib.
Clerks of Companies to be appointed by Officers thereof	45
Person appointed, refusing to serve, to pay 40s.	ib.
To be sworn by a Justice—form of oath	ib.
Allowance for levying fines	ib.
Overplus of fines to be paid to Captain	ib.
Allowance for executing Warrants	46
Not to make distress for fines, until six days after the offence is committed	ib.
Penalty for failing to account for Fines	ib.
Commanders of regiments may require Captains, &c to meet and confer when necessary	45
And to try offenders, award punishment, &c.	46
Officers, Soldiers, &c. where to meet in case of alarm	47
Penalty of £5, or 3 months' imprisonment, for not appearing	ib.
Persons wounded in service, how to be provided for	47
Provision for the widows and children of such as may be slain	48
Penalties to be sued for within three months	49
Militia to be formed into Battalions, Companies, &c.	638
Not to be called out oftener than once a year, except in time of war, or other emergency	ib.
Commissioned Officers to reside within ten miles of place of training	ib.
No non-commissioned officer or private required to march more than five miles to attend musters or drills	ib.
Clerks of Companies to make out annually a list of all persons liable to serve within their respective precincts, and present same to their Captains, on or before the last Tuesday in <i>October</i> , under a penalty of 40s. to be paid to the Captain, and levied by distress; and for want of goods, to be committed for a period not exceeding 20 days	ib.
Captains, within one month afterwards, to hand in said Returns to their commanding officer, under a penalty of £5	639
Officers commanding Regiments or Battalions, to transmit all such Returns to the proper Officer, on the first of January yearly	ib.

	Page.
MILITIA, continued.	
Musters to be intimated by Clerks of each Company, by posting up notices in three public places	639
Penalty on commanding Officers of Regiments, Battalions or Companies, for disobedience of orders	ib.
Non-commissioned officers and privates to forfeit 5s. for not appearing at musters—to be levied by warrant of distress issued by officer commanding the company	640
Privates above 45 years of age to be enrolled as reserved Battalions, and be excused from attending trainings, &c.	ib.
Officer appointed to receive Returns, to inspect the Militia when desired by the Commander in Chief, and be paid £75 per annum, in lieu of all travelling and other expences	ib.
Persons exempted from serving in the Militia	641
Fines not otherwise appropriated, how to be applied	ib.
MILLERS. See Mills.	
MILLS.	
Toll to be taken for grinding corn and grain of all kinds to be one twelfth part	171
Millers taking more, to forfeit to the poor the value of the overplus, and to be fined 40s.	172
Grain to be ground in the order in which it arrives without preference, under a penalty of 40s.	ib.
Millers keeping a bolt, obliged to bolt all Meal ground at their Mills, if required, for a toll of one pint out of a bushel, under a penalty of 40s. for every refusal	ib.
Penalties to be recovered before one or more Justices, and levied by distress	ib.
For want of distress, offenders to be imprisoned not exceeding 30 days	173
Every Miller to be provided with Steelyards, or Scales and Weights, also with Copy of Act to be put up in his Mill, under a penalty of 5 Shillings	ib.
One Miller in every Grist Mill exempted from serving in the Militia	641
Toll for kiln-drying, shelling and grinding Oats into Meal, to be 4lbs Meal for every Bushel of Oats	678
Toll for pearling Barley to be six lbs. for every Bushel delivered	ib.
Miller to return Bran or other offal of Oats and Barley, provided it be taken away with the Meal or Pearl Barley	ib.
Millers keeping Mills for grinding Oatmeal and Pearling Barley, to be subject to the regulations and penalties imposed by 30 G. 3, c. 1	679
Penalty on Millers taking greater Toll than above for Oatmeal or Pearl Barley; or changing grain of any sort, without permission; or neglecting or refusing to deliver any grain when ground, not to exceed 40s., exclusive of any damage the owner may sustain	ib.
One half of all fines and penalties to be paid to the informer, and the other half to His Majesty	ib.

MINORS.

Page.

Wills made by, not good in Law	62
Not excluded by not entering upon or bringing Action for Land, within twenty years	77
Limitation of right of, in relation to personal actions	80
Not entitled to vote at Elections	272
Minors, whose parents are absent from the Island, may sue for wages (not exceeding £5), before Commissioners for recovery of Small Debts	481
Marriages where either of the parties are under age, without the consent of parents or guardians, if such are living within the Island, to be void, and officiating Clergyman or Justice fined £500	522
In what cases Minors having no parents or guardians within the Island may contract matrimony	523

MISPLEADINGS. See *Jocofails*.

MORTGAGES.

Lands mortgaged for any sum not exceeding £200, action to foreclose may be brought in the Supreme Court	147
Substance of Mortgage to be set forth in Declaration	ib.
Mortgager may give in evidence all payments made by him, provided an account thereof hath been furnished 14 days before trial	ib.
Jury to allow six months interest on sum found due, calculating from the end of the Term	ib.
If Mortgager suffer Judgment to go against him by default, Judges to allow Interest as aforesaid	ib.
On Judgment, execution to issue, and Sheriff to sell in like manner as in the sale of Lands taken in Execution	149
In case of mortgaged Premises being insufficient to defray the Execution, &c. Mortgagee may have an <i>alias</i> Execution against the Mortgager's body or property for the balance	ib.
Act not to extend to Mortgages where the principal sum exceeds £200	ib.
Lands secured by, taken in execution, not to be sold within two years after execution	221
Registry of. See <i>Registry of Deeds, &c.</i>	

MURDER.

Felony	202
--------	-----

MUTE.

Persons standing wilfully so, to be proceeded against and punished, as if convicted by verdict	210
--	-----

MUTUAL DEBTS.

May be set against each other, in any Court of Record, or in replevin for rent. See <i>Debtors, Insolvent. Set-off.</i>	
---	--

	Page.
NAVIGATION.	
Security of. See <i>Wrecked Ships, &c.</i>	
NAVY.	
Wine and Spirits for the use of, entitled to Drawback	101
Not to be afterwards landed, on pain of forfeiture, and Fifty pounds penalty	102
NETS.	
How to be set, regulated. See <i>Herrings and Alewives.</i>	
NOTARIES PUBLIC.	
Fees of	27
NOTES.	
Promissory—Stealing of, made felony	205
Treasury. See <i>Treasury Notes.</i>	
NUISANCES.	
In the Streets, how prevented. See <i>Charlotte Town.</i>	
In the Highways, how prevented	551
OAT MILLS.	
Toll to be taken at. See <i>Mills.</i>	
OATS.	
Standard weight of	396
OVERSEERS of STATUTE LABOUR.	
Mode of appointment, and duties of. See <i>Statute Labour.</i>	
To order removal of nuisances or obstructions from the Highways, and prosecute for penalties	551
Not compelled to serve oftener than once in three years	552
In case of death or absence, Commissioners to appoint others	551
OYSTERS.	
Not to be burnt, for the purpose of making Lime of the Shells, under a penalty of Five Pounds	483
PARTITION.	
Writ of granted	52
PARTNERS. See Co-Partners.	
PARTRIDGES.	
Not to be killed between the 1st April and the 1st September, on pain of forfeiting Ten Shillings for every Partridge so killed, 40—74	
PEARL BARLEY.	
Toll allowed to Millers. See <i>Mills.</i>	

	Page.
PEAS.	
Standard weight of	330
PENALTIES and COSTS.	
In all cases where Justices of the Peace are empowered to impose Penalties, they may, in default of payment, issue warrants against goods of party convicted; and for want of goods may commit said party to prison	525
Periods of imprisonment defined, according to amount due	ib.
If persons are so committed for want of goods, Constables' fees to be defrayed out of the Treasury	ib.
In cases of conviction for Penalties before Justices of the Peace, under Acts which are silent as to Costs, Justices may add Costs to the Plaintiff (or to the Defendant in case of non-suit, &c.) according to scale in 2 W. 4, c. 1.	685
PERJURY.	
False affirming of Quakers, to be punished as	111
False swearing by Insolvent Debtors, punished as	130
Punishment of, in summary cases	156
Witnesses on behalf of Prisoners, indictable for	211
Before Registrar of Deeds, &c. how punished	573
PETIT LARCENY.	
What, and how punished	208
PETIT TREASON.	
What, and how punished	212
PILOTAGE.	
Rates of, for harbours in the South and North sides of the Island respectively	357
PILOTS.	
Lieutenant Governor, on recommendation of resident Magistrates and Merchants, may appoint Pilots for the different harbours, who shall provide sufficient boats for boarding vessels at sea	357
Coasters not compelled to employ Pilots	358
Duty of under Quarantine Laws. See <i>Quarantine</i> .	
PLEAS.	
No judgment to be reversed for defects in	134
Justices may amend defects	ib.
Exception with respect to Appeals, Indictments, &c.	ib.
A variance from the Record, in civil actions, may be amended	ib.
After verdict, judgment not to be stayed for any defect in the pleadings	135
Not to extend to criminal prosecutions	ib.
Dilatory, not to be received, unless verified	141

	Page.
PLEDGES.	
Given for Spirits to be restored	651
POLL CLERKS.	
Oath to be taken by	443
	<i>See Elections.</i>
PORTER.	
Duty of 2d per gallon, on importation of	222
POUNDS.	
To be erected in the several Towns or Royalities	432
How to be erected in the country	ib.
Cattle trespassing, may be impounded until claimed	ib.
Poundkeeper to advertise the same	ib.
Persons injured may proceed against the owners	439
Pound-keeper's fees	ib.
If fees and damages are not paid within 14 days, impounded cat- tle to be sold	ib.
Penalty for Pound-breach, rescuing cattle, &c.	440
POWERS of ATTORNEY.	
To be registered. <i>See Attorney.</i>	
PRINCE COUNTY.	
Supreme Court to be held at St. Eleanor's the first Tuesday in June, and second Tuesday in November	532
Sheriff to appoint a Deputy residing in the County	ib.
Prothonotary also to appoint a Deputy to sign and seal Writs	ib.
Writs to bear teste the last day of the Term	ib.
Grand and Petit Jurors, qualifications of, and how summoned	533
Petit Jurors to attend the second day of the term	534
Terms not to exceed seven week days each	ib.
Grand Jury to prepare lists of Constables and Fence Viewers	ib.
Return days for Writs	535
Limits and Rules for the Jail, how fixed	637
County line how to be run. <i>See Boundaries.</i>	
PRINCE EDWARD.	
Name of the Island changed to, from that of <i>Saint John</i>	237
PRINCETOWN.	
Act to prevent Hogs running at large	501
Commissioners of Customs authorized to appoint a resident Jus- tice of the Peace to be Sub-Collector for port of	537
PRISONERS.	
Duty of Justices in the Examination and Bailment of	212

INDEX.

777

PROBATE.

Page.

Fees of Court of
Judge of. See *Wills. Intestates.* 24

PROMISSORY NOTES.

Stealing of, Felony 205

PROPERTY.

Public or private—Trespasses on—

Persons wilfully or maliciously injuring or destroying property of any kind, if convicted thereof within six months, before one Justice, on the oath of one witness, to forfeit and pay to the person aggrieved, such compensation as to the said Justice may seem reasonable, not exceeding £5, over and above costs 629

If such conviction shall take place on the sole evidence of the party aggrieved, compensation money to be paid into the Treasury, for the use of government 630

In default of payment within such time as Justice may appoint, he may commit offenders for a period not exceeding 3 months *ib.*

If damage be committed as above on any description of public property, Justice may proceed as aforesaid, at the instance of any person prosecuting, and direct the sum forfeited (not to exceed £5, exclusive of costs,) to be paid, one half to the person prosecuting, and the other half to government—and in default of payment, to commit the offender as aforesaid . *ib.*

Offenders under 16 years of age, in default of payment of the sum awarded, to be committed for a period not exceeding six weeks 631

Offenders may be seized without any warrant, and carried before a Justice, who shall thereupon proceed as before directed *ib.*

Form in which Convictions for such offences shall be drawn up 632

Such conviction and punishment may be pleaded in bar of any suit or information for same offence *ib.*

PROTHONOTARY.

Fees of, under Acts regulating the laying out and altering of Highways 567

To appoint Deputies for King's and Prince Counties, to sign and seal Writs purchased there 582

Such Deputies to issue Writs of Venire to the Deputy Sheriffs to summon Grand and Petit Jurors 583

PROVOST MARSHAL.

Power and authority of, to cease 165

PUBLIC HOUSES.

How licensed and regulated. See *Licensed Houses.*

	Page.
PUMPS and WELLS.	
(of Charlotte Town)—one half of all fines and forfeitures under Hog Reeve Act, to be applied for benefit of	354
Three fourths of the proceeds of all Sheep sold for being found at large in the town, to be so applied	363
Representatives of Charlotte Town to call a public meeting of the Inhabitants and Landholders annually on the first <i>Tuesday</i> in May, giving eight days' notice, by advertising in the <i>Gazette</i> , and posting advertisements	657
Meeting to choose a Chairman, and 9 Assessors (5 to be a Quorum)	ib.
Meeting to vote such sum as they shall deem necessary, for making and repairing Pumps and Wells—and also for the purchase of buckets, ladders, saws, axes, fire-hooks, ropes and chains for the Fire Engine Company—the sum last mentioned to be paid to the Captain of said Company, who shall account to the Assessors for the same	658
Assessors to fix the sum to be paid by each Inhabitant and Landholder, according to the value of the real estate in his possession—and also all unoccupied real estate	ib.
Assessors to appoint a Treasurer and Collector, (taking security from each) and fix their allowance	659
Where persons neglect or refuse to pay Assessment, Collector, in ten days thereafter, may levy the amount on their goods, and sell the same at auction, giving six days' notice	ib.
Persons assessed may appeal, by giving, within the said ten days, a written notice of their intention to the Collector, who shall notify the Assessors thereof, who shall meet and revise the same, after which their judgment shall be final—the party to have ten days' notice to attend	ib.
If goods cannot be found whereon to levy the sum assessed, Assessors to award a Precept to Collector to sell real estate of defaulter (giving six months' notice of sale), out of which to pay said assessment and costs, and pay the overplus (if any) to the owner	660
Collector to execute a Deed of such real estate to purchasers—which when so executed and registered, together with Precept, shall be valid title	ib.
Equity of Redemption for two years allowed to former owners	661
Collector, once in every three months, to pay over all monies received by him to the Treasurer, on pain of forfeiting £10	ib.
Treasurer and Collector each liable to a fine of £5 for every neglect of duty	ib.
Any person appointed an Assessor, and refusing to serve, to forfeit 40s. to be recovered by Collector before a Justice	ib.
No person required to serve oftener than once in three years	662
Assessors may order Wells to be sunk and Pumps to be made and repaired, in their discretion, and render an account on going out of office, on pain of forfeiting £5—said penalty to extend to Treasurer and Collector	ib.

	Page.
PUMPS and WELLS, continued.	
No Well to be sunk in the Streets, within twenty feet of either side	662
Treasurer to supply Assessors with money, taking receipts	ib.
Overplus of monies arising from sales of real estate for non-payment of rates, to be handed over to the Colonial Treasurer, for the benefit of the former owners	663
Assessors and Collectors may sue for and recover all arrears due previous to their appointment	ib.
Representatives of Charlotte Town, on the requisition of twelve householders, may call extra meetings of the Inhabitants, giving eight days' public notice thereof as above, and such Meetings may add to the former rate	ib.
Fines and Penalties may be recovered before one or more Justices, and levied by distress; and for want thereof, offender shall be committed for not more than one month nor less than six days	ib.
No public buildings or land to be assessed	664
Form of Precept to Collector to sell Real Estate	665
Majority of Inhabitants at any of their Meetings as aforesaid, may vote money for the purchase or repair of Fire Engines, and necessary apparatus—the same to be assessed and collected as for Pumps and Wells	697

QUAKERS.

May be examined, on affirmation, <i>de bene esse</i> ,	110
May make solemn affirmation, instead of Oath, in civil causes	111
Form of Affirmation	ib.
Penalty for false affirmation, same as for perjury	ib.
Not allowed to affirm in criminal cases	ib.
Who are to be deemed Quakers	ib.
Permitted to affirm, as to their qualifications, at Elections	266

QUARANTINE.

Vessels entering Charlotte Town Harbour, with Emigrants, or having then, or during the voyage any contagious distemper on board, or coming from an infected port, not to proceed higher than the confluence of the three tides, until inspected by the Health Officer	507
After inspection, Health Officer may permit vessel to proceed, or may direct the Master to hoist a yellow flag, and remain at anchor for 3 days	508
Governor and Council may direct a further quarantine, not exceeding forty days, and appoint a station	ib.
Master permitting any intercourse with the shore, or with other vessels, without permission of Health Officer, to forfeit £200, or be imprisoned 12 months	ib.
On coming abreast of the Block House, such vessels to hoist a signal in the starboard main-rigging, and keep the same flying until inspected, under a penalty of £20	509

	Page.
QUARANTINE, continued.	
Branch Pilots to be furnished with printed instructions, to be communicated to vessels before boarding them	509
In what manner said communication is to be made	510
Cases in which Pilots shall not go on board	ib.
Duty of Pilots in such cases, and penalty for neglect thereof	511
Justices of Peace to cause persons landing from any such vessels to be apprehended, and re-conveyed on board	ib.
Constables authorized to command assistance in such cases	ib.
Penalty of £50 on Masters refusing to receive such persons when reconveyed on board	ib.
Each vessel inspected, to pay £1 3s. 4d. to Health Officer, and half that sum for every subsequent visit	513
No person, other than Health Officer, to board any vessel, having the aforesaid signal hoisted, under a penalty of £20.	ib.
All persons boarding any such vessel, or any vessel under charge of Health Officer, to be detained on board, until permitted by him to land—persons offending herein, as also the Master and all others aiding or assisting, to forfeit severally £50	514
Justices to direct such persons to be re-conveyed on board, and Constables authorized to command assistance	ib.
Persons refusing to assist, when so called on, to forfeit £5	ib.
Penalty on Masters for refusing to receive and detain such persons so re-conveyed on board	515
Governor and Council to direct where passengers and others may be landed from any infected vessel, where they are to be confined, until the Health Officer certifies that all danger of infection has ceased	515
Vessels from which passengers, &c. have been so landed, to be cleansed and purified, under inspection of said Officer	ib.
Persons escaping from such confinement, may be apprehended by warrant from a Justice, and carried back	ib.
Masters of Vessels not liable for penalties under Quarantine Act, unless for breaches thereof committed after being apprised of its provisions	516
Regulations for such vessels arriving at any of the out-harbours	ib.
Governor and Council to appoint persons in the out-harbours for enforcing such regulations	ib.
Such persons may order a Quarantine, under the rules prescribed for Charlotte Town	517
Where vessels so placed under quarantine shall proceed	ib.
Such persons authorized to nominate Health Officers for their respective harbours	ib.
Powers of such Officers	518
On oath made of the escape of any person from such vessels, or assigned limits, Justices to issue a search warrant	ib.
Penalty for aiding or assisting any such person in escaping, or harbouring or concealing him	ib.

	Page.
QUARANTINE, continued.	
Penalties may be sued for in the Supreme Court by any person prosecuting for the same, within 20 days after commission of the offence, and one half paid to the prosecutor	519
Attorney General to prosecute for penalties if no other person does so, within 20 days, and pay the amount when recovered, into the Treasury	ib.
On application from the Master of any infected vessel, Lieut. Governor may order additional medical assistance	519
Fees of persons so appointed	ib.
Power given to Governor and Council to suspend the operation of the Act	520
Powers and duty of Health Officer for the harbour of Charlotte Town. See <i>Health Officer</i> .	

QUIT RENTS.

If in arrear for more than one year, Receiver General may enter, and distrain and sell for amount thereof	247
If distress sufficient is not to be had, Sheriff to make proclamation of the lands in arrear; and if not paid within thirty days, application to be made to Supreme Court	248
Supreme Court, on proof, to give judgment against land in arrear, and issue a Writ of <i>Fieri Facias</i>	ib.
Sheriff to attach land, and sell the same within thirty days, and execute conveyance to purchaser	249
Land not to be sold, if Quit Rent and Costs are paid between the attachment and the time of sale	ib.
Sheriff, within twenty days, to pay purchase money of land sold, to Receiver General	250
Receiver General to deduct the Quit Rent from the purchase money, and pay over the surplus to the proprietors	ib.
If any doubts arise as to who is the real proprietor of land so sold, Supreme Court to hear and determine the matter in a summary way	ib.
Proprietor of an undivided share of a Township willing to pay his share, may apply to Supreme Court, who shall thereupon order a survey to be made, and the lands to be divided	251
Tenants willing to pay their Quit Rents, not to be distrained on for arrears due by their Landlords, beyond the sum they owe for rent	253
Tenants paying the arrears due by their Landlords, may hold the lands as a security for the money so advanced	ib.
Sheriff neglecting to make proclamation, and to give the proper notices, to forfeit £50 for every default	254
Proprietors resident in Great Britain or Ireland may pay their Quit Rents in London, if done within six months after they become due; otherwise lands to be proceeded against	ib.
All claim to, relinquished by His Majesty during continuance of Land Assessment Act of 11 G. 4, c. 17	448

RAMS.

Commissioners of Highways to appoint, on the 1st July yearly, as many Sheep Reeves in their respective Districts as they may deem necessary	682
Rams found at large between the 15th August and 10th of December, to be seized by the Reeve of the Settlement	ib.
Reeve may call on any Inhabitant to assist	ib.
To give public notice of his appointment, within ten days thereafter	ib.
Reeve refusing to serve, or for neglect of duty when appointed, to forfeit 40s.	683
Persons refusing or neglecting to assist Reeve, when called on, to pay the said Reeve 5s.	ib.
For every Ram so found at large, owner to pay the Reeve 15s.	ib.
If no owner appear within three days, Ram to be sold by auction (giving three days' notice of sale), and proceeds paid to the Reeve	ib.
Penalty on persons obstructing Reeves, not to exceed 20s.	ib.
No person compelled to serve as Reeve oftener than once in three years	ib.
Fines, &c. to be sued for within 30 days, before one Justice; and levied by distress—for want of distress, Justice may commit offenders to prison for a term not exceeding one month	684

RAPE.

Felony, without clergy	204
Complaint to be made within ten days	ib.
Assault, with intent to ravish, Pillory, Imprisonment, &c.	ib.

REAL ESTATE. See *Estates. Lands. Registrar and Registry.*

RECEIVER GENERAL of QUIT RENTS,

Or his Deputy may enter, and distrain and sell for Quit Rents in arrear and unpaid for more than one year	247
To receive the purchase money of any lands that may be sold by the Sheriff for arrears of Quit Rent, and after deducting the sum due thereon, hand over the surplus to the proprietors	250
How to proceed, if any doubts arise as to who is the real proprietor of lands so sold	ib.
How to proceed against proprietors resident in Great Britain or Ireland, who neglect to pay their Quit Rents	255

RECEIVERS.

Of Stolen Goods, knowing them to be stolen, to be punished as accessories to the felony, after the fact	206
---	-----

REGISTER.

Of Court of Chancery, his fees under Fœe Act	17
of Court of Probate, his fees, under ditto	25

	Page.
REGISTRAR and REGISTRY of DEEDS, &c.	
Deeds or Writings of whatever nature, relating to Land, may be registered in the office of the Colonial Registrar	568
Description of Registry Books, Indexes, &c.	569
Execution of Deeds, &c. before Registry thereof, to be proved before the Registrar, on the oath of one subscribing witness, or by the personal acknowledgment of the grantor or grantors	ib.
Registrar to administer oath to witnesses, and endorse same on back of Deeds, &c.	ib.
Deeds and Writings to be registered at full length	ib.
Lieutenant Governor to appoint three Commissioners in each County, who shall be sworn, to swear Witnesses, or take the acknowledgment of the grantors of Deeds, &c. and who shall certify the proof on the backs, &c. for which they shall be allowed a fee of 2s. 6d.	570
Registrar to record Deeds, &c. so proved before a Commissioner	ib.
Form of Oath taken before a Commissioner	ib.
Commissioner's Certificate of personal acknowledgment of grantor, made before him	ib.
Registrar to record Deeds, &c. executed in Great Britain or Ireland, or in any of His Majesty's Colonies, although none of the witnesses appear before him, if the execution be acknowledged by the grantor, or proved on oath by one of the subscribing witnesses, before a Justice of the Peace of the place, and by him attested—which attestation, if in the Colonies, must be authenticated by the Governor or a Notary; and if in Britain or Ireland, under the seal of a Corporation or Notary, certifying that credit is due to his attestation	571
Registrar to record Deeds, &c. executed in any other part of the world, if certificate of execution be according to the forms in use in any such place or country	ib.
The time when Deeds, &c. are received for Registry, to be endorsed thereon, and inserted in margin of Registry book	572
If Deed be lost, certified copy thereof to be evidence	ib.
Registrar to record Deeds, &c. in the order of time as received	ib.
Proviso, in case Grantor and Witnesses die, before Registry of any Deed, &c.	ib.
False swearing before Registrar or Commissioners, punishable as perjury	573
Witnesses to execution of Deeds, &c. not compelled to attend before Registrar or Commissioner, unless tendered 4d. per mile (going and returning) travelling expences	ib.
On refusal to attend, after such tender made, oath to be made before a Justice, who shall issue a warrant to commit offender to prison, without bail, until he agrees to give evidence, and pays the costs incurred	ib.
When Mortgages are paid, a certificate to be delivered to the Registrar, who shall enter the same on record	574
Form of said Certificate	ib.

	Page.
REGISTRAR and REGISTRY of DEEDS, &c., continued.	
Form of entry of said Certificate, to be made by Registrar in the margin	574
No constructive notice of any unregistered Deed, &c. to affect any Deed duly registered	575
Act not to affect Securities for debts due to the Crown	ib.
Registrar to receive for registering Deeds, &c. one shilling for every hundred words—one shilling for administering an oath; for a certificate one shilling, and the same for a search	ib.
Office hours to be from Ten to Three	576
Registrar not compelled to record Deeds, &c. unless first tendered his fees	ib.
Registrar authorized to appoint a Deputy, with similar powers, by commission, who shall be sworn	ib.
Deeds duly executed to be valid against the Grantors, want of registry notwithstanding	ib.
All Powers of Attorney under which Deeds, &c. are executed, to be recorded in the Register office	ib.
No Deed so executed to have effect until such Power is recorded	577
Former Acts relating to Registry repealed	ib.
All Orders in Council signifying the Royal allowance or disallowance of any Acts of this Island to be registered within 30 days after they are received, together with all Proclamations relating thereto	588
Registrar to be allowed the customary fees for so doing	ib.
Copies of such Proclamations and Orders, certified by the Registrar or his Deputy, to be good evidence	ib.
RENTS.	
Act to compel Claimants of, to register their Titles (since disallowed)	506
See further <i>Replevin</i> .	
REPLEVIN.	
Limitation of Actions of	78
In actions of, for rent, a set-off may be made, although debt may in Law be deemed to be of a different nature, and if balance be against Plaintiff, Jury may find a verdict for the Defendant	460
RESTITUTION.	
Of Stolen Goods, how made	208
RETURNING OFFICER.	
Oath to be taken by	274
For duty of, See <i>Elections</i> .	
REVENUE. See <i>Imposts</i> .	
ROAD COMMISSIONERS. See <i>Commissioners of Highways</i> .	

ROADS.

- When new roads are ordered to be made through cultivated lands, by the Governor and Council, or old ones altered, they shall, on application of any party interested, or on their own authority, order the Supreme Court to issue a Writ, commanding the Sheriff to summon a Jury of Freeholders or Leaseholders of the same County, who shall be sworn to appraise the damages (if any) said road or alteration will occasion to the proprietors or tenants—which Jury shall also consider the advantage that may accrue to the parties, by said road increasing the value of the lands 404
- Verdict to be returned into Prothonotary's office, within 30 days after teste of writ 405
- Parties aggrieved by such Verdict may appeal to the Supreme Court at its next sitting—Court may order an *alias* Writ to be issued, and a new Jury to be summoned, whose verdict shall be final ib.
- On payment or tender of sum assessed, the right of way to vest in the Crown 406
- When new roads are opened through wilderness lands, Lieut. Governor and Council to order a similar Writ to be issued—Jury to estimate the advantage proprietors of lands through which said roads pass, may derive in consequence—and shall also estimate the value of such lands, which estimate shall form part of the verdict—the sums so assessed to be paid by the Proprietors, towards the making and repairing said roads ib.
- Similar appeal allowed to the Supreme Court 407
- Proprietors may pay in money, or in land at the estimated value ib.
- Assessment how to be enforced, in case payment of be refused or neglected ib.
- Sheriff to execute Conveyance of lands taken to pay assessment 408
- Supreme Court after hearing, may dismiss any appeal, with costs to be taxed 564
- Mode of recovering costs so taxed ib.
- If on appeal heard, a new Writ be ordered, and the second Verdict be in confirmation of the first, and the Jury find the Road an advantage to the Proprietor, the Court to order the same to be entered of Record, with costs—said Costs to be made a part of second judgment 564
- If by second verdict, the proprietor is found entitled to a sum beyond that found by first verdict, costs are to be allowed him ib.
- But if, by such second verdict, he is found entitled to a lesser sum than that found by first verdict, he shall pay costs 565
- Parties requiring the attendance of Witnesses, to obtain a Subpœna for the purpose, from the Prothonotary's office 565
- Witnesses to be tendered 8d. per mile travelling expences ib.
- If after such tender made, Witnesses refuse to attend and give evidence, to be punished as in cases before Supreme Court ib.
- Sheriff to swear Jurymen; and form of oath ib.

	Page.
ROADS, continued.	
Sheriff to swear Witnesses; and form of oath	566
No more than one Writ to be issued, although roads pass through the lands of different persons, if in the same County—and Jury shall give as many verdicts as there are parties interested	ib.
Fees of Surveyors; Attorney General; Prothonotary and Sheriff of Jurors and Witnesses	567 568
No Proprietor to be called upon to pay the sum assessed by the Jury, or to surrender land, until the road proposed to be made, and the Bridges thereon, be completed	713
When the Sheriff has returned the Inquisition, Road Commissioner to advertise three times in the Gazette for Tenders, or that the making of the road will be put up to auction	714
If the contract be for a less sum than assessed by the Jury, Proprietor not required to pay more than amount of contract	ib.
If such Proprietor be himself the Contractor, and shall make the road, &c. satisfactorily, he shall, should the contract exceed the sum assessed by the Jury, be paid the difference	ib.
For other matters, See <i>Highways. Statute Labour.</i>	
When any alteration has been made in the line of a road, Governor and Council may authorize such parts of the old road as have ceased to be used by the public to be enclosed by the adjoining proprietors	614
Before any part of such old road be closed, the new line to be made equally good	615
Six Months' notice to be given in the Newspapers of any application to close a road	ib.
No road to be closed, if it be made to appear that the same will prove injurious to any individual	ib.
In all Courts, the Minutes of Council containing such order, or a copy thereof, certified by the Clerk, shall be good evidence of such roads having been legally stopped	ib.
ROBBERY.	
Robbing a dwelling house in the day time, a person being therein; breaking in the day time, a dwelling house, shop or warehouse thereto belonging, and taking thereout goods, or money, of the value of 5s. though no person therein; robbing another, or feloniously taking away any goods in a dwelling house, and putting any person therein in fear; putting a person, by night or day, in fear, and robbing his person on the highway; or privily stealing from the person of another—all such offences, and the accessories thereto, to be punished as felons, without benefit of Clergy	205
Robbing or embezzling goods, or furniture, the use of which has been let with lodgings, punished as Larceny	206
Servants robbing their employers, to the value of Forty Shillings, to suffer death	ib.
Apprentices under 15 to have the benefit of Clergy for the first offence only	207

Page.

ROMAN CATHOLICS.

All civil disabilities of, removed	423
Oath to be taken by, on accepting office	424
Persons in Holy Orders not eligible to sit in House of Assembly	425
Time and manner of taking oaths of office	426
Penalty of £200 for acting in office, without taking the Oath	427

RUM.Duty on. See *Impost*.**SAINT ANDREW'S COLLEGE.**

Trustees of, incorporated	591
Powers of Corporation	592
Five Members to be a Quorum	ib.
Lands held by Trustees named in Trust Deed to be holden by the Corporation	ib.
Corporation may hold real or personal estate, not exceeding £2000 Sterling of yearly value	ib.
Mode of filling up vacancies in Corporation	593
Who shall vote for Trustees	ib.
Elections to be registered	594
Not more than 4 members of Corporation to be in Holy Orders	ib.
Book to be kept for entering By Laws, Donations, &c. to be open to the inspection of Governor, Council or Assembly	ib.
No religious test to be used	ib.
Deeds of Gift, conveyances, &c. to be registered within 12 months after execution, otherwise to be void	595

SAINT ELEANOR'S.

Supreme Court to sit at, the first Tuesday in June, and second Tuesday in November,	581
Terms not to exceed seven week days each	584

SAINT JAMES'S CHURCH.

Trustees of, incorporated	527
Style and Powers of Corporation	ib.
Three Members to form a Quorum	528
Ground conveyed to Trustees, to be holden by Corporation	ib.
Corporation may hold real estate to the value of £500 Stg. per annum, and may alienate and dispose of the same	ib.
Minister for the time being, to be a Member of the Corporation	529
Mode of appointing Minister	ib.
Mode of filling up vacancies happening in Corporation	530
Qualifications of Members of Corporation	ib.
When a Pew is held by several persons, only one entitled to vote	ib.
Meetings of Pewholders, how called	531
Duties of Corporation	ib.
Deeds of gift to be registered within 12 months after execution, otherwise to be void	ib.

	Page.
SAINT JOHN.	
Name of the Island altered to "Prince Edward"	. 237
SAINT JOHN'S CHURCH, BELFAST.	
Minister and Elders of, and their successors in office, to be deemed proprietors of the land conveyed for use of said Church	533
Incorporation of	. 534
May hold real estate to the amount of £500 per annum	. ib.
SALVAGE. See <i>Wrecked Ships, Goods, &c.</i>	
SCANTLING.	
Surveying of, how regulated. See <i>Lumber.</i>	
SCHOOLMASTERS.	
Exempted from serving in the Militia, if licensed	. 641
See further, <i>Schools.</i>	
SCHOOLS.	
Candidates for District Schools to undergo an examination before the Board of Education; and prior to examination must produce a certificate of good moral character	. 668
First Class Teachers to be qualified to teach English reading, writing and Arithmetic	. 669
Second Class Teachers shall, in addition, be qualified to teach Mathematics, Geometry, Trigonometry, Mensuration, Land Surveying and English Grammar	. ib.
Third Class, in addition to the above qualifications, to possess a competent knowledge of the Classics, the higher branches of Mathematics, Geography and the use of the Globes	. ib.
Board to certify to what class candidates are entitled to belong	. ib.
To entitle a Teacher of the first class to Government allowance, Inhabitants must have subscribed £20 <i>per annum</i> towards his support, have provided a School House, and he must have had 20 Scholars for a twelvemonth	. ib.
To entitle a Second Class Teacher to allowance, Inhabitants to subscribe £25 <i>per annum</i> , and provide a School House, and he must have had 20 Scholars for a like period	. 670
And for Third Class Teachers £30 <i>per annum</i> , by Inhabitants, a School House, for a year previous 25 Scholars, 5 at least to be taught the Greek or Latin Classics, or the higher branches or Mathematics.	
Number of Third Class Schools not to exceed five in any one County, nor be at a less distance apart than six miles	. ib.
School Houses may be occasionally used for Public Worship, with consent of Trustees	. ib.
Each settlement, having a School entitled to allowance, to choose five Trustees (three to be a quorum), to examine said school quarterly, make an annual report to the Board of the state thereof, and grant certificate to Teacher	. 671

	Page.
SCHOOLS, continued.	
Disputes with Masters respecting the payment of Salaries, to be referred to the Board, to report to Lieutenant Governor, who, if he see fit, may order allowance to be paid to Teachers, although the Inhabitants may not have paid	ib.
Trustees to enforce payment of sums subscribed for support of Teachers, by suing for the same, if under £5, before two Commissioners of Small Debts	ib.
Teachers claiming allowance, to produce the Board's certificate of qualification, and a certificate of sobriety and general good conduct, signed by the Trustees and two Justices of the Peace	672
Teachers of the First class, producing the necessary certificates to receive £5—of the Second class £10—and of the Third class £20 <i>per annum</i>	ib.
First Class Teachers to receive One pound additional for every five Scholars they may have over twenty	ib.
Expenditure under School Act limited to £700 <i>per annum</i>	ib.
Master of National School, in Charlotte Town, to receive same allowance as a Second class Teacher	ib.
Master of Charlotte Town Grammar School to be paid £25 quarterly, until the Academy goes into operation	673
SCRUTINY. See <i>Elections</i> .	
SEAMEN. See <i>Deserters</i> . <i>Merchant Seamen</i> .	
SEIZIN.	
Writ of, in Dower	193
SERGEANT AT ARMS.	
To the Assembly, his Fees	17
SERVANTS.	
Embezzling their Masters' property, to suffer death—(Apprentices under 15 to have benefit of clergy for first offence only)	206
Killing their Masters, Petit Treason	212
All engagements with Servants, for one month or upwards, to be in writing, or verbally, before one or more witnesses	618
Servants, for breach of agreement, or wilfully absenting themselves from their employment, to forfeit their wages, and be further subject to not more than one month's imprisonment, on complaint made before two Justices	ib.
Complaints against Masters to be heard before two Justices, who may order relief or grant a certificate of discharge; and in case of ill-treatment, may order a fine to be paid to the complainant, not exceeding £5	618
Wages, if not paid agreeably to contract, may be recovered, if under £5, before any two Commissioners for Small Debt; if above that sum, in Supreme Court—no Imparance or dilatory plea to be allowed, unless under special circumstances	620

	Page.
SERVANTS, continued.	
Any person knowingly hiring the servant of another, or hiring a servant without a written discharge, to forfeit to the injured party a sum not exceeding £5, or be imprisoned for a period not exceeding two months, on complaint before two Justices	620
Same punishment for refusing a written discharge to a servant who has performed his engagement, on complaint as aforesaid	ib.
Licensed Retailers suffering servants to drink in their houses, or giving or selling them liquor, without an order from their employers, to forfeit not exceeding 20s. for every offence	656
 SET-OFF.	
Mutual Debts to be allowed as a set-off in any Court of Record, and given in evidence on the general issue	460
Particulars of, to be delivered	ib.
In actions of Replevin, any debt may be allowed as a set-off, although of a different nature	ib.
In actions on Bond or Specialty, plaintiff's declaration and defendant's set-off to state the sum claimed	ib.
Where the plaintiff has been overpaid, Jury may find how much he is indebted to defendant	461
 SEWERS.	
Commissioners of, to be appointed by Governor and Council, on application of any proprietor of Marsh or other low Lands, who shall have power to levy assessments on the proprietors of such lands, for the draining thereof, and for erecting Dams, Dykes and Wares	230
Commissioners to be sworn and paid for their trouble—and be accountable to Governor and Council	231
Lands may be sold for non-payment of Assessment. See <i>Sheriff</i> . See further, <i>Marsh Lands</i> .	
 SHEEP.	
If killed by a dog, dog to be destroyed, and owner to pay the value of the sheep	356
Owner of such dog refusing to kill him, to pay a fine of £5, one half to the informer, or be imprisoned not less than 14 days nor more than one month	ib.
Sheep found at large in Charlotte Town, may be taken up	362
Owners to pay 2s. for each sheep to the taker—to be recovered before a Justice	ib.
If owner be unknown, Sheep to be advertised, and if not claimed within four days, Justice to issue an order for their being sold—one fourth of the proceeds to be paid to the taker, the residue for the repair of Pumps and Wells	363
Penalty of 6d. per head, for breaking into pasture ground, lawfully fenced	626
For other Trespasses by, See <i>Cattle</i> . Pounds.	

SHEEP REEVES.

Duty of, and how appointed. See *Rams*.

SHERIFF.

	Page.
Fees under Act for the regulating of	21
Duty of, in the case of absent or absconding Debtors	56
Not liable to any action for escape, for discharge of a Prisoner under Insolvent Debtor Act	128
Penalty of £50, with treble costs, to party aggrieved, for every offence against said Act	131
Duty of, when Lands and Tenements are to be sold for debt. See <i>Lands and Tenements</i> .	
When Mortgaged Premises are to be sold. See <i>Mortgages</i> .	
To permit persons arrested for any sum exceeding £5, to go at large, upon Bail being given, with two sufficient Sureties	150
Chief Justice, on the third Monday of April, annually, to nominate three persons for the office of Sheriff, of whom the Lieut. Governor is to prick one, who shall take Oaths of Office; and on giving security, be invested with full power and authority	159
On refusal to serve, Chief Justice shall make out another List	160
Sheriff to continue in office until another is appointed	ib.
To account for all Monies paid to him, in virtue of his office, within 24 hours after demand, or pay the party five shillings in the Pound, for every week the same shall be detained	ib.
To forfeit £20, for neglect of duly returning any Writ, &c.	161
Liable to fine and action for compromising any debt, without consent of parties	ib.
If Sheriff die, or be superseded, his Deputy to do the duty, and the Sureties of the Principal are bound for him until another Sheriff be appointed	162
Oath of office	ib.
To render, on third day of Trinity Term after expiration of office, on oath, an account of all Fines and Forfeitures adjudged to the Crown, on pain of forfeiting £20	164
Not to act as a Justice of Peace during his continuance in office, on pain of forfeiting £20	165
No person obliged to serve as High Sheriff, for more than one year at a time, nor oftener than once in seven years	166
On receipt of Writ of Seizin, at the suit of any widow, to appoint five Freeholders (who shall be sworn), to set off dower by Metes and Bounds, and return the same into Court	194
To have the custody of stolen goods, and be answerable for them	208
By order of Commissioners of Sewers, when assessments are due and unpaid by owners of Marsh lands, for dyking and draining the same, to sell as much thereof as will pay Assessment, &c. giving six months' notice, and execute a conveyance to purchasers	232
How to proceed when Lands are to be sold for non-payment of Quit Rent. See <i>Quit Rents</i> .	

	Page.
SHERIFF, continued.	
Duty at Elections. See <i>Elections.</i>	
To summon Members of the Assembly to attend the sitting thereof, giving 7 days' notice	265
Persons appointed to the office of Sheriff, and refusing to serve, to pay a fine of £20	280
All Returns of Writs, execution of deeds, &c. to be in the name of the High Sheriff, otherwise to be void	281
Not to return any person as a Grand or Petit Juror, unless he has been summoned six days	333
Duty of, when Leaschold Estate is taken in execution. See <i>Leaschold Estate.</i>	
Duty of, when Writs are issued for compelling land proprietors to contribute towards the formation of roads. See <i>Roads.</i>	
Upon receiving a <i>Fieri Facias</i> for sale of lands for non-payment of land assessment, to give 30 days' notice of sale—and afterwards sell the same by auction, and execute a conveyance to purchasers	445
To allow prisoners on mesne process, or execution, to go at large within limits of Charlotte Town, on bond being given, for making which he shall receive five shillings	452
On going out of office, to assign Bond to plaintiff, and file the same in the Prothonotary's office, at the expence of the defendant and sureties	454
If sued for an escape, may plead the general issue, &c.	ib.
Fees, under the Acts regulating the laying out and altering of Highways	567
Deputy Sheriffs to be appointed in King's and Prince Counties	582
To pay overplus (if any) of monies for Lands sold for non-payment of Land Assessment, to the Treasurer, for the benefit of the former proprietors of such lands	637
SHINGLES.	
What shall be deemed Merchantable	347
Unmerchantable shingles to be burnt	ib.
Fees of surveying, and by whom paid	348
SHIPS.	
Capital Felony, to do any thing to produce Shipwreck. See <i>Wrecked Ships, Goods, &c.</i>	
To pay 2d. per ton Light Duty. See <i>Light Duty.</i>	
SHOOTING.	
Maliciously, Felony without Clergy	207
SLANDER.	
Actions of, to commence within six months	78
No more Costs than Damages to be given, if the Verdict be under 40s.	80

	Page.
SLEIGHS.	
To be provided with Bells, under a penalty of 5s. half to the informer	381
Penalty not to be incurred twice in one day, and to be sued for within 48 hours	ib.
To pass other carriages on the left hand	ib.
SMALL DEBTS.	
Lieut. Governor, with advice of Council, to appoint Commissioners, empowered to act within their respective counties	467
Jurisdiction limited to £5	ib.
Debts not exceeding 40s. may be tried before one Commissioner; if above that sum before two	ib.
Ordinary process to be by summons, directed to any Constable and served six days before trial	ib.
Days for hearing causes	468
Courts in different Districts of same County, to be held on separate days	ib.
Penalty on witnesses failing to appear, if duly served with subpoena and informed that their expences will be paid, unless cause be shewn	ib.
Such penalty to be paid to party requiring evidence	469
Plaintiff not appearing, nor cause shewn, or being non-suit, defendant to be allowed costs and travelling expences; and if the case be adjourned, defendant to be allowed for each attendance	ib.
Defendant not appearing, or making sufficient excuse, Commissioners may hear the cause on the part of the plaintiff, and give judgment thereon	470
Commissioners may examine either of the parties upon oath	ib.
Commissioners may continue a cause from one sitting to another	471
Defendant allowed a set-off, not exceeding £5	ib.
If balance be in favour of Defendant, he may have execution against Plaintiff for the amount, with costs	ib.
Defendant failing to make his set-off on the trial, to be precluded from afterwards suing for the same, unless cause be shewn	ib.
Commissioners may grant time to Debtors (not exceeding one month) to satisfy judgment, on their entering into Recognizance;—if not paid at the expiration of the time limited, the party to have execution against principal and sureties	ib.
In the absence of the Commissioner before whom a summons is returnable, another may adjudicate thereon	472
Appeal to next sitting of Supreme Court grantable, if applied for within two days after judgment, and security given, by Recognizance, to abide the judgment of said Court	472
Condition of Recognizance	473
Debtors confined under this Act, not entitled to benefit of Insolvent Debtor Act of 26 G. 3, c. 2	ib.
Form of Affidavit to be made by parties demanding an appeal	474
Affidavit, Recognizance, and other papers connected with the appeal, to be sent to Prothonotary's office	ib.

SMALL DEBTS, *continued.*

	Page.
Commissioners to enter all causes in a book; in default of which, or neglecting to return any Recognizance for prosecuting an appeal at least two days before sitting of Supreme Court, to forfeit £5 to the person aggrieved	475
Supreme Court, power and duty of, in cases of appeal	ib.
After final determination, to issue execution	476
If decision be in favour of Appellee, he may have execution against appellant or sureties, if demand be made of sureties 21 days before issuing of execution, and affidavit of such demand made and filed with the Prothonotary	476
Mileage to be allowed parties on execution so issuing, and 2s. 6d. for making and filing affidavit	477
Commissioners to issue executions against goods of debtors	ib.
For want of goods, debtors to be committed, if for a sum above 40s. and not exceeding £3, for three months; if above £3, and not exceeding £5, for five months—after which imprisonment, to be discharged from the debt	478
Executions may be enforced in another County, if endorsed by a Commissioner of that County	ib.
Form of endorsement	ib.
Penalty on constables suffering a prisoner to escape, or failing to pay over money received by them on demand, within 21 days from the date of execution	479
A judgment of one year's standing, without execution being issued, on affidavit being made before the Commissioner who tried the cause, stating what sums (if any) have been paid thereon, the party may have execution for the balance	ib.
No cause to be tried, where the title to lands is in question; nor to wagers or gaming; nor where six years have elapsed, without a promise to pay, if such defence be set up	430
Actions of Trover, not exceeding £5, may be tried	ib.
Debts recoverable before Commissioners not to be sued for in any Court of Record	ib.
Privileged persons not exempt	ib.
No attorney or advocate to appear on behalf of any person not absent from the Island, under pain of imprisonment	481
Minors, whose parents are absent from the Island, may sue for wages, if not exceeding £5	ib.
Actions against Commissioners or others, for any thing done in pursuance of Act, must be brought in the Supreme Court within six months after cause has arisen	ib.
One Commissioner may issue Subpœnas returnable before another	482
Fees of Commissioners, Constables and Witnesses	483
In the event of two Commissioners who try a cause differing in opinion, they are to submit the case to a third, who shall give judgment thereon, and the first two Commissioners shall issue execution, unless appealed from	434
Summons, Form of	485

SMALL DEBTS, continued.

	Page.
Subpoena, Form of	485
Recognizance of Appeal, Form of	486
Execution, Form of	ib.
Recognizance for payment of debt, Form of	487
In levying executions for debts under 40s. for want of goods debtor to be imprisoned, if debt and costs do not exceed 40s. for one month, and then discharged from the debt	579
In cases where debt and costs together exceed £5, debtor to be imprisoned five months	580
If it appear that Defendant had never been furnished with an account of the debt sued for, although demanded by him, Commissioners may apportion costs in their discretion	ib.
If directed to be paid by Plaintiff, costs to be recovered as in cases of non-suit	ib.
In cases of appeal, Supreme Court may vary judgment, and give or withhold costs	ib.

SODOMY.

Felony without Clergy	203
Assault with intent to commit, Pillory, also fine and imprisonment	ib.

SOLDIERS. See Deserters.

Tavern-keepers or others suffering non-commissioned officers or soldiers to remain in their houses later than 8 p. m. in winter, or 9 p. m. in summer, to forfeit 20s. and costs for each offence	505
---	-----

SOLICITORS.

Admission of, how regulated. See *Barristers.*

SPEAKER.

Of Assembly, his Fees	16
To make a report to the Governor, of any vacancy occurring in the Assembly, on receiving intimation thereof	271

SPECIAL JURIES.

How struck	333
Expence to be paid by party applying, who, on taxation of costs, shall in no case be allowed more than if tried by a common Jury	ib.

STABBING.

If death is the consequence within six months, shall be punished with death	202
---	-----

STALLIONS.

If above one year old, not allowed to roam at large between 15th of March and 1st of November, under a penalty of 20s.	39
If found at large, may be seized and impounded	ib.
Justice to grant warrant of distress for all damages occasioned by	ib.
Penalty, half to prosecutor, half to Government	ib.

	Page
STATUTE LABOUR.	
All Male persons, between the ages of 16 and 60, liable to work four days in the year, and provide implements	544
Rates of labour for persons possessing horses, working cattle, &c.	545
Eight hours to be a day's work	ib.
Persons exempted from labour who have not resided in the Island six months previous to the appointment of Overseers	ib.
Overseers may call upon owners of Cattle to send men instead	ib.
Persons liable to labour, but absent from the Island, and all persons not attending, or not performing duty to satisfaction of Overseer, to forfeit 4d. for every hour's neglect	ib.
Justice to issue a summons for the fine, on complaint of Overseer	546
Form of Summons	ib.
Forfeiture, with costs, to be levied on the goods of the offender; and for want of goods, he shall be imprisoned for not more than 40 nor less than eight days	ib.
Money so levied, to be laid out by Overseer, under the direction of the Commissioner	ib.
Commissioners of Districts to appoint Overseers annually, on or before the 1st of May, and prescribe their limits and the duties to be performed by them respectively	ib.
Overseers as soon as appointed, to post a notice thereof	547
In winter, persons contiguous to Bays and Rivers, to mark the best track over the same, by fixing bushes in the ice, when directed by the Commissioner	ib.
Persons performing this duty, to be exempted from other Statute Labour that year	ib.
When labour is to be performed, Overseer to give ten days' notice to inhabitants, and superintend their proceedings	ib.
Penalty of 40s. for refusing to serve as Overseer—to be recovered by the Commissioner	548
Overseer failing in his duty, to forfeit £5	ib.
No person compelled to labour at a greater distance than five miles from his place of residence	ib.
Overseers to give in returns in writing to the Commissioners, within two months after performance of labour, and upon oath if required, and account for all commutation money	ib.
Labour to be annually performed in July, Overseer choosing any six days thereof	549
Exception with reference to Charlotte Town, where it shall be performed between 20th May and 20th June	ib.
Labour may be commuted for money, if paid to the Overseer on or before the 1st of June	550
Rates of commutation	ib.
Commutation money to be expended by the Commissioners	ib.
Commissioners or Overseers may summon the Inhabitants, with horses, implements, &c. to work 3 days in winter, in breaking roads in the snow	552
Penalty of 5s. for refusing to attend	553
Commissioners may commute Statute Labour for work to be performed in winter, in hauling timber for Bridges, &c.	554

	Page.
STEAM VESSEL.	
Lieutenant Governor and Council authorized to hire a Steam Vessel, of not less than fifty horse power, for the conveyance of the Mails weekly to and from Miramichi and Pictou, at the rate of £500 per annum	703
SUBPOENA OFFICE.	
Court of Chancery, Fees of	17
SUITS.	
Not to abate by death of either party; but action may be maintained by or against the Executor or Administrator of the party dying	132
Executor or Administrator <i>de bonis non</i> , may have <i>Scire Facias</i> , and execution on judgment, after verdict, in his own name	133
No proceedings to be discontinued by reason of any new Commission, or altering names of Justices	ib.
<i>Limitation of. See Actions.</i>	
SUMMARY TRIALS.	
Supreme Court may try all actions wherein Titles to Land shall not be called in question, the sum total of which does not exceed £20, in a summary way, according to Law and Equity	153
When case is doubtful, or when either of the parties desire it, Court may direct a Jury to be summoned to try the same	154
Any of the Justices may take voluntary confession of Debtors, for sums under £20, and a Record being made of the same, Justice to grant execution, upon the oath of the Creditor, the same as if the cause had been tried in the Court	155
Execution to be against Body or Goods, at the option of plaintiff	ib.
Costs on trial & recovery not to exceed 1s. 6d. in the Pound, or on confession 1s. in the Pound—exclusive of Jury, Sheriff, &c.	ib.
Witnesses legally served with Subpœna, in such Actions, to attend and give evidence, or be proceeded against for contempt, and be liable to make good damages sustained by Party injured	156
Punishment for wilful Perjury therein	ib.
SUNDAY. See Lord's Day. Licensed Houses.	
SUPREME COURT.	
Two Terms in the year to be held at Charlottetown	3
All criminal offences, questions of property, and other actions, to be tried by a Queen's County Jury separately, or jointly with the other Counties	6
All Writs, Pleas, Processes, &c. held good and effectual in law, although the Court did not sit in the February Term, 1776	31
A third Term added, to be called <i>Michaelmas</i> Term	152
Two former Terms to be called <i>Hilary</i> and <i>Trinity</i> Terms	153
Justices of, empowered to try Actions in a summary way, in cases not exceeding £20	ib.

	Page.
SUPREME COURT, continued.	
Court not to try any Action for Debt, where the whole dealing does not exceed £5	156
<i>Hilary</i> and <i>Trinity</i> Terms to be the only issuable Terms	220
<i>Hilary</i> Term to commence the third <i>Tuesday</i> in <i>February</i> , and continue 14 days	331
<i>Trinity</i> Term to commence the last <i>Tuesday</i> in <i>June</i> , and continue 14 days	ib.
<i>Michaelmas</i> Term to commence the last <i>Tuesday</i> in <i>October</i> , and continue 7 days	ib.
No trial by Jury to take place in <i>Trinity</i> or <i>Hilary</i> Terms, after the first ten days	331
Commissions for examining Witnesses out of the Island may be issued by Court in term time, or by any of the Justices in vacation—depositions so taken to be read as evidence <i>de bene esse</i> —costs to be taxed, and paid by the party losing or discontinuing suit; otherwise by the party obtaining the commission	332
Court to sit at <i>Georgetown</i> on the second <i>Tuesday</i> in <i>March</i> and third <i>Tuesday</i> in <i>July</i> , annually—and at <i>St. Eleanor's</i> on the first <i>Tuesday</i> in <i>June</i> and second <i>Tuesday</i> in <i>November</i>	591
Writs issued in <i>King's</i> or <i>Prince</i> Counties, to bear teste as of the last day of the term held in these Counties	582
Jurors not to be summoned out of their own Counties	ib.
<i>Michaelmas</i> Term made issuable for three terms only, for the trial of civil causes	583
<i>Hilary</i> Term altered from the third <i>Tuesday</i> in <i>February</i> to the first <i>Tuesday</i> in <i>January</i>	ib.
Petit Jurors to be summoned to attend the second day of each Term, except <i>Michaelmas</i> Term	584
Time of sitting in <i>King's</i> and <i>Prince</i> Counties, not to exceed seven week days	ib.
Chief Justice to be allowed £100 per annum for attending said Courts	ib.
Twenty successive days allowed for return of Writs in said Counties (exclusive of Sundays,) including first day of each Term	585

SURROGATE.

To record all Certificates of Marriage forwarded to him by persons solemnizing the same, on receiving a fee of 1s. 6d.	421—522
To give a certified copy when required, on being paid 1s. 6d.	422—523

SURVEYOR GENERAL.

His fees under Fee Act	28
To make division of undivided Lands held by different Proprietors in the same Township, when directed by Governor and Council, within forty days, under a penalty of Ten Pounds	229
Exempted from serving in the Militia	641
See further, <i>Meridional Line. Boundaries.</i>	

SURVEYORS and LAND WAITERS.

How appointed	97
Rules for regulation of	105

SURVEYORS of LAND.

When ordered by Governor and Council, to survey Lands held in common by different Proprietors, and with the assistance of three Landholders, make an equal division thereof	50
Expences to be paid by parties claiming division	51
To regulate their instruments annually, in the presence of the Surveyor General, by the Meridional Line established near Charlottetown, and obtain a Certificate thereof, in which the variation shall be set down	292
Fees, under the Acts regulating the laying out and altering of Highways	567
Duty of, under Boundary Act. See <i>Boundaries</i> .	

SURVEYORS of LUMBER.

To be appointed by Lieutenant Governor, and sworn	347
Form of Oath	348
Fee for surveying—to be paid half by seller and half by purchaser	ib.
Ton Timber to be measured by the girth	ib.
Penalties for acting contrary to the Act	ib.
How recovered	349
Prosecutions to be within six months	ib.

SWEEPS.

Chimney, to be licensed by Fire Wardens. See *Fires*.

SWINE.

If found at large in Charlottetown, to be sold by Hog Reeves, and owners fined Twenty Shillings for each	353
<i>See Hog Reeves.</i>	
If found at large without being ringed in the nose, may be seized by any person, and on complaint before a Justice, the owner fined 2s. 6d.—and if the fine be not paid within 3 days, or if no owner appear after 3 days notice posted in 3 public places, the said Justice shall order such swine to be sold, and the proceeds paid to the taker	628
Trespasses by. See <i>Cattle</i> . <i>Pounds</i> .	

TAIL.

(Estates) how barred, See *Estates Tail*.
How leased, See *Tenants in Tail*.

TAVERNKEEPERS.

Not to harbour or vend liquor to any hired fisherman, or other servant, during fishing season, without Master's permission, under a penalty of 40s. for every offence	360
---	-----

	Page.
TAVERNKEEPERS, continued.	
Not to suffer any non-commissioned officer or soldier to remain in their houses, later than 3 p. m. in winter, or 9 p. m. in summer, without a pass, under a penalty of 20s. and costs	505
Not to supply any person with liquor on the Lord's Day, (lodgers excepted,) on pain of forfeiting 20s. for the first offence, and for every succeeding offence, the sum of 40s.	653
To have sign boards, on pain of forfeiting 20s.	ib.
No to permit apprentices or servants to sit drinking in their houses nor sell or give them any liquor, without the express permission of their employers, on pain of forfeiting 20s. for each offence	656
See further, <i>Licensed Houses.</i>	
TENANTS in TAIL.	
Leases of Land, &c. made by, for any term of years not exceeding 999, to be good in Law—provided they shall be at the highest rent that can be obtained for the same	397
Persons entitled to the reversion, to have the same remedy against the Lessees as Lessors might have had	398
Wife (when entitled to the Estate) to be a party to the Lease	ib.
Rent to be reserved to husband and wife, and heirs of wife; and at husband's death, to revert to those legally entitled thereto	ib.
THISTLES.	
Penalty for suffering Thistles to grow on lands not under crop, if required by the occupant of land adjoining, during the month of July, to destroy the same	628
THREE RIVERS.	
Appointment of Sub-Collector of Customs for Port of	537
TIMBER.	
For exportation, regulated	346
What shall be deemed Merchantable	ib.
Allowance to Surveyors, and by whom paid	348
To be measured by the girth	ib.
Penalty for cutting or removing, without owner's leave. See <i>Trees.</i>	
TITLES.	
Persons who have been in peaceable possession of Lands, &c. for the space of seven years, by lease or purchase, and all persons claiming under them, confirmed in such possession, want of Registry previous to the passing of the Act 35 G. 3, c. 2, notwithstanding	216
Deeds of Sale by Sheriff, under Writs of Execution, and all purchases made in terms of the preceding clause, confirmed, notwithstanding defect in legal form	217
Grants of Crown Lands confirmed, notwithstanding want of Registry	ib.
Not to extend to sales under Quit Rent Act of 13 G. 3, c. 15	ib.

	Page.
TITLES, continued.	
All Titles hereby meant to be confirmed, to be duly proved and registered	217
Not to extend to the confirming any error in relation to Boundaries	218
Landlords to put their Titles on record (Act disallowed)	500
TOLL.	
To be taken by Millers. See <i>Mills.</i>	
TOWNSHIPS.	
Lines of, how to be run. See <i>Boundaries.</i>	
TREASON, PETIT.	
What, and how punished	212
TREASONS and FELONIES.	
Act relating to	201
TREASURER.	
Penalties on, for paying any Monies contrary to Act of 25 G. 3, c. 4	104
Treasury Notes to be signed by	365
At his option, to pay Warrants in Notes or Specie	366
To keep Books of Account, and produce them to Governor and Council for inspection, when called for; and hand them over to successor, under a penalty of £500	436
To grant a search in his books, between the hours of 11 and 12	ib.
Not to engage in trade, or exchange public money for premium or profit, on pain of forfeiting £500, and being rendered incapable of holding office	437
To keep distinct accounts of monies raised under Land Assessment Act, and grant receipts for payments	447
To give notice in the <i>Gazette</i> , on the 1st June annually, for persons to pay their Land Assessment	635
To appoint Deputy Collectors of Land Tax, (not less than three in each County,) and be responsible for their conduct	636
Exempted from serving in the Militia	641
To be allowed £500 per annum, in lieu of all emoluments	642
TREASURY NOTES.	
Commissioners for issuing, how appointed	365
Issue of £5000	ib.
Notes to be signed by Commissioners, and countersigned by Treasurer	ib.
Form of Note	19
When signed, to be delivered to Treasurer	366
Warrants on the Treasury to be paid, at Treasurer's option, in Notes or Specie	ib.
Forging or altering Notes, Felony without Clergy	366—375
Governor may direct Treasurer to re-issue Notes paid into the Treasury, or cause Commissioners to issue others in their stead	366

	Page.
TREASURY NOTES, continued.	
Notes may be presented at the Treasury for payment on the 31st March, 30th June, 30th September, and 31st December—and if not then paid, Governor and Council shall direct Commissioners to fund the same, and grant certificates for the amount, which shall bear interest	367
Notes so funded shall not be again issued	ib.
Issue of Ten Shilling Notes, to the amount of £800	374
Former Acts continued for three years	388
Further continued for five years	442
Further issue to the amount of £3000—one half in twenty, the other in ten shilling Notes	ib.
Further issue, to the amount of £3000, of which £500 to be in five shilling Notes	462
Commissioners to be allowed one half per cent for issuing notes	463
Punishment for stealing Notes, to be the same as for stealing coin to the same amount	ib.
Further issue to the amount of £5000	585
£1000 of said issue to be paid off yearly, for 5 years, out of monies to be raised under Land Assessment Act of 11 G. 4, c. 17—	586
Treasurer to hand over said amount annually to Commissioners	ib.
Commissioners to lay an account of Notes cancelled before Governor and Council	587
Notes cancelled, to be destroyed in presence of the Commissioners and the Treasurer	ib.
Commissioners to grant receipts to Treasurer for notes so cancelled	ib.

TREES.

For every Tree cut down, barked, boxed, or carried away, without leave of the owner, any Justice of the Peace may impose a penalty of 30s. & costs, provided forfeiture does not exceed £5	623
If above £5, to be recovered in Supreme Court	ib.
Prosecutions to be commenced within 6 months	ib.

TRESPASSES.

Act for preventing, 3 W. 4, c. 27	621
Upon Crown Lands. See <i>Crown Lands</i> .	
Cutting or barking Trees. See <i>Trees</i> .	
By Cattle. See <i>Cattle</i> .	
Upon public or private property. See <i>Property</i> .	
Any person entering or passing through an inclosed field or garden, without leave of the owner, to forfeit 2s. 6d., to be recovered before a Justice; and be liable for damages	627
Cutting, killing or maiming Horses or Cattle. See <i>Cattle</i> .	
Any person convicted under Trespass Act before a Justice of the Peace, may appeal to the Supreme Court, within 48 hours, in the manner permitted in Small Debt cases	633

	Page.
TRESPASSES, continued.	
If parties do not appeal within the time specified, judgment of Justice shall stand confirmed; and proceedings shall not be removed by Certiorari	634
TROVER.	
Cases of, not exceeding £5, may be tried before Small Debt Commissioners	480
TRUCKS.	
Disorderly driving of, how punished	75
UNDE NIHIL HABET.	
Writ of in Dower	191
UNDER SHERIFF.	
In case of death or removal of Sheriff, under Sheriff to act and be responsible until another is appointed	162
USURY.	
What, and how punished. See <i>Interest.</i>	
VESSELS.	
Breaking into by night, with intent to steal, felony without Clergy	204
Wrecked, regulations. See <i>Wrecked Ships, Goods, &c.</i>	
Quarantine regulations. See <i>Quarantine.</i>	
Penalty for fastening vessels to Bridges	553
Wharfage, rates of. See <i>Wharfage.</i>	
Light Duty, rates of. See <i>Light Duty.</i>	
VESTRIES.	
How appointed. See <i>Church of England.</i>	
VICE ADMIRALTY COURT.	
Marshal of, not to deliver Prize Goods sold by him, without a permit, under a penalty of £200	93
WARRANTS of ATTORNEY.	
To be filed and put on record	187
WEIGHTS and MEASURES.	
The Weights and Measures used in this Island, to be according to the Standard of England, in 1819	598
Lieut. Governor to appoint an Assayer for Queen's County, who shall be sworn, and with whom the Standard Weights and Measures shall be deposited, and who shall give public notice of his appointment	ib.
Assayer to assay and adjust all the Weights and Measures brought to his office according to the above standard, and mark thereon the initials of the reigning Monarch	599

	Page.
WEIGHTS and MEASURES, continued.	
To be allowed sixpence for each assay	599
Persons selling by weights or measures unstamped, to forfeit 10s.	
—to be recovered before a Justice, and levied by distress	ib.
Assayer to visit all the shops, &c. once in three months, to examine all Weights and Measures, and seize such as are unstamped	ib.
Persons using Weights or Measures short of the standard, to forfeit £5, and costs—recoverable before two Justices	600
Assayers in like manner to be appointed with similar powers for King's and Prince Counties, and a complete set of Weights and Measures furnished to each	ib.
Persons refusing to permit Assayers to inspect their Weights and Measures, to forfeit 40s. for each refusal, with costs—to be recovered before one Justice, on the oath of the Assayer, and levied by distress	ib.
Masters of Vessels loading agricultural produce for exportation, to be provided with stamped Measures	601
Description of said Measures	ib.
Penalty for receiving produce without such measures, 20s. for each offence, and costs	ib.
Not to extend to persons loading their own vessels, or to any person loading the whole of any one vessel, if so agreed upon	ib.
Fines to be, one half to the informer, the other half for the use of Government	602
WHARFAGE.	
Governor and Council to appoint a Wharfinger for Charlotte Town Wharf, who shall be paid £10 per annum	612
Rates of Wharfage	613
No wharfage to be paid when the navigation is closed, unless by vessels undergoing repairs	ib.
Vessels fast to the Wharf to make room for others when required	ib.
Penalty on Masters refusing, not to exceed £5, upon proof before one Justice	ib.
Vessels fast to others alongside the Wharf; and vessels undergoing repairs when the navigation is closed, to pay half rates	ib.
If the passing or repassing of trucks, &c. be obstructed by lumber, goods, &c. Wharfinger to warn the owners or consignees, in writing, to remove the same; and if they fail to do so, he shall himself remove and keep the same, until all expences are paid	614
Wharfinger to cause obstructions in the approaches to the Wharf to be removed, at the expence of the parties causing the same	ib.
Wharfinger to prevent stones, ballast or rubbish being thrown into the water, and prosecute persons offending, who, on proof before a Justice, shall be liable for each offence to a penalty not exceeding £5, and be also amenable for damages	ib.
Wharfinger to demand wharfage daily	615

Page.

WHARFAGE, continued.

Ship-agent liable for wharfage, if an account has been furnished him, and money demanded, before ship leaves port	645
Wharfinger to render an account on oath to Colonial Treasurer, and pay over all monies, four times a year, under a penalty of £20 for each neglect	ib.
For every neglect of duty in other respects, Wharfinger to forfeit not exceeding £5	646
All other fines and penalties imposed by the Act to be recovered, with costs, on the oath of the Wharfinger, or other credible witness, before one Justice—to be levied by distress; and for want of goods Justice may commit offender for a period not exceeding two months	ib.
Persons encumbering the Wharf, contrary to the directions of the Wharfinger, liable to a fine not exceeding 40s. and costs, over and above the charge of removing the same, which the Wharfinger is authorized to do	ib.
Wharfinger may direct the main or jib-booms of vessels at the Wharf to be taken in; Masters refusing to comply, to forfeit not exceeding 20s.	ib.
Penalty not exceeding 20s. besides damages, for allowing a vessel through negligence to injure the wharf	647
Mode of recovering damages done to the Wharf	ib.

WHEAT.

Standard weight of	396
--------------------	-----

WILLS.

Devises of Lands, &c. must be in writing, attested by three witnesses	62
Wills made by <i>Feme Coverts</i> , Minors, or persons of unsound mind, not good in Law	ib.
No devise in writing revocable, otherwise than by writing in same form	ib.
No Nuncupative Will to be good, if Estate bequeathed exceed £30, unless proved by three witnesses; and that it was made during Testator's last illness	ib.
Not allowed to be proved after six months, unless by testimony committed to writing, within six days after making of such Will	63
Nor probate of such Will to pass, till 14 days after the death, and widow or next of kin to Testator hath been called	ib.
No Will in writing respecting personal estate to be altered by word of mouth, unless the same be committed to writing in the lifetime of the Testator, and allowed by him in presence of three witnesses	ib.
Executors wilfully neglecting to prove Will, or to renounce, within 30 days after the death of the Testator, to forfeit £5 each for every month's delay without just excuse; to be recovered by action of debt in the Supreme Court, at the suit of any heir or creditor, and for his use, who shall prove that he has sustained injury thereby	64

WILLS, *continued.*

Page.

Upon Executor refusing to act, Judge of Probate shall order administration of Estate to Widow or next of kin; and in case of their refusal, to the principal Creditors	64
Person suppressing a Will, liable to same penalty as person neglecting, as aforesaid, to prove it	ib.
Legacies recoverable at Common Law	65
Every Executor, within three months after probate, unless the Judge allow further time, to exhibit an Inventory of deceased's Estate, or forfeit his office, and pay £5 for every month's neglect	ib.
After payment of Debts and particular Legacies, if the residue of the Estate is bequeathed to any other person than the Executors, an inventory must be given in by them on oath, and accounted for the same as Administrators are obliged to do	ib.
Executor being a residuary legatee, may have action against co-executors; and any residuary legatee may have like remedy against Executors	66
Estates (real or personal) not comprised in any last Will, to be divided as in the case of Intestate Estates	69
Real Estate may be sold for payment of Debts and Legacies, where personal assets shall be insufficient	ib.
In case of Insolvency, Governor and Council to appoint Commissioners to examine claims of creditors, and sell real estate to pay them	70

WINES.

Duty on. See *Impost.*

WITNESSES.

Allowance to, under Act for regulating Fees	23
When served with a subpoena on trial of any summary action, to attend and give evidence, or be proceeded against for contempt, and be liable to make good Damages sustained by Party injured	156
If guilty of wilful perjury, in such cases, to stand on the Pillory for one hour, and have ears nailed thereto	ib.
If residing out of the Island, Justices of Supreme Court may issue commissions for taking depositions of	332
Penalty for refusing to attend and give evidence before Justices of the Peace. See <i>Justices of the Peace.</i>	
Justices may award witnesses their expences	459
Penalty for refusing to attend and give evidence before Commissioners of Small Debt	468
Fees of, under Small Debt Act	483
To attend and give evidence on inquisitions held by the Sheriff under the Acts for regulating the laying out and altering of Highways, on receiving a Subpœna, and being tendered 8d. per mile for travelling expences—or be punished as if for refusing to attend Supreme Court	565
Oath to be taken by	566

	Page.
WITNESSES, continued.	
Fees of, under said Acts	568
Witnesses to the execution of Deeds not compelled to attend Registrar or Commissioners to prove the same, unless travelling charges, for going and returning, at the rate of 4d. per mile, be first tendered	573
On refusal to attend, after such tender, how punished. See <i>Registrar.</i>	
See further, <i>Depositions de bene esse.</i>	

WOODS.

Any person setting fire to, and thereby injuring the woods or property of others, to be liable in damages to the parties injured, and subject to a fine of £5, recoverable before one Justice	364
Fine to be applied for repair of roads, &c. and levied by warrant of distress; and for want of sufficient distress, offenders may be committed not exceeding two months	457
Offenders to be prosecuted within six months	ib.
For trespasses on. See <i>Trees.</i>	

WRECKED SHIPS, GOODS, &c.

Goods or Vessels found on the coasts of the Island, or within soundings, to be taken care of for right owners—persons discovering the same to give notice to the Sheriff, or the nearest officers of Customs or Excise, or Justice of the Peace, who shall take measures to preserve the property	409
Persons plundering or destroying shipwrecked vessel or goods, or injuring persons endeavouring to escape from the wreck, or who shall put out false lights, shall suffer death	ib.
If goods stolen be under 20s. persons convicted shall suffer as for petit larceny	410
Justices of Peace to issue search warrants, and fine or imprison offenders	ib.
Persons exposing goods for sale, suspected to have been taken from a wreck, must shew that they were lawfully come by, or the same may be seized, and such persons otherwise punished	411
Officers in charge of a wreck may command all persons to assist, also boats from any vessels that may be near; and any Justice may commit persons who refuse to assist, or disobey orders; and if convicted, such persons may be fined, not exceeding £20, or be committed for six months	411, 412
Salvage to be paid to persons assisting—in case of dispute the quantum to be fixed by three Justices	412, 413
Officer in charge of goods, to sell part thereof to pay salvage—or the whole, if in a perishing state	413
Goods or money remaining, after payment of salvage, &c. to be deposited with the principal officer of the Customs	ib.
If no person shall claim within twelve months, goods shall be sold, and monies paid into the Treasury, for the use of Government	414

	Page.
WRECKED SHIPS, GOODS, &c. <i>continued.</i>	
No person to interfere with shipwrecked property, if found in custody of another, unless assistance be desired—persons guilty of such unlawful interference to be punished as for a misdemeanor	ib.
Persons sued may give the Act in evidence	414
Any person wilfully doing any thing to produce shipwreck, shall suffer death	415
WRITS.	
Return days for, in Queen's County	331
ditto in King's and Prince Counties	585

FINIS.

E. A. B.
5/1/05.