

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: **Page 95 is incorrectly numbered page 94. Copy has manuscript annotations.**

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x
									<input checked="" type="checkbox"/>	
	12x		16x		20x		24x		28x	32x

Rec^d 24 June

A C T S

OF

THE GENERAL ASSEMBLY

Vol. OF THE *Year*

PROVINCE OF NOVA-SCOTIA.

ANNO TERTIO VICTORIÆ REGINÆ.

1840.

H A L L F A X :

Printed at the Royal Gazette Office.



TABLE

OF

ACTS OF THE GENERAL ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

ANNO TERTIO VICTORIÆ REGINÆ.

1840.



CAP.	TITLES.	PAGE.
1	An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and Forty, and for other purposes therein specified.	1
6	An Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof.	14
9	An Act for enabling persons indicted for Felony to make their defence by Counsel.	23
10	An Act to make provision for payment of the expenses of the Census for the County of Cape-Breton.	24
12	An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.	26
14	An Act in further amendment of the Act to regulate the packing and repacking of Salted Beef and Pork for Exportation.	28
15	An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland respectively.	29
16	An Act to Incorporate the Halifax Gas Light and Water Company.	30
17	An Act for preventing illegal overholding and detainer of Real Estate.	33
18	An Act to regulate and prevent injury to Rail Roads.	35
19	An Act to regulate the Shad Fishery in the County of Cumberland.	37
20	An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.	38
21	An Act to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places.	41
22	An Act for the regulation and management of the combined Common and Grammar School at Lunenburg.	42
23	An Act to regulate the Gaspereau and Salmon Fishery in Horton.	42
25	An Act concerning Wills.	45
26	An Act to regulate certain Landings in the County of Digby.	49
28	An Act to Incorporate the Royal Acadian School Society.	51
29	An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and Distinct District	54
30	An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.	55

CAP.	TITLES.	PAGE.
31	An Act for establishing the times and places of holding the Poll at Elections of Representatives.	55
31	An Act to Incorporate an Hotel Company in Halifax.	60
33	An Act to authorise the sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm."	64
34	An Act to authorise the Congregation of the Meeting-House at Tusket Village to raise Money from the Pews of the said Meeting-House for the repairing and ornamenting thereof.	65
35	An Act to Incorporate a Company, to be called the St. Peter's Canal Company.	66
36	An Act to Incorporate the Margaretville Pier Company.	70
37	An Act to authorise the Congregation of the Meeting-House in the Town of Yarmouth, near the Parade, to raise Money from the Pews of such Meeting-House for the repairing and ornamenting thereof.	72
38	An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.	73
39	An Act to regulate the Fencing of the Marsh at Pubnico.	73
40	An Act to preserve the Harbor of Cape Forchu, in Yarmouth	74
41	An Act to provide for building a Bridewell.	74
42	An Act to vacate the Seats of Members on the acceptance of certain Offices of place or emolument under the Crown.	75
43	An Act to Incorporate the Bay of Fundy Steam Navigation Company.	75
45	An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate their Directors and Auditors.	77
46	An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou.	77
47	An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.	79
48	An Act to authorise the shutting up of an Old Road in the Township of Horton.	79
49	An Act to make perpetual the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province.	80
50	An Act to repeal an Act, entitled, An Act respecting the exportation of Grindstones from this Province.	80
51	An Act to make perpetual the Act for the more easy Redemption and Foreclosure of Mortgages.	80
52	An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives.	80
53	An Act to enable the Devises or Representatives of John Bolman to shut up an old road in Lunenburg.	81
54	An Act to amend the Act to establish the County or Shire Town in the County of Digby.	82
55	An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof.	82
56	An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province.	83

ACTS WITH SUSPENDING CLAUSES.

2	An Act for Incorporating the Trustees of the Queen's College at Horton.	10
3	An Act to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant.	13
4	An Act for limiting the duration or continuance of the General Assemblies.	13
5	An Act to grant a Drawback on Foreign Wheat Flour, in certain cases.	13
7	An Act to appoint a new Board of Governors for Dalhousie College.	20

ACTS CONTINUING AND ALTERING OR AMENDING FORMER ACTS.

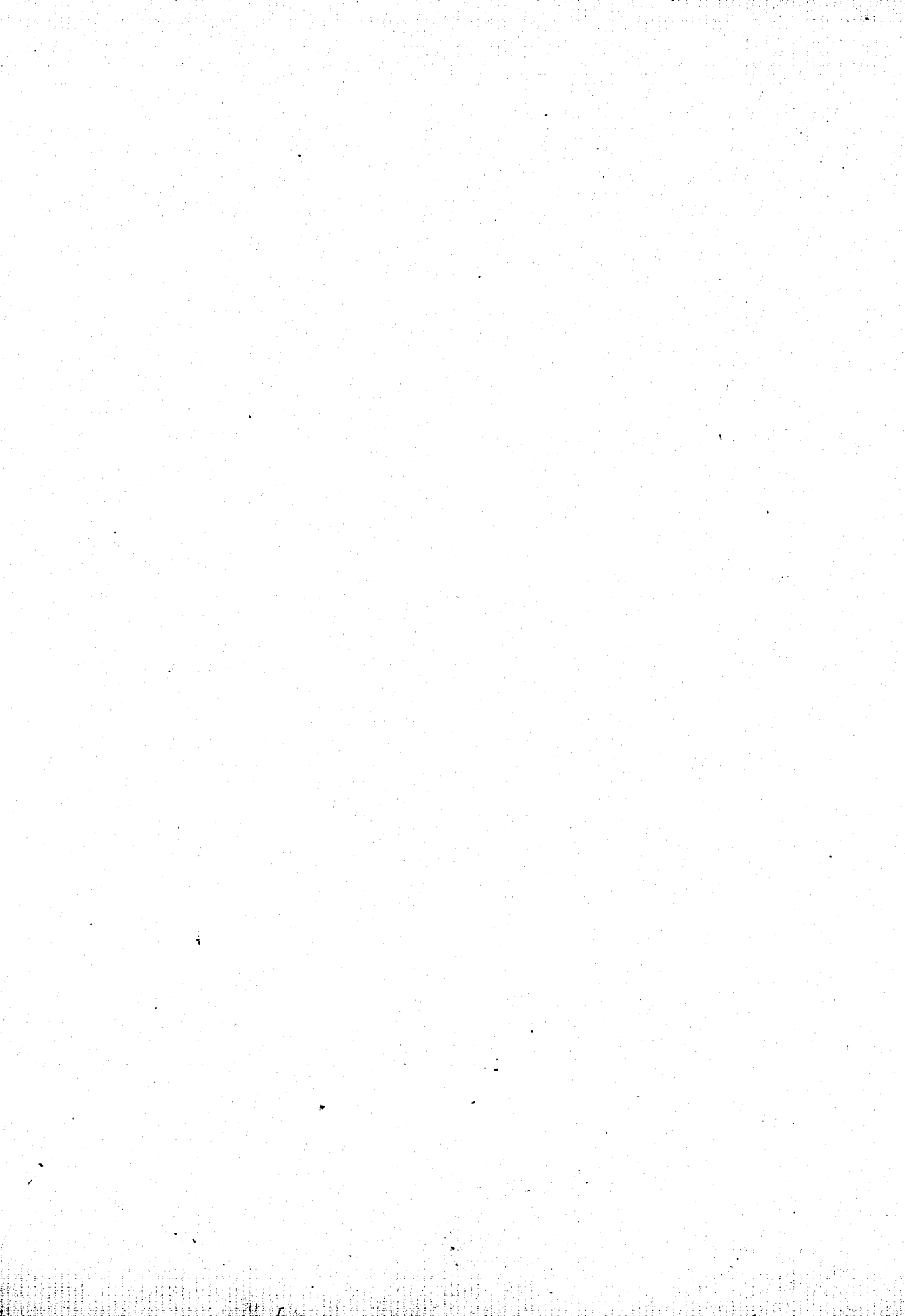
8	An Act to continue and amend the Act for the regulation of Juries, and to render valid the proceedings of certain Grand Juries.	21
11	An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.	25
13	An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same.	28
24	An Act to continue and amend the Acts in force respecting the Militia of the Province.	43
27	An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers.	50
44	An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same.	76
58	An Act to continue and amend the Act for regulating the Importation of Goods.	85
63	An Act to continue and amend the Act for the Warehousing of Goods.	87
99	An Act to continue the Act to repeal the Act to amend the Acts respecting Fire Wards and Fires in Halifax, and to substitute other provisions in lieu thereof, and additional thereto.	98

ACTS ONLY CONTINUING FORMER ACTS.

57	An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.	84
59	An Act to continue the Act in addition to and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.	86
60	An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.	86
61	An Act to continue the Act relative to the assessment of Dyke Rates for the New or Wickwire Dyke in Horton.	86
62	An Act to continue the several Acts for the encouragement of Schools.	87
64	An Act to continue the Acts in force relative to the Inspection of Pickled Fish.	88
65	An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof.	88
66	An Act to continue the Act to regulate the Fishery of the River Shubenacadie.	89
67	An Act to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.	89
68	An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.	89
69	An Act to continue the Act to provide against the occurrence of Diseases from the Bites of Animals.	90
70	An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.	90
71	An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and the Acts in amendment thereof.	90
72	An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.	91
73	An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province.	91

CAP.	TITLES.	PAGE.
74	An Act to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton	91
75	An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers, and Wild Cats	92
76	An Act to continue the several Acts concerning the Bridewell and Police in Halifax	92
77	An Act to continue the several Acts for the prevention of Smuggling	92
78	An Act to continue the Act additional concerning Nuisances	93
79	An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto	93
80	An Act to continue the Act for the better regulation of Sable Island in this Province	93
81	An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof	93
82	An Act to continue the Act to enable the Proprietors of Lands in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same	94
83	An Act to continue the Act for the Summary Trial of Actions in the Island of Cape Breton	94
84	An Act to continue the Act respecting the collection of Poor's Rates of Pictou	94
85	An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax	94
86	An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof	95
87	An Act to continue the Act to regulate certain Landings in the County of King's County	95
88	An Act to continue the Act to authorise the Sale of Coals by Weight.	95
89	An Act to continue the Act to encourage the importation of Improved Breeds of Cattle into this Province.	95
90	An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton.	96
91	An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	96
92	An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.	96
93	An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.	96
94	An Act to continue the Act relating to Marriage Licenses.	97
95	An Act to continue the Act for regulating the Exportation of Red or Smoked Herrings.	97
96	An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.	97
97	An Act to continue the Act to authorise the Sessions of the Peace for the County of Queen's County, to make Regulations for the gathering of Sea Manure in the said County.	97
98	An Act to continue the Act to make the stealing of Dogs, Beasts and Birds, Larceny.	98
100	An Act to continue the Act relating to the Court of Commissioners at Halifax.	99
101	An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.	99

CAP.	TITLES.	PAGE.
102	An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.	99
103	An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Act in amendment thereof.	100
104	An Act to continue the Act relating to Passengers from Great-Britain and Ireland, and the Acts in amendment thereof.	100
105	An Act to continue the Act concerning Malicious Injuries to Property.	100
106	An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.	101
107	An Act to continue the Act concerning Goods exported, and for granting Drawbacks.	101
108	An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing of Cord Wood in the Town of Halifax.	101
109	An Act to continue the Act for the general regulation of the Colonial Duties.	101
110	An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Acts in amendment thereof.	102
111	An Act to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned	102
112	An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.	103
113	An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.	103
114	An Act to continue the Act in further amendment of, and additional to, the Acts relating to Tresspasses.	103
115	An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	103
116	An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges	104



At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Tuesday, the Thirty-first day of December, 1839, in the Third Year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, **QUEEN**, Defender of the Faith, &c. &c. &c. being the Fifth Session of the **Seventeenth General Assembly** convened in the said Province.*

* In the time of Sir COLIN CAMPBELL, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Provincial Secretary; and John Whidden, Clerk of Assembly.

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

(Passed 27th Day of March, 1840.)

May it please Your Excellency,

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

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

200*l.* Speaker of Assembly

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

600*l.* Treasurer

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

200*l.* Clerk of Assembly

And a further sum of 25*l.* to the Venerable Archdeacon Willis, Doctor in Divinity, for his services as Chaplain to the Legislative Council, during this Session.

25*l.* Archdeacon Willis

And a further sum of 25*l.* to the Clerk of the House of Assembly, to enable him to pay Twelve Pounds Ten Shillings to each of the Clergymen who have attended the House of Assembly, as Chaplains, during this Session.

25*l.* Chaplains

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

100*l.* Assistant Clerk

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

50*l.* Matthew Forrester

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

30*l.* John Jennings

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

40*l.* Messenger to Governor

And

301. J. Gibbs And a further sum of 30*l.* to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session.
451. Clerk to Commissioners And a further sum of 45*l.* to the Clerk of the Commissioners of the Revenue, for his services for the present year.
2001. Gauger and Weigher And a further sum of 200*l.* to the Gauger and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum to be paid on the Certificate of the Commissioners of the Revenue at the rate of Seven Shillings and Six Pence per day, to such person or persons as shall be employed during the present year by the Collector of Impost and Excise for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax, Five Shillings per day to such extra Waiter or Waiters when unemployed, and at the rate of Five Shillings per day to temporary Waiters.
6001. Transient Poor And a further sum of 600*l.* for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
3501. J. Howe And a further sum of 350*l.* to John Howe, Esq., Printer, for printing for Government and the General Assembly for the present year.
601. keeper of Assembly Council and Law Library And a further sum of 60*l.* to the Keeper of the Assembly House, and Council Chamber, and Law Library, for the present year.
1001. Adjutant General of Militia And a further sum of 100*l.* to the Adjutant-General of Militia, for his services for the present year.
501. Quarter Master General of Militia And a further sum of 50*l.* to the Quarter-Master General of Militia, for his services for the present year.
1501. Indians And a further sum of 150*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied in such way as he may deem most proper for the relief of the Indians of this Province.
1001. Colored Population And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, to relieve the distresses of the Colored Population of this Province.
251. School in Poor House And a further sum of 25*l.* to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.
501. Packet between Windsor and Partridge Island And a further sum of 50*l.* to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.
501. Packet between Guysborough and Arichat touching occasionally at Fox Island and Canso And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year; Provided that the Judge or Judges of the Supreme Court shall be taken without charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape-Breton.
4001. Comrs. of Sable Island And a further sum of 400*l.* to the Commissioners of Sable Island, for the support of that Establishment for the present year.
2001. Halifax Steam Boat Company And a further sum of 200*l.* to the Halifax Steam Boat Company for the present year.
5001. Steam Boat between Halifax & St. John, N. F. And a further sum of 500*l.* Currency per annum, for three years, to encourage the running of a Steam Boat between Halifax and St. John's, Newfoundland, twice in each month, touching at Arichat, Sydney, and such other Ports as may be selected by the Owner or Owners of said Boat—the said sums to be drawn by Warrant on the Treasury, and paid to any Individual or Company on its being certified to the Lieutenant-Governor that a vessel, of not less than eighty horse power, has performed this service, whenever the Navigation has not been obstructed by ice.
1501. Steam Boat Pictou And a further sum of 150*l.* towards supporting and maintaining the Steam Boat between Pictou, Prince Edward's Island and Miramichi, for the present year, upon the same conditions as last year, and upon condition that the Mail shall be weekly transported in the Boat during the same year between the same places.
1001. James Whitney And a further sum of 100*l.* to James Whitney, for running the Steam Boat between Annapolis and Digby and Saint John, for the present year, under the same regulations and in the

the same manner as heretofore, to be paid only upon its being certified to His Excellency the Lieutenant-Governor or Commander in Chief, by the Post-Master General, that the Mail has been regularly carried in each week of the year.

And a further sum of 300*l.* to the Nova-Scotia Baptist Education Society, in aid of the Academy at Horton for the present year. 300*l.* Baptist Society.

And a further sum of 100*l.* in aid of the Arichat Academy, for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor. 100*l.* Arichat Academy.

And a further sum of 100*l.* to the Rev. R. F. Uniacke, to enable him to defray the expenses incurred to support Schools for poor Children, in the North Suburbs of the Town of Halifax. 100*l.* R. F. Uniacke's School.

And a further sum of 135*l.* to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year. 135*l.* Yarmouth Academy.

And a further sum of 100*l.* to Hugh Bell and others, to support a School in connection with the Methodist Church in Halifax. 100*l.* Methodist School.

And a further sum of 100*l.* to the Trustees of the Combined Common and Grammar School in the Town of Sydney, in aid of the said School for the present year. 100*l.* Grammar School Sydney.

And a further sum of 50*l.* to the Ladies, Managers of the Infant School at Halifax, in aid of that Institution for the present year. 50*l.* Infant School.

And a further sum of 40*l.* to pay the Salary of the Female Teacher in the African School for the present year. 40*l.* African School.

And a further sum of 40*l.* to enable the Trustees of the Grammar School at Truro to procure an Usher for said School. 40*l.* Truro Grammar School.

And a further sum of 50*l.* to the Mechanics' Institute and Mechanics' Library, at Halifax, 30*l.* to the Institute, and 20*l.* to the Library, for the support of those Establishments for the present year. 50*l.* Mechanic's Institute.

And a further sum of 50*l.* in support of an Academy at St. Andrew's, in the County of Sydney. 50*l.* Academy St. Andrew's.

And a further sum of 50*l.* to the Trustees of the Academy at Digby, in aid of that Institution. 50*l.* Academy Digby.

And a further sum of 50*l.* to the Trustees of the Guysborough Grammar School or Academy, in aid of that Institution for the present year. 50*l.* Academy Guysborough.

And a further sum of 50*l.* in aid of the Liverpool Academy, in pursuance of the report of the Committee. 50*l.* Academy Liverpool.

And a further sum of 50*l.* in aid of the Grammar School or Academy at Port Hood, pursuant to the report of the Committee on Education. 50*l.* Academy Port Hood.

And a further sum of 50*l.* to the Trustees of the Academy in Annapolis, for the support of that Institution for the present year; and a further sum of 50*l.* to Andrew Henderson, Principal of the Academy at Albion Vale, near Annapolis, for the support of his Academy for the present year. 50*l.* Academy Annapolis and 50*l.* A. Henderson.

And a further sum of 100*l.* to the Trustees of the Lunenburg Academy, for the support of that Institution for the present year. 100*l.* Academy Lunenburg.

And a further sum of 233*l.* annually, for three years, to the Trustees of the Pictou Academy, to be applied by them exclusively towards payment of the present debt of that Institution, to be drawn in each year upon its being satisfactorily certified to His Excellency the Lieutenant-Governor, that 132*l.* for that year has been raised by private subscription and applied towards payment of said debt. 233*l.* Annually Pictou Academy.

And a further sum of 24*l.* 2*s.* 9*d.* to the Baptist Education Society at Horton, for a return of duties by them paid on the Importation of a Philosophical Apparatus for the use and benefit of Queen's College. 24*l.* 2*s.* 9*d.* Baptist Society.

And a further sum of 50*l.* to Doctors Grigor and Stirling, in aid of the Halifax Dispensary for the present year, provided they keep during the year a sufficient quantity of Vaccine Matter. 50*l.* Drs. Grigor & Stirling.

And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the mouth of River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place—the said Boat to be run under the regulations of the General Sessions for the County of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor, upon Certificate from said Sessions, that said Boat has been running at least twice a week for six months to the satisfaction of the said Sessions under their regulations. 20*l.* Ferry Londonderry.

And

- 20l. Ferry
Cape-Breton And a further sum of 20l. to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow to run between M'Millan's Point in Cape-Breton, and Auld's Cove, in the County of Sydney—the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness.
- 20l. Ferry
Shubenacadie And a further sum of 20l. to the Ferryman for the River Shubenacadie appointed by the Court of Sessions for the County of Colchester, for the building and fitting up of a proper Boat for the transportation of Horses and Carriages across said Ferry, to be paid on the Certificate of the said Sessions, that such Boat is actually provided and in use, which Boat is to be public property, and held by the duly Licensed Ferryman for the time being.
- 7l. 10s. Ferry
LaHave And a further sum of 7l. 10s. to each of the Ferrymen employed on La Have River, to be expended in procuring Two Horse Boats—the said sums to be paid when it shall be certified by the Court of General Sessions of the Peace for the County of Lunenburg that such Boats have been procured.
- 10l. C. Craig And a further sum of 10l. to Cornelius Craig, to enable him to keep up the Ferry across the Narrows at the entrance of Sable River, in the County of Shelburne.
- 10l. R. Carter And a further sum of 10l. to Richard Carter, to enable him to run a suitable Ferry Boat or Scow between his Landing on the Western side of the Gut of Canso, and David M'Pher-son's, on the Eastern side thereof—the said Ferry Boat or Scow to be run under the regu-lation of the General Sessions for the County of Guysborough.
- 60l. Revenue
Boat Digby And a further sum of 60l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of continuing the Revenue Boat at the entrance of Annapolis River, dur- ing the present year, under directions of the Collector of the Customs at Digby.
- 60l. Revenue
Boat Basin of
Mines And a further sum of 60l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of placing a Revenue Boat in the Basin of Mines for the present year, under the directions of the Excise Officer at Windsor.
- 30l. Revenue
Boat Pictou And a further sum of 30l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat and Tide Waiters or Boatmen at Pictou, to aid in the protection of the Revenue, to be under the direction of the Collector of Ex- cise at that Port.
- 60l. Revenue
Boat Gut of
Canso And a further sum of 60l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of continuing a Revenue Boat for the Collection of Light Duties and other services at the Gut of Canso, during the present year.
- 30l. Revenue
Boat Sydney And a further sum of 30l. at the disposal of His Excellency the Lieutenant-Governor, for the purpose of continuing the Revenue Boat at Sydney, in the County of Cape Bre- ton, to aid in the protection of the Revenue, and for the Collection of Light Duty and other services at that Port.
- 230l. Roads &
Bridges Pictou And a further sum of 280l. for the Service of Roads and Bridges, within the County of Pictou, to be appropriated as follows: that is to say, 140l. to aid in re-building the Bridge over the River John, on the Post Road from Pictou to Wallace, and the remaining 140l. in repairing or re-building the Bridge over Sutherland's Brook, on the Post Road, and in completing the first section of the New Line of Road through Merigomish, according to Crerar's Report.
- 250l. Bridge
French River And a further sum of 250l. towards finishing the Bridge across the French River, in the County of Colchester.
- 200l. Great
Eastern Road And a further sum of 200l. to be expended on the Great Eastern Road, between Tay- lor's and Gay's Rivers.
- 100l. Bridge
Salmon River And a further sum of 100l. in aid of the erection of a Bridge over Salmon River, on the Main Post Road from Guysborough to Canso.
- 98l. Bridges
Sydney And a further sum of 98l. to the County of Sydney, to pay for the necessary repairs made on the Bridges of that County, damaged or destroyed by the gale of September, One Thousand Eight Hundred and Thirty-nine.
- 1000l. Roads
and Bridges
County of In-
verness And a further sum of 1000l. at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, for the service of the several Roads and Bridges in the County of Inverness.
- 1000l. Cape-
Breton And a further sum of 1000l. at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, for the service of Roads and Bridges for the County of Cape Breton.

- And a further sum of 800*l.* at the disposal of His Excellency the Lieutenant Governor, or Commander in Chief for the time being, for the service of Roads and Bridges in the County of Richmond. 800*l.* Richmond
- And a further sum of 800*l.* for the several Roads and Bridges in the County of Guysborough, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the Seventeenth Day of March, in this Year of our Lord One Thousand Eight Hundred and Forty, and agreed to by the Legislative Council. 800*l.* Guysborough
- And a further sum of 800*l.* for the several Roads and Bridges in the County of Sydney, to be applied and expended as aforesaid. 800*l.* Sydney
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid. 1000*l.* Pictou
- And a further sum of 950*l.* for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid. 950*l.* Colchester
- And a further sum of 1400*l.* for the several Roads and Bridges for the County of Halifax, to be applied and expended as aforesaid. 1,400*l.* Halifax
- And a further sum of 1,300*l.* for the several Roads and Bridges for the County of Cumberland, including Parrsborough, to be applied and expended as aforesaid. 1,300*l.* Cumberland
- And a further sum of 1,450*l.* for the several Roads and Bridges for the County of Hants, to be applied and expended as aforesaid. 1,450*l.* Hants
- And a further sum of 1,300*l.* for the several Roads and Bridges in the County of King's County, exclusive of Parrsborough, to be applied and expended as aforesaid. 1,300*l.* King's
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid. 1000*l.* Annapolis
- And a further sum of 1,200*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid. 1,200*l.* Lunenburg
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid. 1000*l.* Digby
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid. 1000*l.* Queen's
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid. 1000*l.* Shelburne
- And a further sum of 1000*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid. 1000*l.* Yarmouth
- And a further sum of 2,369*l.* and 8*d.* at the disposal of His Excellency the Lieutenant-Governor, to repay the amount expended by His Excellency's direction on the Great Eastern and Western Roads during the last year. 2,369*l.* 8*d.* expenditure on Eastern and Western
- And a further sum of 15*l.* for each County for the encouragement of building Oatmills where there shall be only one applicant; and where more than one applicant in any County the sum of 30*l.* to such County, to be expended among the several applicants—said sums to be drawn on the recommendation and upon the conditions stipulated for similar bounties last year. 15*l.* or 30*l.* Oatmills
- And a further sum of 20*l.* to Francis Walker and others, in aid of the erection of an Oatmill in the Dalhousie Settlement, in the County of Annapolis—said sum to be drawn upon the conditions stipulated in regard to similar bounties being complied with. 20*l.* F. Walker
- And a further sum of 33*l.* 6*s.* 8*d.* to aid the Inhabitants of Marshall's Cove, Wilmot Mountain, to finish the Breakwater in that Township—to be drawn from the Treasury when His Excellency the Lieutenant-Governor shall be satisfied that One Hundred Pounds already subscribed by the Inhabitants has been expended in that undertaking, and the site secured for the use of the public. 33*l.* 6*s.* 8*d.* Breakwater Wilmot
- And a further sum of 133*l.* 6*s.* 8*d.* to aid the Inhabitants to complete the Pier or Breakwater at Wells' Cove, in Clare, when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, that, in addition to any former subscription, the sum of 400*l.* has been raised by private subscription, and expended on the same work, and that the site and use of the Breakwater, have been secured to the Public. 133*l.* 6*s.* 8*d.* Breakwater Wells' Cove
- And a further sum 33*l.* 6*s.* 8*d.* to aid the Inhabitants to complete the Pier or Breakwater at Givan's Cove, in Cornwallis, to be drawn when His Excellency the Lieutenant shall be satisfied, that an additional subscription of 100*l.* over and above all subscriptions formerly

made, has been raised by private contribution and expended in the same work, and the site and use of the said Pier or Breakwater have been secured to the Public.

166l. 13s. 4d.
Breakwater
Chute's Cove

And a further sum of 166*l.* 13*s.* 4*d.* to aid the Inhabitants to complete the Pier or Breakwater at Chute's Cove, in Granville, whenever it shall be certified and made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of 500*l.* has been raised by private contribution, and expended in the same work, and the site and use of the said Pier or Breakwater have been secured to the Public.

20l. Breakwater
Havre au
Bouche

And a further sum of 20*l.* to aid the Inhabitants in completing the Pier or Breakwater at Havre au Bouche, to be drawn from the Treasury, when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of 60*l.* has been raised by private contribution, and actually expended in the said work, and the site and use of the said Pier or Breakwater, have been secured to the Public.

166l. 13s. 4d.
Breakwater at
Montagan River

And a further sum of 166*l.* 13*s.* 4*d.* to aid the Inhabitants at Montagan Cove, in completing the Pier or Breakwater at Montagan River, to be drawn when it shall be certified and made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of Five Hundred Pounds has been raised by private contribution and expended in the said work, and the site and use of the Pier or Breakwater secured to the Public.

10l. Buoys at
Pubnico

And a further sum of 10*l.* to erect and place five Buoys in Pubnico Harbour and Cockawit Pass, agreeably to the report of the Committee on Navigation Securities.

20l. Obstruction
Hartley's
Harbour

And a further sum of Twenty Pounds for the removal of an obstruction at the entrance of Hartley's Harbour, in the County of Queen's, pursuant to the report of the Committee.

50l. Channel
Rocky Bay

And a further sum of 50*l.* to enable the Inhabitants of the County of Richmond to reopen the old Channel between Rocky Bay and Petit de Grat, thus connecting the waters of St. Peter's Bay with those of the Atlantic.

1,500*l.* Protection
of Fisheries

And a further sum of 1500*l.* at the disposal of His Excellency the Lieutenant-Governor to employ three Schooners for repressing encroachments on the Fishing Grounds of this Province, and to seize Vessels violating the rules, regulations and Laws for the protection of the Fisheries, and also to carry into effect the Revenue Laws and the Laws for the prevention of Smuggling in this Province.

600*l.* Light-
House Basin
of Mines

And a further sum of 600*l.* at the disposal of His Excellency the Lieutenant-Governor, to erect a Light House at the entrance of the Basin of Mines, and another Light-House at the head of the Bay of Fundy, after actual Survey, to ascertain the most eligible sites, in conformity with the report of the Committee on Light Houses.

400*l.* Light
Houses

And a further sum of 400*l.* at the disposal of His Excellency the Lieutenant-Governor to cause a Light House to be erected between Sambro and Canso Lights, after actual survey, to ascertain the most eligible position for the same, agreeably to the report of the Light House Committee.

350*l.* Light-
House Cape
George

And a further sum of 350*l.* at the disposal of His Excellency the Lieutenant Governor, to cause a Light House to be erected on the coast, at or near Cape George, after actual survey, to ascertain the most eligible situation, in conformity with the Report of the Committee on Light Houses.

213*l.* 6*s.* 7*d.*
Expenses of
Shipwrecked
Passengers

And a further sum of 213*l.* 6*s.* 7*d.* at the disposal of His Excellency the Lieutenant Governor, in addition to the balance of the Passenger's Fund now in the hands of the Treasurer (Sixty Four Pounds Fifteen Shillings and one Penny) in order to enable His Excellency to defray the expenses of Shipwrecked Passengers, wrecked in the Ship Aid de Camp.

29l. Overseers
of Poor Economy

And a further sum of 29*l.* to the Overseers of the Poor of the Township of Economy, to enable them to pay James Moore the sum of 5*l.* for Balance of his Account for Board and attendance for a Transient Female Pauper, found in the Woods near that place, and also to pay Dr. R. F. Crowe 24*l.*, in full, of his Account for Amputation of the Legs, and Medical attendance on said Pauper, pursuant to the Report of a Committee of the House of Assembly.

7l. 10*s.* to Dr.
E. F. Harding

And a further sum of 7*l.* 10*s.* to Dr. E. F. Harding, agreeably to the Report of the Committee on the claims for Transient Paupers.

7l. 10*s.* Dr. F.
C. Pike

And a further sum of 7*l.* 10*s.* to Dr. F. C. Pike, agreeably to the Report of the Committee on Transient Poor.

21l. 5*s.* 9*d.*
Overseers of
Poor Windsor

And a further sum of 21*l.* 5*s.* 9*d.* to the Overseers of the Poor of the Township of Windsor, agreeably to the Report of the Committee on Transient Poor. And

- And a further sum of 4*l.* 14*s.* 4*d.* to Charles McAlpine, Esquire, for interring Shipwrecked Mariners at Louisbourg, agreeably to his Petition, and the Report of the Committee thereon. 4*l.* 14*s.* 4*d.* C. McAlpine
- And a further sum of 11*l.* 7*s.* 6*d.* to the Overseers of the Poor of the Township of Aylesford, agreeably to the Report of the Committee on Transient Poor. 11*l.* 7*s.* 6*d.* Overseers of Poor Aylesford
- And a further sum of 40*l.* 11*s.* to the Overseers of the Poor for the Township of Manchester, in pursuance of the Report of the Committee, to repay the said Overseers the Sums of Money advanced by them for the support of Transient Paupers. 40*l.* 11*s.* Overseers of Poor Manchester
- And a further sum of 15*l.* 17*s.* to John McLearn, of Horton, in payment of Expenses incurred in maintaining Transient Paupers, agreeably to the Report of the Committee on Transient Poor. 15*l.* 17*s.* John McLearn
- And a further sum of 12*l.* 10*s.* to A. B. Pipes, agreeably to the Report of the Committee on Transient Poor. 12*l.* 10*s.* A. B. Pipes
- And a further sum of 10*l.* to Dr. B. Page, agreeably to the Report of the Committee on Transient Poor. 10*l.* Dr. B. Page
- And a further sum of 33*l.* 12*s.* 6*d.* to the Overseers of the Poor for the Township of Yarmouth, to reimburse them, in part, for sums expended on Transient Paupers, pursuant to the Report of the Committee. 33*l.* 12*s.* 6*d.* Overseers of Poor Yarmouth
- And a further sum of 5*l.* 13*s.* 6*d.* to Dr. Elijah Purdy, agreeably to the Report of the Committee on Transient Poor. 5*l.* 13*s.* 6*d.* Dr. E. Purdy
- And a further sum of 3*l.* 1*s.* 7*d.* to John Stewart and others, formerly Overseers of the Poor for the Township of Antigonish, in accordance with the prayer of their Petition, and the Report of the Committee thereon. 3*l.* 1*s.* 3*d.* Overseers of Poor Antigonish
- And a further sum of 8*l.* 11*s.* 3*d.* to the Overseers of the Poor for the Township of Shelburne, for Money expended by them on the Relief of Transient Paupers. 8*l.* 11*s.* 3*d.* Overseers of Poor Shelburne
- And a further sum of 7*l.* 10*s.* to Dr. Edward L. Brown, of Horton, for attendance upon Indians Sick with the Small Pox. 7*l.* 10*s.* Dr. L. Brown
- And a further sum of 79*l.* 6*s.* to the Overseers of the Poor for the Township of Pictou, for the current year, to remunerate said Township for expenses incurred in the support and relief of Transient Paupers during the Year One Thousand Eight Hundred and Thirty-nine. 79*l.* 6*s.* Overseers of Poor Pictou
- And a further sum of 10*l.* to George R. Grassie, Esquire, High Sheriff of Colchester, to reimburse him his expenses in attending a Committee of this House. 10*l.* G. R. Grassie
- And a further of 12*l.* 17*s.* 6*d.* to Henry Hatton, Esquire, as a return of Duties on Sails accidentally burnt, pursuant to the report of the Committee on Trade. 12*l.* 17*s.* 6*d.* H. Hatton
- And a further sum of 7*l.* to Charles McCarthy, being a return of Duty overpaid by him at Bridgeport, as appears by the report of the Committee on Trade and Manufactures. 7*l.* C. McCarthy
- And a further sum of 14*l.* 16*s.* 10*d.* to Richard Huntington, as a return of Duties on a Printing Press and Machinery imported into Yarmouth. 14*l.* 16*s.* 10*d.* R. Huntington
- And a further sum of 2*l.* 7*s.* 7*d.* to James Bowes, being amount of Duty on a Printing Press imported. 2*l.* 7*s.* 7*d.* J. Bowes
- And a further sum of 10*l.* 4*s.* 9*d.* to Gossip & Coade, being the amount of Duty paid by them on the importation of a Printing Press. 10*l.* 4*s.* 9*d.* Gossip & Coade
- And a further sum of 15*l.* to Robert Roberts, Sheriff of Queen's County, for payment of expenses incurred by him and as compensation for his services in seizing a quantity of Foreign Goods, attempted to be smuggled into Liverpool, pursuant to report of the Committee. 15*l.* R. Roberts
- And a further sum of 50*l.* to John F. Muncey, being his proportion of Bounties on Sealing Voyages, pursuant to the report of the Committee on Trade. 50*l.* J. F. Muncey
- And a further sum of 11*l.* to William H. Munro, being his proportion of Bounty on a Sealing Voyage, pursuant to the report of the Committee on Trade. 11*l.* W. H. Munro
- And a further sum of 15*l.* to Samuel Dodge, according to the report of the Committee on his Petition. 15*l.* S. Dodge
- And a further sum of 20*l.* to Edmund Crowell, to enable him to keep up his Establishment at the Seal Islands, for the relief of Shipwrecked Mariners for the present year. 20*l.* E. Crowell
- And a further sum of 15*l.* to William Crook, for the expense of building a Bridge, as reported by the Committee. 15*l.* W. Crook
- And a further sum of 71*l.* 8*s.* 6*d.* at the disposal of His Excellency the Lieutenant-Governor, in pursuance of the report of the Committee, to enable him to pay Wentworth Taylor 71*l.* 8*s.* 6*d.* Survey of new Eastern Road

lor charges for exploring, surveying and marking, part of the line for the new Eastern Road from Dartmouth to the Gut of Canso, from the termination of the survey formerly made by Messrs. Taylor and McKenzie, and also for making a plan thereof, and to pay the balance of Fifty Pounds advanced by His Excellency the Lieutenant-Governor under the vote of the House of Assembly.

- 15l. R. Nickerson And a further sum of 15*l.* to R. Nickerson, to aid him in keeping up his Establishment for the reception of Travellers, at Beaver Dam, in the County of Shelburne.
- 15l. W. Watt And a further sum of 15*l.* to William Watt, of Barrington, in consequence of injuries sustained by him in the Public Service, agreeably to the prayer of his Petition, and the Report of the Committee thereon.
- 100l. J. Moyer And a further sum of 100*l.* to James Moyer, crippled by the falling of a Bank upon him, whilst employed at work on the Roads, to enable him to conduct some business by which he may be sustained.
- 21l. L. O. C. Doyle And a further sum of 21*l.* at the disposal of His Excellency the Lieutenant-Governor, to pay Lawrence O'Connor Doyle, Esq., certain charges incurred in Criminal Prosecutions at Halifax.
- 20l. 11s. 4d. S. Tremain And a further sum of 20*l.* 11s. 4d. to Scott Tremain, to defray the following charges incurred in the prosecution of John Longmire, tried and acquitted on a charges of Murder on the High Seas, in the Year One Thousand Eight Hundred and Thirty-eight, viz :
Deputy Registrar, 14*l.* 17s. 4d.
Marshall, 1*l.* 1s.
Crier, 1*l.*
Sheriff, 3*l.* 13s.
- 124l. H. Huntington & W. Young And a further sum of 124*l.* to Herbert Huntington and William Young, Esquires, to repay the balance due them, on the Importation of Books, and other necessary services for the Assembly.
- 200l. 13s. 6d. J. Howe & Son And a further sum of 200*l.* 13s. 6d. to Messrs. John Howe and Son, in full, for their Printing Account for last year, in addition to their Salary of 350*l.*
- 15l. Speaker And a further sum of 15*l.* at the disposal of the Hon. the Speaker, to procure various Works and Publications necessary for conducting the business of the House of Assembly.
- 25l. A. McLellan And a further sum of 25*l.* to Angus McLellan, for services rendered by him, as Mail Courier.
- 100l. Comrs. for signing T. Notes And a further sum of 100*l.* to the Commissioners for signing Treasury Notes, for their services in that department, for the last three years.
- 100l. Treasurer And a further sum of 100*l.* to the Treasurer of the Province, for extra services during the past three years.
- 955l. 8s. 10d. Public Buildings And a further sum of 955*l.* 8s. 10d. to the Commissioners of Public Buildings, to defray the expences incurred to that amount, in and about the Public Buildings, during the last year.
- 32l. 14s. J. Burton And a further sum of 32*l.* 14s. at the disposal of the Commissioners of Public Buildings, to pay J. Burton's Account, for One Thousand Eight Hundred and Thirty-nine.
- 521l. 4s. Expences of Council And a further sum of 521*l.* 4s. to defray the expences of the Legislative Council, during the present Session.
- 3l. 10s. Clerks of Peace And such further sum to the Secretary of the Province, as will enable him to pay 3*l.* 10s. to each of the Clerks of the Peace, within this Province, to whom His Excellency directed Road Commissions and Bonds, in the year of Our Lord One Thousand Eight Hundred and Thirty-nine.
- 10l. J. J. Sawyer And a further sum of 10*l.* to John James Sawyer, Esquire, High Sheriff for the County of Halifax, for his expences as such Sheriff at the opening and closing of the present Session of the General Assembly.
- 60l. Stationary And a further sum, not exceeding 60*l.* to the Clerk of the House of Assembly, to defray the expence of Stationary and Binding of Journals and Laws for the House of Assembly, during the present Session.
- 180l. Messengers, &c. And a further sum, not exceeding 180*l.* to defray the expences of extra Messengers and other services, and articles for the House of Assembly, and for Fuel according to Estimate—the said sum to drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker. And

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

10*l.* to Chairmen of Coms.

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

100*l.* each for Clerks of Assembly.

H. And be it further enacted; That, for the Mail Routes, there shall be granted and paid as follows, that it is to say—the sum of Twenty-five Pounds, or such sum, not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a Line once a week from Liverpool to Brookfield, the distance being twenty-seven miles; also, the sum of Seven Pounds Ten Shillings, in addition to the sum of Twenty Pounds now allowed to the Courier from Londonderry to Economy, in order to extend such Line to Moose River, and to pay the Courier for passing on his way up through the Settlement at Kerr's Mountain; also, the sum of Twelve Pounds, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a Line once a week from West River to New Glasgow, the distance being twelve miles; also, the sum of Five Pounds, in addition to the sum of Fifteen Pounds now allowed, being Twenty Pounds in all, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to keep up the Line now established between Guysborough and Country Harbor; also, the sum of Five Pounds, in addition to the sum of Twenty Pounds, now allowed for the Line from Wolfville to Cornwallis, being Twenty-five Pounds in all, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to extend such Line from Cornwallis, through the North part of Aylesford to Willis Foster's; also, the sum of Forty Pounds, or such sum, not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a Line once a week, from Parrsborough to Amherst, being a distance of thirty-eight miles; also, the sum of Twenty Pounds, or such sum, not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a Line between the Straits of Barra and East Bay, in the County of Cape Breton.

Appropriations for Mail Routes

III. And be it further enacted, That the Treasurer of the Province, together with the Commissioners for the signing of Province Notes, be authorised to obtain Copper Tokens, consisting of Pence and Halfpence, to the amount of Five Hundred Pounds Sterling, of the same weight and fineness as those issued from the Treasury in the Year One Thousand Eight Hundred and Thirty-two.

500*l.* Copper Coin

And whereas, the sum of Nineteen Pounds was granted by the Legislature, in the Session of One Thousand Eight Hundred and Thirty Seven, to such person or persons as should, within two years, erect and put in operation the first Oat Mill and Kiln on the North West Branch of the Salmon River, in the County of Guysborough; *And whereas,* the said Oat Mill has not been erected, in consequence of a more eligible site having been since discovered at or near the Salmon River Bridge, on the main Road from Guysborough to St. Mary's, and the said sum remains undrawn.

Preamble

IV. Be it therefore enacted; That the said sum of Nineteen Pounds, granted as aforesaid, be paid to such person or persons as shall, within two years, erect and put into operation, the first Oat Mill and Kiln, at or near the said Salmon River Bridge, in the County of Guysborough.

19*l.* for Oat-Mill for Salmon River Bridge on Road from Guysboro' to St. Mary's

V. And be it further enacted, That the Collector of Impost at the Port of Halifax shall, and he is hereby authorized and required and directed to keep a distinct Account of all Duties by him collected upon the Importation from the United States of America of Live Stock, Apples, Onions, Fruit, Biscuit, and Bread, under the Act of the General Assembly, passed in this present Session, entitled, An Act for granting Colonial Duties of Impost for the Support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, and that the said Duties upon the above specified Articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of Halifax, provided such payment do not exceed the sum of One Thousand Pounds, during the present year.

Duties on certain articles from U. S. to be paid to Comms. of Poor.

VI. And be it further enacted, That the sum of Twelve Shillings and Six Pence per day, be granted and paid to each and every of the Members of the House of Assembly, for their attendance in General Assembly for the present Session, to be paid on the Certi-

Pay of Members of Assembly

ificate of the Speak̄r; also, the Travelling Charges as heretofore: Provided, that no Member shall receive pay for more than sixty-four days' attendance.

Sections of Act
41 Geo III and
4 Wm IV con-
tinued

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

1500l. Road
from Sackville
to Scot's con-
ditionally

VIII. *And be it further enacted*, That whenever Bonds, to the satisfaction of His Excellency the Lieutenant Governor, shall be given, for the expenditure of subscriptions to the extent of Five Hundred Pounds upon the Road from Sackville to Scott's, simultaneously with the sum granted by the Legislature last Session, that His Excellency be authorized to expend the sum of One Thousand Five Hundred Pounds, granted last Session, in completing said Road.

Preamble

And Whereas, a Bill having passed the House of Assembly, and been agreed to by the Legislative Council, for dividing the Township of Parrsborough, and annexing parts thereof to the Counties of Cumberland and Colchester, respectively, it is necessary, if such Bill should come into operation, as an Act of Assembly, to make provision for Schools in said Township of Parrsborough.

Provision for
Schools in
Parrsboro'

IX. *Be it therefore enacted*, That the Commissioners of Schools for the County of King's County shall be, and they are hereby, authorized and required, from and out of the Monies allotted for the support of Schools in said County, for the present year, to pay to the Commissioners of Schools for the County of Cumberland, such amount as hath heretofore been paid for the support of Schools in that part of the said Township of Parrsborough annexed to the County of Cumberland; and the Commissioners of Schools for the County of Cumberland shall, and they are hereby required to, make provision for Schools in that part of the Township of Parrsborough annexed to the said County of Cumberland, in common with the other Schools of the County of Cumberland; and the said Commissioners of Schools for the said County of King's County, are hereby, in like manner, required from and out of the said Monies, to pay over such amount as has heretofore been paid for the support of Schools in that part of the Township of Parrsborough annexed to the County of Colchester, to the Commissioners of Schools for that County, who are hereby required to provide for the Schools in that part of the said Township, annexed to the said County of Colchester, in common with the other Schools of said County.

CAP. II.

An Act for Incorporating the Trustees of the Queen's College, at Horton.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, a number of Persons associated themselves in this Province, in the Year One Thousand Eight Hundred and Twenty-eight, under the name of the Nova-Scotia Baptist Education Society, and raised, from time to time, by private contribution, large sums of Money, exceeding Four Thousand Pounds, which they have expended in

in the purchase of a Farm and Tract of Land, at Horton, and the erection of valuable and expensive Buildings thereon, and the establishment and support of an Academy there, and have been aided in their said undertaking by Legislative Grants of Money: *And whereas*, they have found it necessary and proper for carrying into full effect their aforesaid useful object, to establish, in addition to the said Academy, a Collegiate Institution, on the said Ground and Premises, under the name of the Queen's College, to be supported out of the funds, contributions, and collections of the said Society, which College, being now in operation, with a large number of Students, they have petitioned the Legislature for an Act to Incorporate its Trustees, and extend to it Collegiate privileges and pecuniary aid: *And whereas*, the said Society is supported by a large portion of the Inhabitants of this Province, and has, by great exertions and perseverance, and by very large pecuniary contributions, as aforesaid, and the establishment of the said Institutions, greatly advanced the interest of Education in this Province, and is therefore deserving of encouragement; and the said Collegiate Institution is likely to be of public benefit by affording the means of Education in the higher branches of Classical and Scientific Literature to the Youth of the Country, on sound, moral, and religious principles, in a manner suited to their means and habits, and thereby avoiding the danger of their leaving the Province, to complete their Education abroad, and so being induced to settle in Foreign Countries:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That James William Johnston, James Walter Nutting, William Chipman, Simon Fitch, William Johnston, Edmund Albern Crawley, John Pryor, Richard McLearn, Ingram E. Bill, and Charles Tupper, now being the Executive Committee of the said Education Society, together with six other persons; that is to say, two persons to be named by His Excellency the Lieutenant-Governor of the Province of Nova Scotia, and two other persons to be named by Her Majesty's Legislative Council for the said Province, and two other persons to be named by the House of Assembly, shall be Trustees and Governors of the said Queen's College.

The present Executive Com and six other persons to be Trustees and Governors Two of the six to be named by the Lt.-Governor Two by the Legislative Council Two by the Assembly Vacancies how to be supplied

II. *And be it further enacted*, That on vacancies occurring in the case of the persons named by His Excellency the Lieutenant Governor, such vacancies may, from time to time, be supplied by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being; and on vacancies in the case of the persons appointed by Her Majesty's Legislative Council, such vacancies may, from time to time, be supplied by the said Council, for the time being; and on vacancies occurring in the case of the persons appointed by the House of Assembly, such vacancies may, from time to time, be supplied by the House of Assembly, for the time being.

III. *And be it further enacted*, That the Members of the Executive Committee of the said Nova-Scotia Baptist Education Society, from time to time, and at all times hereafter, provided the same do not exceed twelve persons in number, and if at any time they should exceed that number, then such persons of the said Executive Committee, not to exceed twelve, as may be selected by the Directors of the said Society for such purpose, or in the absence of such selection, and until such selection, the first twelve of such Executive Committee, for the time being, together with six persons, to be appointed as aforesaid, or so many of them as may be appointed, from time to time, provided such appointments, or any of them, shall be made, but if such appointments shall not be made, then the Members of the said Executive Committee, or in the case aforesaid, such twelve thereof, as aforesaid, shall be, from time to time, and at all times, hereafter, forever, the Trustees and Governors of the said College, any thing herein to the contrary in any wise notwithstanding.

The Executive Committee for the time being shall always be Trustees and Governors

IV. *And be it further enacted*, That for the better management and regulation of the said College, and the more full and complete executing the purposes of this Act, the said Trustees and Governors hereby appointed, and to be hereafter and from time to time appointed by virtue hereof, together with the Fellows of the said College, from time to time to be appointed by virtue hereof, shall be a Body Politic and Corporate, in Deed and Name, and have Succession for ever, by the Name of "The Trustees, Governors and Fellows, of the Queen's College;" and by that name shall sue and be sued, implead and be impleaded, in all Courts and Places within the Province of Nova Scotia, and they, or the major part of them, shall have power to have and use a Common Seal, to be appointed by themselves, and to make Bye Laws and Ordinances for the regulation and general management

The Trustees and Governors to be a body politic

Name

A Common Seal Bye Law

ment

ment of the said College, and to assemble together, when and where and as often and upon such notice, as to them shall seem meet for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said College, and the purposes of this Act, as well Goods and Chattles, as Lands, Tenements and Hereditaments, so as such Lands, Tenements and Hereditaments, shall not exceed in value Ten Thousand Pounds, any Law or Statute to the contrary thereof, notwithstanding.

May hold goods and chattles as well as lands &c. The lands &c. not exceed 10,000l.

Two or more Professors and Fellows and 10 or more Scholars

To be deemed an University. May confer degrees

Proviso

Trustees and Governors make Statutes &c.

Professors &c. to be appointed.

President to be nominated u

President &c. how to be removed

Governor may enquire into proceedings of the Trustees & may on due proof remove officers offending against this Act

No religious test, &c. shall be required

V. *And be it further enacted,* That the said College shall consist of two or more Professors and Fellows, and twelve or more Scholars, at such Salaries, and subject to such Provisions, Regulations, Limitations, Rules, Qualifications and Restrictions, as shall hereafter be appointed, by the Statutes, Rules and Ordinances of the said College, or by this Act, and who shall be eligible and removable in manner as hereinafter mentioned; and that the said College shall be deemed and taken to be, an University, with all and every the usual privileges of such Institution, and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor, in the several arts and faculties, at the appointed times, and shall have liberty, within themselves, of performing all Scholastic exercises, for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College: *Provided always,* that the temporary vacancy of any of the said Office or Offices of Professor, Fellow or Scholar, shall not involve a forfeiture of all or any of the Rights or Privileges, granted by this Act.

VI. *And be it further enacted,* That the Trustees and Governors of the said College, so appointed and Incorporated by this Act, at any general meeting assembled, or the major part of them so assembled, shall, from time to time, and as they shall think fit, make and establish such Statutes, Rules and Ordinances, for the instruction, care and government, of the Students, and for the care and preservation of the Books, Furniture and other Property, belonging to the said College, as shall seem meet, and shall and may, in like manner, nominate and appoint the Professors and Scholars of the said College, and shall or may also appoint such Tutors, Officers and Servants, from time to time, as the said Trustees and Governors, or the major part of them assembled as aforesaid, may think necessary, and assign to them respectively, out of the Monies contributed or to be contributed to the support of the said College, or other the Funds thereof, such Salaries and allowances as they shall think fit, and that it shall or may be lawful for the said Trustees and Governors, or the major part of them, in like manner, to nominate a President of the said College, whenever they shall think fit so to do, who, when so nominated, shall, together with the Professors, Fellows, and Scholars, as aforesaid, constitute the body of the said College, with the privileges aforesaid, and that the said Trustees and Governors, or the major part of them, shall and may in like manner suspend and remove the President, Professors, Tutors, Scholars, Officers, and Servants, or any or either of them, for misbehaviour or neglect of duty.

VII. *And be it further enacted,* That so long as any sum of Money shall be paid out of the Provincial Treasury towards the support and maintenance of the said College and Academy, the Governor, Lieutenant-Governor, or Commander in Chief, of the said Province of Nova-Scotia for the time being, may, from time to time, and at his pleasure, enquire into the proceedings of the said Trustees and Governors, and of the Committee of the said Education Society, and shall have power, if he see occasion, to call the said Trustees and Governors and the said Committee, before himself and Her Majesty's Council of the said Province; and if, after just enquiry and due proof had, they shall find that any of the said Trustees and Governors, or of the said Committee, have conducted the proceedings of the said College, or the said Education Society, in a manner inconsistent with this Act, or the professed objects of the said College or Society, then, in that case, that the Governor, Lieutenant-Governor or Commander in Chief, with the advice of Her Majesty's Council, may remove the Officers or Members so found offending, and may, on that occasion, appoint in their place an equal number of new Members:

VIII. *And be it further enacted,* That no Religious Tests or Subscriptions shall be required of the Professors, Fellows, Scholars, Graduates, Students or Officers of the said College; but that all the privileges and advantages thereof, shall be open and free to all and

and every Person and Persons whomsoever, without regard to Religious persuasion; and that it shall and may be lawful for the Trustees and Governors of the said College, to select as Professors and other Teachers or Officers, competent Persons of any Religious persuasion whatsoever, provided such Person or Persons, shall be of moral and religious character.

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

X. *Provided always, and be it further enacted*, That this Act shall not come into operation, or be of any force or effect, until Her Majesty's assent shall be signified thereto.

CAP. III.

An Act to Repeal the Tenth Clause of the Act for Settling Titles in a certain Tract of Land in Cape Breton, called the Mire Grant.

(Passed the 27th Day of March, 1840.)

WHEREAS, the Tenth Clause of the Act, passed in the Second Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for Settling Titles in a certain Tract of Land in Cape Breton, called the Miré Grant, is repugnant to the general design and object of the said Act, and renders the same inoperative: Preamble

I, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That the said Tenth Clause or Section of the said Act shall be, and the said Clause, and every matter and thing therein contained, are hereby repealed. 10th section of Act 2.Vic. repealed

II. *And be it further enacted*, That this Act shall not go into effect until Her Majesty's pleasure shall be signified thereon. Suspending clause

CAP. IV.

An Act for Limiting the Duration or Continuance of the General Assemblies.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That this present Assembly, and all General Assemblies, that shall at any time hereafter be called, assembled, or held, shall and may respectively have continuance for Four Years, and no longer, to be accounted from the day on which, by the Writs for holding the last General Election, or any future General Election, this present General Assembly hath been, or any future General Assemblies shall be, appointed to meet, unless this present General Assembly, or any future General Assembly, hereafter to be summoned, shall be sooner dissolved by Her Majesty, Her Heirs or Successors, or by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of this Province: *Provided always*, that nothing herein contained shall be of force or effect until Her Majesty's assent shall be signified thereto. The duration of General Assembly limited to four years

Proviso

CAP. V.

An Act to grant a Drawback on Foreign Wheat Flour, in certain cases.

(Passed the 27th Day of March, 1840.)

WHEREAS by an Act of the Imperial Parliament, passed in the Third and Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act Preamble

to Regulate the Trade of the British Possessions abroad, a duty of Five Shillings Sterling has been and is imposed upon every Barrel of Foreign Wheat Flour imported into this Province; but in consequence of the provisions of the said Act enabling such Foreign Wheat Flour to be entered for the Fisheries, the Duty thereon is almost entirely evaded, notwithstanding that much of the Flour so entered for the Fisheries is actually introduced into general consumption, and is not confined to the consumption of the Fisheries; and whereas such a practice tends to produce fraud, which it is expedient to prevent, and for prevention thereof the General Assembly of this Province have, in the present Session thereof, imposed upon all Foreign Wheat Flour, whereon the Imperial Duties shall not have been actually paid at the Custom-House, a Colonial Impost Duty of Two Shillings Sterling per Barrel, and are desirous of equalizing the Duties on all Foreign Wheat Flour imported into this Province, so that there be no inducement to make fraudulent Entries of such Foreign Wheat Flour for the Fisheries:

Foreign Wheat Flour entered at any Custom House in this Province for home consumption and not for the Fisheries and the Imperial Duties be paid a Drawback to be allowed

Drawback to be allowed on certificate of collector of the payment of the Imperial Duties This Act not to come into operation till her Majesty's pleasure be known To continue in force so long as the Imperial Duty be payable

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That on, from, and after the first day of April, in this present Year of our Lord One Thousand Eight Hundred and Forty, whenever any Foreign Wheat Flour shall, by any person whomsoever, be entered at the Custom-House, in any Port in this Province, for home consumption, and not for the Fisheries, and the Imperial Duties aforesaid shall be paid thereon, it shall and may be lawful, when and so soon as this Act shall come into operation, as hereinafter mentioned, for any person so entering and paying the said Imperial Duties, to receive out of the Provincial Treasury a Drawback of Three Shillings Sterling, for each and every Barrel of Foreign Wheat Flour, by him so entered, and whereon the Imperial Duty shall have been so paid, as aforesaid.

II. *And be it further enacted,* That such Drawback shall be allowed by the Board of Revenue, upon proof made to them, by certificate of the Collector, or other proper Officer of the Customs, of the actual payment of the said Imperial Duties on the said Foreign Wheat Flour.

III. *Provided always, and be it further enacted,* That this Act shall not come into operation until Her Majesty's assent shall be signified thereto.

IV. *And be it further enacted,* That this Act shall continue and be in force so long as the said Imperial Duty, imposed on Foreign Wheat Flour, as hereinbefore mentioned, or any other Imperial Duty of the same amount, shall be in force, and payable on the said Article.

CAP. VI.

An Act for granting Colonial Duties of Impost for the Support of Her Majesty's Government within this Province, and for Promoting the Agriculture, Commerce, and Fisheries, thereof.

(Passed the 27th Day of March, 1840.)

Continuation of Act

Duties levied

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That upon, from, and after the First Day of April, in the Year of Our Lord One Thousand Eight Hundred and Forty, this Act shall come into and be in operation, and shall remain and continue in operation until the Thirty-first Day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-one, and no longer.

II. *And be it further enacted,* That upon, from and after, the day appointed for this Act to come into and be in operation, and during the continuance thereof, and instead and in lieu of all other Colonial Duties whatsoever, and however denominated, there shall be raised, levied, collected, and paid, unto Her Majesty, Her Heirs and Successors, for the use of the Province, and the support of the Government thereof, and other public purposes within the same, for and upon Goods, Wares, and Merchandize, imported or brought into this Province

Province by Sea, or Inland Carriage or Navigation, on or after the said First Day of April One Thousand Eight Hundred and Forty, and during the continuance of this Act, the several and respective Impost Duties, Rates and Impositions, inserted, described, and set forth, in figures, in the Table of Duties hereinafter contained, denominated Table of Colonial Impost Duties, opposite to and against the respective articles in the said Table mentioned, described, and enumerated, and according to the value, number, or quantity of such articles therein specified, that is to say :

For and upon Goods, Wares, and Merchandize, of the growth, production, or manufacture of the United Kingdom, or of any of the British Possessions, imported or brought as aforesaid, the several Colonial Impost Duties respectively set forth in figures in the first column of the said Table of Duties ; and,

For and upon Goods, Wares, and Merchandize, not being of the growth, production, or manufacture of the United Kingdom, or any of the British Possessions, imported or brought as aforesaid, the several Colonial Duties respectively set forth in figures in the second column of the said Table of Duties.

III. *And be it further enacted*, That save and except, as may hereinafter be provided, all the said several Duties hereinbefore imposed, and in the said several columns of the said Table mentioned, shall be, and shall be held and taken to be, in addition to, and over and above any Duties in, by or under, the Act of the Imperial Parliament, passed in the Third and Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to Regulate the Trade of the British Possessions abroad, or any other Act or Acts of the said Imperial Parliament, in amendment of, or in addition to, or alteration of the same, now or hereafter to be passed, imposed, levied, collected, charged, or payable, upon the several articles in such Table respectively mentioned, contained, or referred to.

Duties considered additional to those imposed by Act of Imperial Parliament 3 and 4 Wm IV

IV. *And be it further enacted*, That there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs, and Successors, for the purposes aforesaid, for and upon all Rum, or other Spirituous Liquors, which shall be, by any way or method whatsoever, manufactured, compounded, extracted, distilled or made, in this Province, and which, in the said Table, are specially enumerated and described, the several Duties therein stated.

Duties on Rum and other Spirituous Liquors

V. *And be it further enacted*, That the several and respective Goods, Wares, and Merchandize, mentioned in the said Table, and against or opposite to which the words "Duty free" are inserted in the first column of Duties of the said Table, shall respectively be held free of any Colonial Duties by this Act imposed on Goods of British growth, production, or manufacture, as aforesaid, and the several and respective Goods, Wares, and Merchandize, mentioned in the said Table, and against or opposite to which the words "Duty free" are inserted in the second column of Duties in the said Table, shall respectively be held free of any Duties by this Act imposed on Goods not being of British growth, production or manufacture, as aforesaid.

Duties on dry goods wares and Merchandize

VI. *And be it further enacted*, That all Goods derelict; *flotsam, jetsam*, and wrecked, brought or coming into this Province, shall at all times be subject to the same Duty as Goods of the like kind imported into this Province are respectfully subject unto ; *Provided always*, that, if for ascertaining the proper amount of Duty so payable, any question shall arise as to the origin of any such Goods, the same shall be deemed to be of the growth, production, or manufacture of such Country or place as the Board of Revenue shall, upon investigation by them, determine ; *and, provided also*, that if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the Board of Revenue shall, from time to time, direct ; *and, provided further*, that all such Goods as cannot be sold for the amount of duty thereon, shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with Duty, accordingly.

Wrecked Goods

VII. *And be it further enacted*, That all Wheat Flour, Salted Beef, and Salted Pork, being of Foreign production, imported or brought by Land or Inland Navigation into the Province of Upper or Lower Canada, and thence imported into this Province direct, shall be deemed to be of the production of a British Possession, and be charged with Colonial Duty accordingly, unless exempt from such Duty.

Foreign Flour, Beef, Pork, Imported from Lower Canada

VIII. *And be it further enacted*, That all the said Colonial Duties hereby imposed, shall be

Duties imposed according to British weights and measures be collected, paid and received, according to the British Weights and Measures now in use in this Province; and that in all cases where the said Colonial Impost Duties are in the said Table of Duties imposed according to any specific quantity, or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

Colonial duties ascertained paid or secured IX. *And be it further enacted*, That the said Colonial Duties by this Act imposed, shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the directions, provisions, regulations and penalties, and by the ways and means respectively prescribed and contained in the several Acts of the General Assembly, passed or to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering, and applying the said Duties.

Goods may be Warehoused X. *And be it further enacted*, That it shall be lawful for the Importer of any Goods subject to the Duties hereby imposed, to Warehouse such Goods upon the first Entry thereof, under and according to the rules, regulations and conditions, from time to time in force, or to be enacted, concerning the Warehousing of Goods, and without payment of Duty upon such first Entry thereof.

Goods heretofore Warehoused XI. *And be it further enacted*, That all Goods which shall have been Warehoused in this Province before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Colonial Duties heretofore imposed have not been paid or secured by a subsisting and continuing security, shall, in lieu of all former Duties, become liable to, and be charged with, the Colonial Duties hereby imposed on the like Goods and Merchandize.

Drawbacks of Colonial duty XII. *And be it further enacted*, That upon the Exportation from this Province of any Goods by this Act charged with Colonial Duty, there shall be allowed and granted a Drawback of the whole amount of the Colonial Duty paid or secured thereon; *Provided* such exportation shall be made in all respects conformably to the Rules and Regulations, from time to time in force, or to be enacted, touching the allowance of Drawbacks on Exportation; *And provided also*, that all the requisites for obtaining such Drawbacks be observed in respect of the Goods exported.

Drawbacks heretofore allowed XIII. *And be it further enacted*, That the amount of all Drawbacks granted, allowed, or made payable, under or by virtue of any Act of the General Assembly in force, on or immediately before the day when this Act is limited to take effect, for and upon any Goods charged with duty under any prior Act or Acts, shall remain and continue, and be allowed, with respect to such Goods, in the same manner as if the Act or Acts, whereby such Drawbacks were allowed, had continued in force after the commencement hereof.

Drawbacks allowed by Board of Revenue XIV. *And be it further enacted*, That all Duties imposed by this Act, and all Drawbacks allowed by this or any former Act or Acts, shall be under the management of the Board of Revenue, who shall, in respect of such Duties and Drawbacks, manage and allow the same, as hath been, or is or shall be, by Law prescribed.

Duties to be paid into Provincial Treasury XV. *And be it further enacted*, That all the Monies arising from the Duties by this Act imposed, after deduction made of the Legal allowances, in respect to the collection thereof, shall be remitted and paid into the Public Treasury of the Province, in Halifax, by Quarterly payments, on or as near as may be practicable to the first day of every Quarter, and shall be carried to the account of the Provincial Revenue, and be and be deemed part of the Public Funds of this Province, and shall be paid, applied and appropriated, to such purposes, and no others, as are or may be expressed or contained in the several Acts of the General Assembly of this Province, from time to time in force.

Appropriation of Revenue XVI. *And be it further enacted*, That all Monies arising from the said Colonial Duties, and paid into the Public Treasury, shall, from time to time, be drawn by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant, under his Hand and Seal, pursuant to the instructions and directions of Her Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Liability of Dutiable Goods imported before this Act goes into operation XVII. *And be it further enacted*, That all Duties on Goods Imported, or to be Imported, before the coming of this Act into operation, and imposed by any Act or Acts of the General Assembly of this Province, passed for raising a Revenue, and which have expired, or

or shall expire, at or after the coming of this Act into operation; and all penalties and forfeitures incurred or inflicted under the provisions of such former Act or Acts, shall be collected, raised, paid, levied, recovered, and enforced, according to the several and respective provisions of such former Act or Acts, whereby such duties, penalties and forfeitures, were imposed, the expiration or repeal of such former Act or Acts, or any thing therein contained, to the contrary notwithstanding.

XVIII. *And be it further enacted*, That all the said several Duties hereby imposed, and in the said first and second columns of the said Table of Duties respectively mentioned and contained, shall be estimated, calculated, and reduced, into the Currency of this Province, as follows: that is to say—all the several specific Duties imposed by the said Table of Duties in the first and second columns thereof respectively, upon any article or articles therein mentioned, according to the Weight, Measure, or Tale thereof, shall be considered and deemed to be imposed and charged in Sterling Money of Great Britain, and the same shall be reduced and converted into the Currency of this Province, by adding to the aggregate amount of the Duty or Duties imposed and payable on any such article or articles, according to the rate of Duty charged and imposed thereon in the said first and second columns respectively mentioned, one fourth part of the said aggregate amount; and in calculating all Duties by the said Table imposed upon any article or articles, according to the value thereof, One Hundred Pounds Sterling shall, in all cases, be deemed and taken to represent and be equivalent to, One Hundred and Twenty-five Pounds Currency, of this Province.

Duties calculated and reduced into the Currency of the Province

XIX. *And be it further enacted*, That all such Duties, when so reduced and converted into Currency, shall and may be paid and received at the Provincial Treasury, or by, or to any Collector of the Colonial Revenue, in Treasury Notes of this Province, at and after the rate of Twenty Shillings for each and every One Pound Currency, in Doubloons of full weight and fineness, at and after the rate of Four Pounds Currency, and in British Sovereigns and British Silver Coins, at and after the rate of Twenty-five Shillings Currency for each Sovereign, and in the like proportion for such British Silver Coins, provided that no greater sum than Two Pounds Currency, shall be tendered or received, or paid, in such British Silver Coins at any one time, in discharge of such Duties as aforesaid.

Duties payable in Treasury Notes, Doubloons, &c.

XX. *And be it further enacted*, That so long as the said Imperial Duties by the said Act of the Imperial Parliament, or by any Act or Acts in amendment or alteration thereof, imposed upon Salted Beef and Pork, Wheat Flour, Coffee and Molasses, not being of the growth, produce or manufacture, of the United Kingdom, or some of the British Possessions, shall continue and remain in force, then, and in such case, whenever it shall be shewn to the Collector or other proper Officer of the Colonial Revenue, that such Imperial Duties shall have been actually paid, either by the production of a Certificate from the Collector of Her Majesty's Customs or otherwise, to the satisfaction of the said Collector or Officer of the Colonial Revenue, the payment of such Imperial Duties shall be taken, held and received, to be a full payment and discharge of all Colonial Impost Duties hereby imposed on such Salted Beef and Pork, Wheat Flour, Coffee and Molasses, in and by the second column of the said Table of Duties hereunto annexed, and the security given for such Colonial Impost Duties shall be cancelled or credit given, and allowed thereon, for the Duties paid in the same manner as if such Colonial Impost Duties on the same quantity or quantities of Salted Beef or Pork, Wheat Flour, Coffee and Molasses, had actually been paid to the said Collector or Officer of the Colonial Revenue.

Payment of Imperial Duties on Salted Beef and Pork, Wheat Flour, Coffee and Molasses, of Foreign Production, &c. to the Collector of H. M. Customs considered only necessary

And whereas, in and by the said Act of the Imperial Parliament, for regulating the Trade of the British Possessions abroad, in addition to the Rates and Duties thereby imposed on the same articles respectively, it is directed, that there shall be charged, levied and collected, upon Brandy, Gin, Cordials, Rum, Spirits and Sugars, not being of the growth, produce or manufacture of the United Kingdom, or of any of the British Possessions, but being of Foreign growth, produce or manufacture, the amount of any Duty charged, imposed or payable upon the said several articles respectively, being of the growth, produce, or manufacture of the United Kingdom or of some of the British Possessions, by or under any Colonial Act.

Preamble

XXI. *Be it therefore enacted*, That the several Colonial Impost Duties, in and by the second column of the said Table of Duties hereunto annexed, imposed or charged, upon

Colonial Duties not to be imposed where other Duties attach

or against any Brandy, Gin, Cordials, Rum, Spirits or Sugars, not being of the growth, produce, or manufacture of the United Kingdom, or of some of the British Possessions, shall not apply or be charged, or chargeable against the said several articles respectively, save and except only in such cases when under the said Act of the Imperial Parliament, the said articles shall be exempt or free from the payment of the said Imperial Duties, by the said Act imposed, or from the payment of the Colonial Impost Duties by this Act imposed upon the same articles, being of the growth, produce, or manufacture of the United Kingdom, or of any of the British Possessions.

This Act may
be altered

XXII. *And be it further enacted*, That this present Act may be altered and amended by any Act or Acts of the present Session of the General Assembly.

TABLE OF COLONIAL IMPOST DUTIES, AND EXEMPTIONS FROM DUTY.

Colonial Im-
post Duties &
exemptions
from Duty

ARTICLES.	COLONIAL IMPOST DUTIES.	
	On British Produce.	On Foreign Produce.
	1st Column.	2d Column.
	Sterling.	Sterling.
Ale, in Bottles—for every 100l. of the value	£7 10 0	£7 10 0
Anchors and Grapnels—for every 100l. of the value	duty free	2 10 0
Apples, fresh or dried, per barrel	0 4 0	0 4 0
Ashes, to-wit: Pot Ashes and Pearl Ashes	duty free	duty free
Bacon, per cwt.	0 6 0	duty free
Baggage and Apparel, worn and in use, and not made up and intended for sale	duty free	duty free
Barilla	duty free	duty free
Barley, unground	7 10 0	7 10 0
Hulled or Pearl Barley—for every 100l. of the value	duty free	duty free
Beans	0 0 9	0 12 0
Beef—Salted, of all sorts, per cwt.	duty free	0 9 0
Fresh, brought by Land or Inland Navigation, per cwt.	duty free	0 9 0
Fresh, otherwise brought, per cwt.	0 0 9	0 1 8
Biscuit or Bread, per cwt.	0 0 9	0 3 4
Fine, called Crackers or Cakes, per cwt.	duty free	duty free
Books, prohibited to be imported into the United Kingdom	duty free	duty free
Not so prohibited	duty free	duty free
Bullion, Gold or Silver	duty free	duty free
Burr Stones	duty free	2 10 0
Cables, of Hemp, or other vegetable substances—for every 100l. of the value	duty free	15 0 0
And when exempt from Imperial Duty—for every 100l. of the value	duty free	2 10 0
Of Iron—for every 100l. of the value	7 10 0	7 10 0
Candles, of Wax or Spermaceti—for every 100l. of the value	duty free	duty free
Carriages of Travellers, not for Merchandize or intended to be sold	duty free	duty free
Cattle, viz: Asses and Mules	duty free	3 4 0
Horse, Mare or Gelding, each	duty free	2 0 0
Neat Cattle, viz: Ox, or other Neat Cattle, three years old or upwards, each	duty free	1 0 0
Cow and Cattle, under three years old, each	duty free	0 8 0
Sheep, each	duty free	1 12 0
Hog, each	5 0 0	
Chocolate or Cocoa Paste, of British produce—for every 100l. of the value	duty free	0 0 0½
Of Foreign produce—for every pound of weight	duty free	duty free
Coal	duty free	duty free
Cocoa, used in the Manufacture of Chocolate	duty free	0 5 0
Coffee, per cwt.	5 0 0	20 0 0
Clocks of all kinds—for every 100l. of the value	5 0 0	20 0 0
All Wheels, Machinery and Materials, for manufacturing Clocks—for every 100l. of the value	duty free	duty free
Corkwood	prohibited	prohibited
Coin, Base or Counterfeit	duty free	duty free
Gold and Silver Coins, and British Copper Coins	duty free	duty free
Copper, viz: Copper Ore, or in pigs or bricks	duty free	2 10 0
In plates, sheets, bars or bolts, for Ship building—for every 100l. of the value	duty free	
All castings of Copper, of every description, for Machinery for Mills or Steam Boats, and all Copper and Composition Nails and Spikes, for Ship-building	duty free	duty free
Old or worn, or fit only to be re-manufactured	duty free	duty free
Corn, viz:—Wheat, Rye, Indian Corn and Buckwheat, unground,	duty free	0 2 0
Wheat Flour, per Barrel,	duty free	
Barley Meal, Rye Meal, Oat Meal, Indian Meal, Buckwheat Meal,	duty free	duty free
Peas, Beans and Calavances,	duty free	2 10 0
Cordage—Tarred or untarred—for every 100l. of the value,	duty free	15 0 0
And when exempted from Imperial Duty—for every 100l. of the value,	duty free	duty free
Dog Stones,	duty free	duty free
Fish, viz:—Fresh,	duty free	5 0 0
Salted, dried or pickled—for every 100l. of the value,	duty free	5 0 0

Fish

Fish Hooks,	duty free	duty free
Fish Oil, viz :—Train Oil, Spermaceti Oil, Head Matter, Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea, taken or caught by the Crews of British Ships,	duty free	duty free
Not taken or caught by British Subjects or the Crews of British Ships; or imported otherwise than from the United Kingdom, or a British Possession—for every 100L of the value,	duty free	5 0 0
Flax,	duty free	duty free
Fruit—Fresh, not otherwise charged with Duty—for every 100L of the value,	5 0 0	5 0 0
Hay and Straw—for every 100L of the value,	5 0 0	20 0 0
Hemp,	duty free	duty free
Hides or pieces of Hides, raw, not tanned, curried or dressed,	duty free	duty free
Horns,	duty free	duty free
Iron, viz:—in bars, pigs, unwrought or pig Iron,	duty free	duty free
Ores of Iron of all kinds,	duty free	duty free
Castings for Machinery for Mills, for Steam Engines and for other purposes, and Cast or Wrought Pipes and Tubes,	duty free	duty free
All Sheet Iron intended to be used in manufacturing Cut Nails, all Iron Rails for Rail Roads, and all Iron Spikes for Ship-building,	duty free	duty free
Lentils,	duty free	duty free
Lime and Limestone,	duty free	duty free
Lines for the Fisheries of all kinds,	duty free	duty free
Maps and Charts,	duty free	duty free
Machinery or parts of Machinery for Steam Engines or Carding Machines, or Agricultural purposes—for every 100L of the value,	2 10 0	2 10 0
Meat, fresh—for every 100L of the value,	duty free	10 0 0
Molasses, per Gallon,	duty free	0 0 2½
Nets—Fishing Nets and Seines of all kinds,	duty free	duty free
Oats, unground—for every 100L of the value,	duty free	10 0 0
Oakum—for every 100L of the value,	duty free	2 10 0
Onions—per cwt.	0 2 6	0 2 6
Ores of all kinds,	duty free	duty free
Paintings,	duty free	duty free
Pears, fresh or dried—per Barrel,	0 4 0	0 4 0
Pitch,	duty free	duty free
Plate of Gold and Silver—old and fit only to be re-manufactured,	duty free	duty free
Plants, Shrubs and Trees,	duty free	duty free
Pork—Salted, of all kinds—per cwt.	0 1 3	0 12 0
Fresh, brought by Land or Inland Navigation, or otherwise, per cwt.	duty free	0 9 0
Porter, in Bottles—for every 100L of the value,	7 10 0	7 10 0
Poultry of all kinds, dead—for every 100L of the value,	duty free	10 0 0
Rags, to-wit :—Old Rags, old Rope, Junk, and old Fishing nets,	duty free	duty free
Rice—unground,	duty free	duty free
Rosin,	duty free	duty free
Sails or Rigging, saved from Vessels wrecked on the Coasts of this Province,	duty free	duty free
Sail Cloth of all kind, Canvas included—for every 100L of the value,	duty free	2 10 0
Salt,	duty free	duty free
Seeds of all kinds,	duty free	duty free
Skins, Furs, Felts or Tails—undressed,	duty free	duty free
Soda,	duty free	duty free
Spirits, viz :—Brandy, Gin, Rum, or other Spirituous Liquors, (save and except Rum or Spirits distilled from Molasses, Grain or Fruit) which, by any way or method whatsoever, shall be manufactured, compounded or extracted, distilled or made, within this Province—the Gallon,	0 1 4	
Rum or Spirits, distilled in this Province from Molasses, Grain or Fruit—the Gallon,	0 0 9	
Spirits and Whiskey, the Manufacture of the United Kingdom—the Gallon,	0 1 4	
Brandy, Geneva, Cordials, Whiskey, and other Spirits (except Rum)—the Gallon,	0 1 4	0 1 4
Rum—the Gallon,	0 1 3	0 1 3
Shrub or Santee—the Gallon,	0 0 10	0 0 10
Stone, unmanufactured—not otherwise charged with Duty,	duty free	duty free
Sugar, viz :—of the Maple,	duty free	duty free
Refined, per cent.	0 8 0	0 8 0
Brown, or Mascavado, not refined, per cwt	0 2 0	0 2 0
Tallow—for every 100L of the value,	2 10 0	2 10 0
Tar,	duty free	duty free
Tea, of all kinds—for every 100L of the value,	10 0 0	10 0 0
Twines and Lines used in the Fisheries,	duty free	duty free
Tobacco, manufactured (except Snuff and Segars)—for every pound weight,	0 0 0½	0 0 0½
Segars and Snuff—for every 100L of the value,	7 10 0	7 10 0
Unmanufactured—for every 100L of the value,	2 10 0	duty free
Tongues of Cattle, dried or pickled, per cwt.	0 0 9	duty free
Tow,	duty free	duty free
Turpentine,	duty free	duty free
Vegetables, fresh—for every 100L of the value,	duty free	duty free
Whale, Fin or Bone, taken or caught by Crews of British Ships,	duty free	15 0 0
Wines, viz:—Hock, Constantia, Mulmsey or Tokay—the Gallon,	0 2 6	0 2 6
Champagne, Burgundy or Hermitage—the Gallon	0 2 3	0 2 3
Claret, called Lafitte, Latour, Margeaux or Hautbrian—the Gallon,	0 2 1	0 2 1
Madeira and Port—the Gallon,	0 1 11	0 1 11

Wines

Wines, viz:—Sherry Wine, of which the first cost is 20l. or upwards per Pipe—the Gallon,	0 1 8	0 1 8
Other Claret Wines, Barsac, Sauterne, Vin de Grave, Moselle, and other french Wines, and Lisbon and German Wines—the Gallon,	0 1 6	0 1 6
All other Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines—the Gallon,	0 1 0	0 1 0
All Wines the produce of the Cape of Good Hope (except Constantia)—the Gallon,	0 1 0	0 1 0
Wood, viz:—Masts, Spars, Boards, Plank, Deals, Staves, Heading, Shingles, Clapboards, Timber, Laths, Hoops, and Wood of all sorts, Lumber, the produce of, and imported from, any British Possession, the west Coast of Africa, Wood and Lumber, otherwise imported, Cabinet Makers Wood, Hardwood,	duty free	duty free
Manufactures of, viz :—Chairs, Tables, and other Household Furniture and Utensils, Carriages of all sorts, Carts, Waggon, Cabinet Maker's work, Carpenter's Work and Wheelwright's work, of all kinds, not being for Agricultural purposes—every 100l. of the value,	5 0 0	15 0 0
Agricultural Implements and Machinery—for every 100l. of the value,	2 10 0	2 10 0
All other Goods, Wares and Merchandize, not otherwise charged with duty, and not herein declared to be free of Duty—for every 100l. of the value,	5 0 0	5 0 0

CAP. VII.

To appoint a new Board of Governors for Dalhousie College.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS by the Act, passed in the First and Second Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to Incorporate the Governors of the Dalhousie College at Halifax, the number of Governors of said College is restricted to Six, whereof the Governor-General of Her Majesty's North American Provinces, for the time being, is one, whose absence renders it impracticable that he should act in such capacity: *And whereas* doubts have arisen whether the Honourable Chief Justice of this Province, being now no longer President of the Council, has not ceased to be a Governor, so that in reality the number of Governors who can or will act is reduced to four: *And whereas* it will greatly promote the object and design of such College, the diffusion of Education among all classes of Her Majesty's Subjects in this Province, without distinction as to religious belief, if the number of Governors were increased, and were composed of persons selected generally from various denominations of Christians.

His Excellency Sir Colin Campbell, or Lt. Gov. for the time being, to be a Gov. of Dalhousie College

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That,* from and after the passing of this Act, His Excellency Sir Colin Campbell, the present Lieutenant-Governor, and the Lieutenant-Governor or Commander in Chief, for the time being, in and over this Province, shall be, ex officio, one of the Governors of the Dalhousie College at Halifax, but no other person or officer whosoever shall be ex officio a Governor of such College, unless the President of such College, for the time being, if elected a Governor, agreeably to the said Act, hereby amended, and all other persons or officers, save and except the Lieutenant-Governor, now being, ex officio, such Governors of Dalhousie College, aforesaid, shall cease to be such Governors.

Governors of Dalhousie College

II. *And be it further enacted, That,* together with His Excellency the present Lieutenant-Governor, or the Lieutenant-Governor or Commander in Chief, for the time being, the Honourable Simon Bradstreet Robie, Samuel G. W. Archibald, Michael Tobin, Junior, Lawrence O'Connor Doyle, James Boyle Uniacke, Charles W. Wallace, John Whidden, Joseph Howe, Hugh Bell, James N. Shannon, John E. Fairbanks, and William Young, Esquires, and their Successors, to be appointed as hereinafter mentioned, shall, from and after the passing of this Act, be the Governors of such College, together with the President of such College, for the time being, if duly elected as such Governor, as aforesaid.

Vacancies occurring among the Governors—how filled up

III. *And be it further enacted, That* whenever any vacancy or vacancies shall occur among the Governors of the said College, by the death, refusal to serve, resignation, or continued absence from the Province for Two Years, of any Governor or Governors thereof, either nominated and appointed by this Act, or to be appointed as hereinafter mentioned, such

such vacancy or vacancies shall be supplied as follows, that is to say, at the next Session of the General Assembly, happening after such vacancy or vacancies, in order to supply the first vacancy that may occur, the Legislative Council, by resolution, shall nominate three persons for such first vacancy, whereof the House of Assembly shall select two, by resolution, to be passed in the said House of Assembly, of which two persons, the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall nominate one to supply such vacancy; in order to supply the second vacancy that may occur, the House of Assembly, at the then next Session of the General Assembly, happening after such second vacancy, in order to supply such vacancy, by resolution, shall nominate three persons for such second vacancy, whereof the Legislative Council shall select two, by resolution, to be passed in Council, of which two persons, the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall nominate one to supply such vacancy, and so, in like manner, shall every subsequent vacancy, from time to time happening, be supplied, the Council and the House of Assembly alternately nominating the three persons from whom such vacancy shall be supplied, so that the number of Governors of the said College shall at all times be Twelve, at least, besides the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and the President of such College, if such President shall be duly elected a Governor, as aforesaid: *Provided always*, That if by any temporary vacancy or vacancies the number of the said Governors shall become, from time to time, less than hereinbefore prescribed, then and in such case the Governors in office during such vacancy or vacancies, shall have full power and authority as, and be deemed, Governors of such College, any such temporary vacancy or vacancies notwithstanding.

Proviso

IV. *And be it further enacted*, That the Governors of the said College hereby nominated and appointed, and their Successors in office to be nominated and appointed as hereinbefore directed, shall have the like corporate powers, privileges, immunities, and authorities, to all intents and purposes as the Governors of the said College, named in the said Act, of which this is an amendment, and precisely in the same manner as if the said Governors, hereby appointed, and the mode of succession hereby directed, had been originally inserted and incorporated in and made part of the said Act hereby amended.

Powers and privileges of Governors

V. *And be it further enacted*, That the said College shall be deemed and taken to be, an University, with all and every the usual privileges of such Institutions, and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor, in the several arts and faculties, at the appointed times, and shall have liberty, within themselves, of performing all Scholastic Exercises, for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College.

Privileges of College

VI. *And be it further enacted*, That no Religious Tests or Subscriptions shall be required of the Professors, Scholars, Graduates, Students or Officers of the said College; but that all the privileges and advantages thereof shall be open and free to all and every person and persons whomsoever, without regard to religious persuasion, and that it shall and may lawful for the Governors of the said College to select, as Professors and other Teachers or Officers, competent persons of any religious persuasion whatsoever.

No Religious tests or subscriptions required of Professors, Scholars, &c.

VII. *And be it further enacted*, That this Act shall not go into effect until Her Majesty's pleasure shall be signified thereon.

Act reserved for the Royal Assent

CAP. VIII.

An Act to continue and amend the Act for the Regulation of Juries, and to render valid the proceedings of certain Grand Juries.

(Passed 9th Day of January, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First Year of the Reign of Her present Majesty, Queen Victoria, entitled, *An*

Act 1, Vict. continued (with exceptions)

An Act for the Regulation of Juries, shall be continued, and the said Act, and every matter, clause and thing, therein contained, save and except in so far as the same is hereby altered and amended, are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

Preamble

And whereas, in and by the fourth section of the said Act, it is enacted, that at the first General Sessions of the Peace to be held in each County, from and after the passing thereof, there shall be selected by the Justices of the Peace, in the said General Sessions, three of their number, resident in different Sections or Districts of the County, who shall be duly sworn to the faithful and impartial performance of their duties, and who shall, together with the Sheriff of the County, forthwith prepare Lists of all persons properly qualified as aforesaid, to serve as Grand Jurors within each of the several Townships and Settlements within the said County, and return the said Lists to then next ensuing Supreme Court; *And whereas*, by the said Act, all former Acts for the Regulation of Juries were absolutely repealed; *And whereas*, in divers Counties in this Province, from misapprehension or other causes, the Justices of the Peace for said Counties, did not at their first General Sessions, respectively held in the said Counties, after passing of the said Act, select three of their number, agreeably to the said fourth section of said Act, and such Lists as thereby required were not returned to the then next ensuing Supreme Court; *And whereas*, in consequence of such omission, it has become necessary to amend the said Act, and also to render valid, legal and effectual, the acts and proceedings of certain Grand Juries summoned and drawn without such Lists having been so returned to the said Supreme Court as aforesaid.

Proceedings of certain Grand Juries declared valid and legal

II. *Be it therefore enacted*, That in every case where in any County of this Province, no such Lists shall have been prepared and returned to the said Supreme Court, as provided for, and directed in and by the said fourth section of the said Act, and a Grand Jury shall have been drawn from any List, and theretofore returned to the said Supreme Court, under any Act or Acts in force, before the passing of the said Act, and in manner theretofore practised, and such Grand Jury shall have been or shall hereafter be summoned and required to attend at any Court or, Courts within the County for which such Grand Jury shall have been so drawn as aforesaid, such Grand Jury, and all and every the Indictment and Indictments, Inquisition and Inquisitions, Presentment and Presentments, acts, proceedings, matters or things, by such Grand Jury done, had, made or found, or to be done, had, made or found; and every Judgment and Trial, Conviction, Warrant, Writ, Process, Record, Assessment, Action, or other proceeding whatsoever, founded or to be founded upon any such Indictment, Inquisition, Presentment, Act proceeding, matter or thing, so by such Grand Jury done, had, made or found, or to be done, had, made, or found as aforesaid, shall be and be deemed held and adjudged to be, and are hereby declared to be good, valid, legal, sufficient and binding in the same manner, and to the same extent as if such Grand Jury had been drawn from the Lists, made, prepared and returned, in the manner prescribed and directed in and by the said fourth section of the said Act, hereby continued and amended, and as if all the requisites of the said Act had been in all respects complied with, any thing in the said Act contained to the contrary notwithstanding. *Provided always*, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any Indictment or Indictments, that have been heretofore found by such Grand Juries as aforesaid, and upon which no Trial has been had.

Proviso

Lists of Grand Juries directed by fourth Section of Act declared valid & legal

III. *And be it further enacted*, That whenever in any County in this Province, such Lists as required and directed by the said fourth section of the said Act, hereby continued and amended, shall have been or shall hereafter be, prepared and returned to the Supreme Court for such County, such Lists, so prepared and returned, shall be and be deemed, held and adjudged to be, valid, legal, and sufficient to all intents and purposes, notwithstanding the three Justices who shall have prepared or shall prepare such Lists under the said fourth section of the said Act, may not have been selected at the first General Sessions, after the passing of said Act, and notwithstanding such Lists may not have been returned to the Supreme Court next ensuing, after said first General Sessions.

In cases of omission to prepare Lists of

IV. *And be it further enacted*, That at the opening of the next Term or Sitting of the Supreme Court in each County of this Province, the Justice or Justices then presiding, shall

shall enquire and ascertain if such Lists of Grand Jurors, as required by the said Act hereby continued and amended, or made valid by this Act, have been prepared and returned; and if none such shall have been so prepared and returned, the said Supreme Court shall thereupon, by rule or order of said Court, nominate and appoint three Justices of the Peace, of said County, who shall be sworn to the faithful discharge of their duty forthwith to prepare such Lists with the Sheriff or his Deputy, agreeably to the said fourth section of the said Act; and it shall be the duty of the said three Justices and of the said Sheriff, or his Deputy, forthwith to assemble and prepare such Lists, and to return the same to the said Supreme Court, before the adjournment thereof, which said Court shall fix and determine what number of such Grand Jurors for each of the Townships and Settlements in said County shall be summoned to serve as such, and the said Sheriff and Prothonotary shall, at the time of drawing such Jury, have the names of such Jurors for each of the said Townships or Settlements compared with the Lists, and placed in separate boxes, wherein such names shall be kept, and at the time of drawing the said Grand Jury, the Prothonotary shall draw, from such boxes respectively, the number so fixed and determined by such Court, and those so drawn shall be summoned in the usual manner.

Grand Jurors; Justices of Supreme Court may order them to be prepared

V. *And be it further enacted*, That such three Justices so to be appointed as last aforesaid, shall be held and taken to be the Justices for revising the Lists of Grand Jurors agreeably to the Act hereby continued and amended, and shall revise such Lists from time to time with the Sheriff or his Deputy, unless such Justices shall have been altered or changed by the Courts of General Sessions, agreeably to the said Act hereby continued and amended.

Revisal of Lists of Grand Jurors

VI. *And be it further enacted*, That the third section of the Act hereby continued and amended shall be, and the same is hereby repealed, and that it shall be the duty of the three Justices appointed, or to be appointed, under the Act hereby continued and amended, or under this Act, to prepare and return with the Sheriff or his Deputy, once in every Year, in the month of December, to the Prothonotaries or Clerks of the several Courts in which such Juries shall be required to serve, Lists of all persons not exempted and qualified to serve on Petit Juries, and such Prothonotaries or Clerks shall thereupon cause the names of such persons to be written on distinct and similar pieces of paper, which shall be then severally folded up and put together in boxes to be kept by them respectively for that purpose; and such Sheriffs, Deputy Sheriffs, and Justices, or any of them, in order to make up such Lists, shall have the right of free access to all Public Documents, in whosoever custody they may be; *Provided always*, that no person returned as a Petit Juror, shall be put on the Grand Jury List.

Sec. 3 of 1 Vict. repealed

Lists of Petit Jurors to be prepared

Proviso

VII. *And be it further enacted*, That the fourteenth section of the Act hereby continued and amended, shall be, and the same is hereby repealed; and that, if by reason of any cause, a sufficient number of persons summoned either as Grand or Petit Jurors, should not be likely to attend in any particular Term, Sessions, or Year, it shall be in the discretion of the Court to return the names of the persons so summoned, or of such of them as the Court may think fit, into the box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject to all the consequences of non-attendance, as in the said Act hereby continued and amended, provided, and in every case where a full Jury for the trial of any cause shall not appear, or appearing, shall, by challenge of either of the parties, or otherwise prove deficient, a *tales de circumstantibus* shall be awarded and immediately returned at the instance of either party in manner as heretofore practised.

Sec. 14 of 1 Vict. repealed

Non-attendance of Jurors

Continuation of Act

VIII. *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.

CAP. IX.

An Act for enabling Persons indicted for Felony, to make their Defence by Counsel.

(Passed the 18th Day of January, 1840.)

WHEREAS, it is just and reasonable that persons accused of offences against the Law, should be enabled to make their full answer and defence to all that is alleged against them:

Preamble

I.

Persons indicted for Felony allowed Counsel

Copies of examinations allowed offenders against the Laws

Proviso

Offenders may inspect Depositions

Continuation of Act

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, all persons tried within this Province for Felonies shall be admitted, after the close of the case for the Prosecution, to make full answer and defence thereto, by Counsel learned in the Law.*

II. *And be it further enacted, That all persons who, after the passing of this Act, shall be held to bail, or committed to Prison, for any offence against the Law, shall be entitled to require and have on demand (from the persons who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examination of the witnesses respectively, upon whose depositions they have been so held to bail, or committed to prison, on payment of a reasonable sum for the same, not exceeding three-pence for each folio of ninety words; Provided always, that if such demand shall not be made before the day appointed for the commencement of the Term, or sitting of the Court, at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Court, before whom such person is to be tried, or some Judge of such Court, shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial, but it shall, nevertheless, be competent for such Judge or Court, if he or they shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.*

III. *And be it further enacted, That all persons under trial shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions, (or copies thereof,) which have been taken against them, and returned in the Court, before which such trial shall be had.*

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

CAP. X.

An Act to make provision for payment of the expenses of the Census for the County of Cape-Breton.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, under the Act, passed in the First Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for taking the Census of this Province, a Census of the Inhabitants of the County of Cape-Breton was taken and returned as by the said Act directed. *And whereas, by the second clause of the said Act, the General Sessions of the Peace held in the several Counties of this Province were authorized and empowered by, and upon the recommendation of the Grand Jury, to direct to be assessed in the same manner as and together with other County Rates and Taxes, a just and reasonable sum of Money off said County, and also for paying Clerks of the Peace, for services imposed by that Act; And whereas, at the Courts of General Sessions held at Sydney in the said County of Cape-Breton, in the Terms of March and November, in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, the Grand Juries severally attending such Courts refused to make any provision for payment of the expenses incurred in and about the said Census of the County of Cape-Breton; And whereas such expenses having been necessarily incurred under a Law of this Province, it is just that the same should be paid:*

Sup. Court at its next Session may require the Grand Jury to present Money to defray expenses of Census

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, if at the General Sessions of the Peace to be held in the County of Cape-Breton, on the last Tuesday of March, in the year of Our Lord One Thousand Eight Hundred and Forty, the Grand Jury shall have neglected or refused to present Money to pay the expenses of the Census for the County of Cape-Breton, then and in such case it shall and may be lawful for the Supreme Court, at its next Term or Sitting for the said County, to call upon and require the Grand Jury attending at such Court, to vote and present such sum of Money as may be necessary*

necessary to defray the just and reasonable expenses incurred in taking the Census of the said County, and if such Grand Jury shall neglect or refuse so to vote and present sufficient Monies for such purpose, it shall and may be lawful for the said Supreme Court to amerce the said County in such reasonable amount as the said Court shall deem just and necessary for payment of the expenses aforesaid, and any sum which may be voted and presented, if any shall be so voted and presented, if approved by the said Court, or if no sum of Money or not sufficient Money shall be voted and presented, then any sum in which the County may be so amerced as aforesaid shall be assessed, raised, levied and collected by such persons in such manner, by the like course and under the same Rules, Regulations and Enactments as are by Law directed and prescribed in respect to Monies to be assessed, levied, raised and collected for County purposes.

If the Grand Jury refuse the Supreme Court to amerce the County

II. *Provided always and be it further enacted,* That if either at the March General Sessions or at the next Sitting of the Supreme Court for said County, the Census of the said County shall not be completed, in any sum of Money, to be voted or amerced for the purposes of this Act, there shall be included such reasonable amount as may be necessary to complete the said Census.

Amount necessary to complete Census to be included in assessment

CAP. XI.

An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.

(Passed the 27th Day of March, IS40.)

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

Act 4, Wm. IV, and 5, Wm. 4, (except as amended) continued

And whereas, The power and authority given by the Acts hereby continued, in respect to Roads, to Supervisors appointed under such Acts, have been found to require some additions in certain cases :

Preamble

II. *Be it therefore enacted,* That in any case where a Road shall be open, travelled, and used as a Public and Common Highway, in any Township in which such Supervisors may have been appointed, and although there may be no encroachment on said Road, it shall happen that the same has either been originally laid off too narrow, or shall have been made Public by use only, and the said Supervisors, or the major part of them, may deem it necessary and proper to widen the said Road, the said Supervisors shall thereupon notify the Proprietor or Proprietors of the Land adjoining to the said Road, of their intention to widen the same, and that application will be made to the General Sessions of the Peace for the County in which said Road may be situate, at the next Term or Sitting thereof, for the widening of said Road.

Roads originally laid off too narrow, &c. may be widened

Proprietors to be notified

III. *And be it further enacted,* That the said Supervisors shall, at the then next Sitting or Term of the General Sessions of the Peace for said County, submit to the said Court, an application for widening said Road, stating the present breadth thereof, and the width to which it is intended to make the same; and for the said Supervisors, and the Proprietor or Proprietors of the Land, required to be taken for widening said Road, shall agree upon the compensation to be paid for such Land, and for any Fencing requisite to be done, in consequence of taking such Land, such Supervisors shall, at the same time, submit it

Application for widening roads to be submitted to the Sessions

Any agreement for compensation between Supervisors

visors & Proprietors to be submitted to the Sessions

Order to be made for widening, &c.

If no agreement be made or the Court do not approve the agreement and it be necessary to widen any road three Freeholders to be nominated to lay out the road

How to be nominated

The Freeholders not to consider the propriety of widening road

Appeal

Expenses under this Act to be assessed on the County as County Rates

Compensation for fencing not to be paid till affidavit be made that fences are up

Roads not to be widened more than four rods Proviso To continue two years

to the said Court, the said agreement made between them, and the Proprietor or Proprietors of the Land required as aforesaid; and if such Court are satisfied that such Road should be widened, and shall approve of the agreement so made as aforesaid, such Court shall, forthwith, make an order for the widening of said Road, specifying the breadth to which it shall be extended, which order shall be final, and the said Supervisors shall, thereupon, proceed to widen the said Road accordingly.

IV. *And be it further enacted*, That in case no agreement shall have been made as aforesaid, between the Supervisors and the Proprietor or Proprietors of the Land required—or in case the said Court of Sessions shall not approve the agreement so made for compensation as aforesaid, but the Court shall be satisfied, from the Report of the Supervisors, as to the propriety and necessity of widening the said Road, the said Court shall appoint three disinterested Freeholders, one to be nominated by the said Supervisors, or if they shall refuse or neglect to nominate, then by the Court, one in like manner to be nominated by the Proprietor or Proprietors of the Land, required to be taken for widening said Road, or upon the refusal or neglect of such Proprietor or Proprietors to nominate, then by the Court, and the third to be in any event nominated by the Court, and thereupon the said Court shall issue its Precept to such three Freeholders, directing them to mark off and lay out such Road, to such width as such Court shall direct, in such way as may be of the most public good, and of the least possible damage to the Proprietor or Proprietors of the Land adjoining to such Road—thereupon, the said Freeholders shall proceed in the same manner, and in the like course, and all such proceedings shall be had by such Freeholders, except only as to their viewing and examining into the necessity and propriety of widening such Road as prescribed and directed in and by the first section of the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act relating to Highways, Roads and Bridges.

V. *Provided always, and be it further enacted*, That whenever any Proprietor or Proprietors of Land shall desire an appeal, such appeal shall be allowed, and had in the manner, and subject to all the provisos and conditions, prescribed and directed by the second clause of the said Act hereinbefore last mentioned.

VI. *And be it further enacted*, That the damages to be assessed or appraised, and the expences incurred under this Act, shall be assessed and levied upon the Inhabitants of the County wherein such Road lies, and collected in such and the like manner, and by the same means as County Rates are assessed, levied and collected, and when collected shall be paid over to the said Supervisors, by whom the damages assessed and appraised shall be paid to the respective Proprietor or Proprietors entitled to the same.

VII. *Provided always, and be it further enacted*, That no sum assessed or appraised for compensation for Fencing any Lands shall be paid, until the Proprietor or Proprietors to whom the same may have been so assessed and appraised, shall have made Oath before one of Her Majesty's Justices of the Peace, that such Fence or Fences has or have been actually put up in a proper manner, and that the same encloses, in whole or in part, some of his or their Lands, and that the same shall not be removed by him or them, or with his or their assent.

VIII. *And provided also, and be it further enacted*, That in no case, under this Act, shall any Road be widened to a greater extent than four rods in width: *Provided always*, that nothing herein contained shall extend to any private Road, Bridle Way or Foot Path.

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

CAP. XII.

An Act to establish sundry Regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.

(Passed the 27th Day of March, 1840.)

WHEREAS, numerous Settlers, subjects of Her Majesty in this Province, have gone into possession of Lands belonging to the Crown, and have built on, and otherwise

Preamble

Department

1847 fol 90

18 fol 38

1843 fol 66
46 fol 7
49 fol 126
47 fol 147

wise largely improved the same, and it is just and proper that such persons should be enabled to acquire title to the Lands so occupied and improved by them, on paying a reasonable purchase money therefor. And whereas, it will greatly facilitate the settlement and cultivation of other portions of the Crown Lands in this Province, to establish regulations for the valuing and disposal thereof:

I. *Be it therefore 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, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons in each and every County, who shall constitute a Land Board within the same, and the said persons, or any of them, from time to time, at pleasure, to remove, and to supply any vacancies caused by such removal, or by death, resignation or absence, by further and other appointments. And it shall be the duty of such Boards respectively, to receive and collect all information within their said Counties, touching the ungranted Lands therein, their quality and description, and the real and *bona fide* value of the Buildings and improvements on such portions thereof, as are occupied by any person or persons whomsoever, and to receive all applications that may be made for grants thereof; and to ascertain and determine what ought, to the best of their judgment, to be the upset price of each and every Lot so applied for, when the same has not been occupied or improved as hereinafter mentioned. And when the same has been occupied and improved to the value of not less than Twenty Pounds Sterling Money of Great Britain, by a Subject or Subjects of Her Majesty, occupying the same previous to the First day of January, in the Year of Our Lord One Thousand Eight Hundred and Forty, then to ascertain and determine, to the best of their judgment, what ought to be the price or purchase Money of said Lot with reference to its original value, independently of such improvements. And it shall further be the duty of such Boards respectively, to transmit from time to time, to the Lieutenant-Governor, or Commander in Chief for the time being, all such information, applications and reports, as to the value and price of ungranted Lands, accompanied with such remarks, as in their judgment will tend to facilitate the acquiring of title by *bona fide* and actual occupants as aforesaid, and the settlement and improvement of such portions of Land as are fit for cultivation, and the sale for the best price of Timber Lands within each County respectively.

II. *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, by and with the advice of Her Majesty's Executive Council, to determine and settle, by an Order in that behalf, the price or purchase money to be estimated as aforesaid, of all such Lots of ungranted Land as have been actually and *bona fide* occupied and improved to the value, and at the time herein mentioned, by a Subject or Subjects of Her Majesty, on the payment of which said price or purchase Money, so to be determined and ordered within twelve months from the date of such Order, by such *bona fide* and actual occupants—such occupants, their respective heirs or assigns, shall be entitled to receive a grant of such number of acres, not exceeding two hundred in all, as may be specified in such Order.

III. *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, by and with the advice of Her Majesty's Executive Council, to determine and settle, by an Order in that behalf, the upset price of all such Lots of ungranted Land as have been applied for, and have not been occupied and improved as aforesaid, such upset price to be in no case less than One Shilling Sterling per acre—at which said upset price, so to be determined and ordered, all such Lots shall be offered for sale to the highest bidder at Public Auction, within the County wherein the Lands respectively lie, due notice having been first given thereof in the Royal Gazette, and in three of the most public places of the County. And the purchaser or purchasers, at such sales, their respective heirs or assigns, shall be entitled to receive a grant of the several Lots knocked down to them at such Auction, on paying the full consideration money therefor, in such manner as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, may direct and appoint.

III. *And be it further 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.

Three or more persons in each County to constitute a Land Board

Boards to collect information and to receive applications for grants

Information relative to ungranted lands to be transmitted by the Board

On payment of purchase money occupants entitled to a grant not exceeding 200 acres

Unoccupied & ungranted lands to be offered for sale at an upset price

To continue 3 years

CAP. XIII.

An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same.

(Passed the 27th Day of March, 1840.)

Acts 7, Wm.
IV.—2 Vict.
(with excep-
tions) contin-
ed

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

Quart of Wine
may be sold by
holders of
Shop License

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

CAP. XIV.

An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork, for exportation.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS by the Thirteenth clause of the Act, passed in the eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the packing and re-packing of Salted Beef and Pork for exportation, it is provided that all and every the forfeitures and penalties aforesaid, shall and may be recovered with Costs of Suit in the Supreme Court or the Inferior Court of Common Pleas, by any person who shall sue for the same to effect, by bill, plaint or information; *And whereas*, this clause has been found not to afford sufficient remedy for enforcing the penalties under said Act:

Inspectors
may sue for
penalties be-
fore Gen. Ses-
sions of the
Peace, &c.

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 Inspector or Inspectors appointed under the said Act to which this is an amendment, to sue for and recover all or any penalty, fine or forfeiture, together with costs of Suit, under the said Act or the Acts in amendment thereof, or either of them, by Indictment or Information at the Suit of the Crown, before the General Sessions of the Peace or any Court of Record in the Province.

Preamble

And whereas, By the second clause of the Act in amendment of said Act, passed in the second year of Her present Majesty's Reign, the provisions and penalties of said Act of the eleventh year of the Reign of King George the Fourth, are extended to, and made to apply to, all Salted Beef and Pork, packed or re-packed, whether for exportation or home consumption; *And whereas*, difficulties in the construction of said Acts have arisen, as to making such penalties applicable to the packing or re-packing for home consumption: II.

II. *Be it therefore further enacted,* That after any such Beef or Pork for home consumption shall be packed into one or more barrels, half-barrels, or other packages for Sale immediately, on the actual Sale thereof, being contracted for without the same having been previously duly inspected and branded under said Acts, the same shall be forthwith forfeited to Her Majesty, in whose hands soever the same may then be found and may be seized, and prosecuted for, on behalf of the Crown, by Information or Indictment in the General Sessions or any other Court of Record in the Province, or in a Summary way.

Beef and Pork re-packed for home consumption sold before inspection forfeited

II. *And be it further enacted,* That, from and after the passing of this Act, all barrels or half-barrels in which Beef or Pork shall be packed or re-packed for home consumption, notwithstanding any thing in the former Acts contained, may be of good seasoned Spruce Staves, with Hard Wood Headings, and, with the exception of two Iron Hoops, in all other respects the same as in and by the said Act, passed in the eleventh year of King George the Fourth, and the Act in amendment thereof, is provided.

Barrels and half barrels in which Beef & Pork are packed

CAP. XV.

An Act to Divide the Township of Parrsborough, and to Annex parts thereof to the Counties of Colchester and Cumberland, respectively.

(Passed the 27th Day of March, 1840.)

WHEREAS great inconvenience is felt by the Inhabitants of Parrsborough in being annexed to the County of King's, as they are cut off from all connection with their County during the Winter Months, leaving them, in a great measure, without the protection of Law, for remedy thereof :

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That, from and after the passing of this Act, all that part of King's County, lying on the North side of the Basin of Mines, and known as the Township of Parrsborough, shall be, and the same is hereby annexed to the Counties of Cumberland and Colchester, as follows :—All that part of the Township of Parrsborough lying to the West of Harrington's River, in the Five Islands, to the County of Cumberland, and the remaining part of said Township, lying East of Harrington River, aforesaid, to the County of Colchester.

Annexation of Parrsborough to Cumberland and Colchester

II. *And be it further enacted,* That the line between said Counties of Cumberland and Colchester shall commence at the mouth of Harrington's River, in Five Islands, and extend up said River to its source, thence North, in a direct line, until it comes to the old line between the Counties of Cumberland and King's, thence Eastwardly, in a direct line, until it comes to the Northwest corner of the Township of Economy.

Division lines

III. *And be it further enacted,* That all Suits, Rates, Assessments, or Actions, now commenced, pending, made, or done, shall and may be prosecuted, levied and collected, in the same way and manner as though this Act had not been passed.

Suits, Rates, &c.

IV. *And be it further enacted,* That the office of Registrar of Deeds for that part of the Township of Parrsborough, hereby annexed to the County of Cumberland, shall be held and remain at Partridge Island, as heretofore.

Registry of Deeds kept at Partridge Island

V. *And be it further enacted,* That all Justices of the Peace and other County Officers, who may be now in office, and who reside in either portion of said Township, shall respectively be and remain in office, and have the same power and authority in the County to which such portion of said Township is annexed, in which such Officers respectively reside, as such Officers now have, or can exercise, in the County of King's County, until re-commissioned or reappointed, or others shall be commissioned or appointed in their stead, respectively.

Justices and other County Officers to remain in Office

VI. *And be it further enacted,* That that portion of the said Township, hereby annexed to the County of Cumberland, shall be and remain a distinct and separate Township of the said County of Cumberland, and all Town Officers, now in office, resident in such part of said Township, shall act and remain still in office, until new Town Officers shall be appointed agreeably to Law.

Portion of Parrsborough annexed to Cumberland to form distinct Township

VII.

Elective Franchise declared

VII. *And be it further enacted*, That every person having a qualification, entitling him to vote at any election for Members to serve in General Assembly, situate in that part of the said Township of Parrsborough, hereby annexed to the County of Cumberland, shall be entitled to vote at every Election, to be held for a Member or Members to represent said County of Cumberland, and, in like manner, every person, having a like qualification, situate in that part of the said Township, hereby annexed to the County of Colchester, shall be entitled to vote at every Election for a Member to represent said County of Colchester.

Division lines between Colchester and Cumberland

VIII. *And be it further enacted*, That the line between the said Counties of Colchester and Cumberland shall be continued and run from the North-west corner of the Township of Economy, Eastwardly in a direct line to the North line of Robert Starritt's North farm, in Castlereagh, thence East, in a direct line, until it strikes the line of the Township of Westchester, thence Southwardly along said line until it comes to the South corner of said Township, thence Eastwardly along the line of said Township, until it comes to the South-East corner of the Lot of Land set off to Horton and Williams, on the plan of the County of Cumberland, thence Eastwardly in a direct line until it strikes the South side of Sutherland's Lake, thence Eastwardly in a direct line until it strikes the North side of the Folly Lake, thence Eastwardly in a direct line until it strikes the line at Daniel's Clear, which was run between part of said Counties of Cumberland and Colchester in the Year One Thousand Eight Hundred and Thirty-Eight.

CAP. XVI.

An Act to incorporate the Halifax Gas Light and Water Company.

(Passed the 27th Day of March, 1840.)

Company incorporated

BE it enacted by the Lieutenant-Governor, Council and Assembly, That John Leander Starr, Andrew Richardson, Thomas Forrester, James Boyle Uniacke, Richard Brown, Joseph Starr and Edward Cunard, Esquires, and all and every other person or persons, who shall, from time to time, be and become Proprietors of Shares in the Corporation, hereby established, their Successors and Assigns, shall be, and are hereby erected into a Company, and declared to be a Body Politic and Corporate, by the name of "The Halifax Gas Light and Water Company," and by that name shall have Succession and a Common Seal, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law, or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, take, receive, lease, possess and enjoy, any Houses, Lands and Tenements, whatsoever, in fee simple, Leasehold or otherwise, and also any Goods and Chattles, and all other things real, personal and mixed, and also to give, grant, sell, let, assign or convey, the same or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said Company.

Powers and Privileges

Limitation of Real Estate

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

Capital Shares

III. *And be it further enacted*, That the original Capital or Joint Stock of such Company, hereby established, shall be the sum of Twenty Thousand Pounds, to be divided into Two Thousand Shares of Ten Pounds each, and it shall and may lawful for the five persons first mentioned in this Act, immediately after the passing thereof, to open a Book for subscription of Shares to the said Company, and no person shall be entitled to subscribe for more than Fifty Shares until Thirty Days shall have elapsed, from the day on which such Subscription shall have been opened, and public notice thereof given, by advertisement, in the Newspapers at Halifax, and if at the end of Thirty Days, after public notice so given, the whole number of Shares of and in the said Joint Stock or Capital, as here-
inbefore

inbefore prescribed; shall not be taken up or subscribed, then any person or persons may unsubscribe for the residue of such Shares, notwithstanding such person or persons may respectively subscribe for more than Fifty Shares.

IV. *And be it further enacted,* That when and so soon as the said Company shall be formed, and all the shares taken up, it shall and may be lawful for the said Company, by a majority of votes, at any meeting or meetings, to be thereafter held, to appoint a President, Directors, and Officers of the said Company, and to make Bye-Laws, Rules, and Ordinances, for prescribing the duties, powers, and authorities of the President, Directors, and Officers of the said Company, for limiting the number of Directors, for regulating the payment, transfer, registry, and forfeiture of Shares, the time or times of meetings of the Company, or of the Directors, the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct, and government of the said Company, its affairs and business, as may be requisite and necessary: *Provided always,* That no Bye-Law, Rule or Ordinance, shall be repugnant to this Act or to the Laws or Acts of this Province, or those in force within the same, and provided also that no Bye-Law, Rule, or Ordinance shall be of any force or effect until approved by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

Appointment of President, Directors, &c.

Bye-laws, Rules, &c.

Proviso

V. *And be it further enacted,* That it shall and may be lawful for the said Company, when formed, to supply the Inhabitants of the Town of Halifax with Water and Gas Light, and for that purpose, at a proper and convenient distance below the surface of the Roads, Streets, and Highways of the said Town, to cause Pipes, Leaders, and Tubes, to be laid and placed as may be proper and necessary, and in the streets of the said Town to place and erect in convenient and fitting situations, Lamp Posts or Burners, and Supports for the same, as may be necessary and required for the proper Lighting of said Town, or of such Streets or parts of Streets as may be lighted.

Pipes, Leaders, Tubes, &c.

VI. *And be it further enacted,* That, for the purposes aforesaid, after Ten Days Notice given to the Commissioners of Streets of said Town, it shall and may be lawful for the said Company to break up and open the Roads, Streets, and Highways, in or near to the said Town, in any place where necessary, and to keep any such Road, Street, or Highway open, for such reasonable time as may be necessary: *Provided always,* that the said Company shall faithfully and carefully close up, repair, and make good the said Roads, Streets, or Highways, to be so opened at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the Commissioners of Streets, in closing up, repairing, or making good any Road, Street, or Highway, by the said Company to be opened up, which expenses shall be recoverable by said Commissioners against the said Company, with costs in Her Majesty's Supreme Court, by suit or action, against the said Company, in which it shall be sufficient for said Commissioners to declare for work and labour done by them for the said Company.

Opening of Streets for purpose of laying down Pipes, &c.

VII. *And be it further enacted,* That whenever a majority of the Proprietors of Houses or Buildings in any Street, or in any Block, or Square of Lots, in the said Town, shall desire that such Street or such Block may be lighted up with Public Lamps or Burners, and the said Company shall agree to light the same, it shall and may be lawful for the said Proprietors and the said Company to apply to the Court of General Sessions of the Peace, at Halifax, and if such Court shall be satisfied that a majority of the said Proprietors have actually consented and agreed that the Street or Block in question shall be lighted, then and in such case the said Court shall cause a fair and proportionable rate to be made upon the whole Property in such Street or Block, by three sworn Appraisers, being Proprietors of Houses in said Town, to be appointed and sworn by the Court, who shall not be interested in the Street or Block in question, and, when such rate shall be made and returned and approved by the said Court, the said Court shall order such Street or Block to be lighted, and that the expense thereof shall be borne by the Proprietors of the Houses and Buildings in such Street or Block, agreeably to the rate aforesaid, and on the refusal or neglect of any Proprietor to pay such rate, the said Company shall be entitled to proceed against such Proprietor, and to recover such rate, with costs, by suit or action, as if such rate were a debt due for money paid, and work and labour performed by the said Company for the said Proprietor.

Lighting of Streets, blocks or square of lots

In cases where all the Inhabitants of streets and blocks contract for lighting the same

VIII. *Provided always, and be it further enacted,* That if all the Proprietors of Houses or Buildings, in any Street or Block in the said Town of Halifax, shall, by written agreement, contract for lighting said Street or Block with the said Company, and fix and establish a rate therefor, then and in such case it shall not be necessary to make any application to the said Court, but the rate agreed upon shall be paid and be recoverable as hereinbefore prescribed in respect of the rate to be established by and under the direction of the Court.

Capital may be increased

IX. *And be it further enacted,* That whenever it shall become necessary to increase the Capital or Joint Stock of the said Company, it shall and may be lawful for the said Company, at any general meeting, to be called agreeably to the Bye-Laws, Rules, and Ordinances, to be made as aforesaid, to declare and direct that such increased Capital shall be raised, not exceeding Five Thousand Pounds, to be divided in shares of the like amount as in respect to the original Capital hereinbefore is prescribed, and such Shares shall be Sold at Public Auction, after notice in the Public Papers, for at least Thirty Days, and if sold at any profit, such profit shall be divided and paid equally among the Proprietors, as well of the increased Capital as of the original Capital.

Voting

X. *And be it further enacted,* That at any general meeting of the said Company, every Proprietor or Shareholder, having paid up all calls on him made, and then due and payable, if any be then due and payable, under the Bye-Laws, Rules or Ordinances of the said Company, shall be entitled to vote according to the number of Shares which any Proprietor or Shareholder may possess, that is to say, the owner of One Share to have One Vote, the owner of Four Shares to have Two Votes, and the owner of Eight Shares, or any greater number of Shares, to have Three Votes, and no more, and may give such vote or votes, by his or her proxy, duly constituted according to the Bye-Laws, Rules, or Ordinances of the Company, such proxy being a Shareholder, and entitled to vote, and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person, and whenever any Share shall be held by more than one person, then the person present at the Meeting, who stands first on the Registry, or is first named in the Stock Certificate, shall vote therefor.

Voting by Directors

XI. *And be it further enacted,* That the mode of voting by the Directors, at any Meeting of the Board, shall be regulated by some Bye-Law, Rule or Ordinance, of the said Company, to be duly passed by the same.

Shares deemed personal property

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

Restrictions imposed on Company

XIII. *And be it further enacted,* That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the Lending of Money, by way of Discount, or otherwise, or engaging in any Banking operation whatsoever, or to Underwrite or make as Underwriters any Insurance upon any Ship or Vessel, or Marine risk, or upon any Loss by Fire, or upon any Life or Lives.

Company may commence operations

XIV. *And be it further enacted,* That the said Company shall be at liberty to commence and undertake the Lighting of the said Town with Gas, or the Supply of Water for the same, either separately or together, as may to such Company seem most advantageous, and, in either case, to have and exercise all the powers and privileges hereinbefore conferred on such Company.

Payment of Shares

XV. *And be it further enacted,* That the Shares subscribed for by any Shareholder in such Company, shall be payable in such manner, by such instalments or calls, and at such times, and upon such notices, as by the Bye-Laws, Rules or Ordinances, of the said Company may be ordered and directed, and if such calls or instalments shall not be paid it shall and may be lawful for the said Company to sue for and recover such calls or instalments, by suit or action, in the Supreme Court, against any Shareholder, who shall make default in payment of any call or instalment.

Responsibility of Company

XVI. *Provided always, and be it further enacted,* That nothing herein contained shall extend or be construed or taken to relieve or discharge the said Company, or any of the present or future Shareholders in the said Company, from any responsibility, contract, duty, or obligation, whatsoever, to which, by law, they, he, or she now is, or at any time hereafter

hereafter may be, or would have been subject or liable, had this Act not have been passed, as between such Company and any other party or parties whomsoever, and the said Shareholders in the said Company, their Lands, Goods, and Chattles, shall be liable under any Execution that may be issued against the said Company, in the same manner and to the same extent as if this Act had not been passed: *Provided always*, that if the Directors of the said Company shall, by any Contract or Engagement, incur any responsibility for any Sum or Sums of Money, beyond the amount of the Shares subscribed for, without the sanction of the said Company first had and obtained at some General or Special Meeting of said Company, to be called and summoned agreeably to the Bye-Laws of the said Company, the Directors of the said Company shall, themselves, be held and deemed personally liable for the amount so by them incurred.

Proviso

XVII. *And be it further enacted*, That unless the said Company shall go into operation within Five Years, from the passing of this Act, then this Act, and every matter and thing therein contained, shall be of no effect.

Company must go into operation within five years

CAP. XVII.

An Act for preventing Illegal Overholding and Detainer of Real Estate.

(Passed the 27th Day of March, 1840.)

WHEREAS, the Provisions of the Act, passed in the Nineteenth Year of the Reign of His late Majesty King George the Third, entitled, An Act in amendment of An Act, made in the Thirty-second Year of His late Majesty's Reign, entitled, An Act directing the proceedings against forcible Entry and Detainer, have been found defective and too much restricted in their operations:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Act, passed in the said Nineteenth Year of the Reign of His said late Majesty King George the Third, entitled as aforesaid, shall be, and the same and every matter, clause and thing, therein contained, are hereby repealed.

Act 19, Geo. III, repealed

II. *And be it further enacted*, That, from and after the passing of this Act, in every case where any Tenant shall wrongfully or unlawfully Overhold or Detain from his Landlord the possession of any Real Estate held by him, after the expiration of his Term, and in cases where notice to quit shall by Law be requisite, after Notice to quit, given in writing, and for the time hereinafter mentioned and directed; and in cases where notice to quit is not required, then after the expiration of his Term, and after demand of possession in writing, made at or after such expiration of his Term, and in every case where any person shall have gone into possession of any Real Estate by or with the permission of the Owner, under an agreement to surrender possession when required, or under no precise agreement or contract, or where no agreement shall have been made for payment of Rent, or where no Rent shall have been paid, as hereinafter mentioned, shall refuse to surrender possession, after demand made for the same; and in every case where any person shall have gone into possession of any Real Estate without the permission of the Owner thereof, and shall not have been in possession thereof, for a period longer than two years, and shall refuse to surrender possession, after demand made, then, and in every such case, it shall and may be lawful for any two Justices of the County wherein such Real Estate may be situate, upon Complaint and Information made on Oath and in writing before them, setting forth the nature and circumstances of the possession of the person so Overholding and refusing to surrender possession; and if such person be a Tenant by Law entitled to notice to quit, that notice to quit had been duly given in writing, and as hereinafter mentioned, or as agreed upon between the parties, and that possession has been duly demanded of such person, and refused, to issue a Warrant, and cause such person to be brought before them, and if such person shall refuse to surrender possession as aforesaid, or to give sufficient security for the personal appearance of such person at the then next Sitting or Term of the

Tenant overholding in certain case specified Justice may issue a Warrant against him, and if he refuse to give up possession or give security he may be dispossessed without delay.

the Supreme Court in the said County, there to answer such Complaint, and for all Costs that may be incurred in prosecuting such complaint, as hereinafter mentioned, to be duly Taxed, it shall and may be lawful for such Justices of the Peace to issue a Warrant directed to the Sheriff, commanding him to remove such person from possession without delay: *Provided always*, that if there shall not have been any Tenancy subsisting between the parties in dispute, it shall and may be lawful for the said Two Justices, if they shall think it proper, after hearing the case, to dismiss the complaint, leaving the party complaining to his remedy by action or otherwise.

Proviso

In cases of tenancy, if Landlord make oath that he believes Tenant does not claim a legal right to overhold and Tenant does not deny on oath he may be dispossessed

III. *And be it further enacted*, That in any case where the relation of Landlord and Tenant exists, if the Landlord charging the Tenant with wrongfully Overholding and refusing to surrender possession of the Real Estate whereof he is Tenant, shall, in addition to the complaint and information on Oath hereinbefore mentioned, make Oath also before such two Justices as aforesaid, at the time of demanding such Warrant as aforesaid, that he verily believes that such Tenant is not Overholding and refusing to surrender possession of such Real Estate, from a conviction or belief that he has a legal right to do so; then and in such case, such two Justices shall issue a Warrant, and cause such Tenant to be brought before them, and if such Tenant shall refuse to surrender possession of such Real Estate, and shall not make Oath before such Justices that he verily believes that he has a good and legal right to refuse to surrender possession thereof, and shall not also give sufficient security for his appearance at the next Term or Sitting of the said Court, and for the payment of Costs as required by this Act, then it shall and may be lawful for such Justices to issue a Warrant, directed to the Sheriff, commanding him to remove such Tenant from possession of such Real Estate without delay, and it shall not in such case be necessary for such Landlord at the then next Term or Sitting of the Supreme Court in the County wherein the said Real Estate lies, to proceed by Ejectment or otherwise, in prosecution of his complaint against such Tenant.

Notice to quit

IV. *And be it further enacted*, That, hereafter, in all cases, whether for, or in respect of, proceedings under this Act, or for, or in respect of, any other Action, Proceeding or Suit, whatsoever, the notice to quit to be given, either by a Landlord to his Tenant, or by a Tenant to his Landlord, shall be as follows, that is to say: in case of a Tenancy from year to year for three calendar months, in case of a Tenancy for a less period than a year, and not less than a month, for one calendar month, and in case of a Tenancy for a less period than a month for one week, every such notice ending at some current year, month or week of the Tenancy, as now by Law required, provided that nothing in this Act contained shall be construed to require notice to quit, to be given in any case where, by Law, notice to quit, is not now required.

Proceedings in the Sup. Court

V. *And be it further enacted*, That at the Sitting or Term of the Supreme Court, to which any person shall be bound to appear, to answer any such complaint as hereinbefore mentioned, the party preferring such complaint shall, on or before the first day of such Term or Sitting of the said Court, file in the said Court, a Declaration in Ejectment against such person so bound to appear as aforesaid, declaring against such person directly as Defendant thereto, and also shall lodge for the said Defendant, and directed to him in the Prothonotary's Office of said Court in the said County, a copy of such declaration; and the Defendant therein named shall be bound to appear, and enter special Bail, and plead the General Issue, without any consent rule, and the Cause shall be forthwith entered for Trial, and be tried by a Jury at the same Term or Sitting of the said Court; and at the Trial thereof, the Defendant shall be held and deemed to have confessed Lease, Entry, Ouster and Possession, and no proof thereof shall be required from the Plaintiff, but the Title shall be tried and determined as in ordinary cases of Ejectment, and if such Cause be not brought on to Trial during the Term or Sitting of said Supreme Court, at which it shall be so commenced, the Court shall have power to order the discharge of the Security given by the Defendant as aforesaid, and also the special Bail entered in such Action, unless upon special cause shewn, and upon such terms as may appear to be reasonable and proper, the Court shall think fit to extend the time for such Trial, and the Defendant shall be entitled to the same proceedings for obtaining Judgment, as in case of a Non-suit for not proceeding to Trial in Actions under this Act, as may be had in ordinary cases.

VI. *And be it further enacted,* That if, on the first day of said Term or Sitting of the said Court, the Defendant shall not appear and enter Special Bail, or such Bail shall not be duly justified upon exception, according to the practice of the said Court in like cases, or shall not plead as aforesaid, or if on the Trial of the said Cause the Plaintiff shall have a Verdict and Judgment thereon, or the Defendant shall make default or confess the said Suit, the said Plaintiff shall be allowed his full Costs, to be taxed, including the Costs of the Complaint and Warrant, and have the same Judgment and Execution for enforcing the payment of such Costs, and for removing the Defendant from possession of the Real Estate in question, as in any other case of Ejectment.

Pliff. to be allowed costs

VII. *And be it further enacted,* That if the Defendant shall have a Verdict and Judgment, or Judgment of Nonsuit, or by discontinuance or otherwise against the Plaintiff, such Defendant shall be entitled to Judgment and Execution for his Costs against the Lessor of the Plaintiff, as if such Lessor of the Plaintiff were nominally Plaintiff in the Cause.

Defendnt to be allowed costs

VIII. *And be it further enacted,* That if the Plaintiff shall have Judgment in any such Action, the Lessor of the Plaintiff shall be entitled to recover damages in an Action of Trespass for Mesne Profits, which said damages, in all cases of Landlord and Tenant, shall be treble the amount of Rent reserved or payable for the Real Estate in question, to be computed from the day on which, by the notice to quit the Tenancy, was determined, to the day on which possession shall have been re-delivered to the Landlord; *Provided always,* that nothing herein contained, shall prevent, or be construed to prevent, the Plaintiff in any such Action of the Mesne Profits from recovering damages for any Trespass committed distinct from the mere Detainer or Overholding by the Tenant, over and above the damages herein before mentioned.

Damage in cases of Landlord and Tenant to be treble the amount of the rent reserved

IX. *And be it further enacted,* That wherever in this Act there are used words importing the Singular Number or the Masculine Gender only, it shall be understood to include several matters as well as one matter, and several persons as well as one person, and Females as well as Males, and Bodies Corporate, as well as Individuals, unless it be otherwise provided, or there be something in the context repugnant to such construction, and the words "Real Estate" used in this Act, shall be construed to mean and include any Lands, Houses, Buildings, Tenements, or Real Estate whatsoever, whereof there can be an actual Detainer, Overholding or wrongful possession, and when the word "Owner" is used in this Act it shall be construed to mean and include any person or persons entitled to the possession of the Real Estate, mentioned or referred to, or any person or persons having a determinate or other Interest or Estate therein, according as the context may require for giving effect to the Clause, Provision or Enactments, where such word is used.

Meaning of certain words used in this Act

X. *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.

To continue 3 years

XVIII.

An Act to regulate and prevent injury to Rail Roads.

(Passed the 27th Day of March, 1840.)

WHEREAS, a Rail Road has been opened at the Albion Mines at Pictou, and is now in operation with Locomotive Engines working thereon, and it is proper to make provision for the regulation and protection, as well of said Rail Road, as of such others as may hereafter be put in operation in this Province:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Proprietor of the said Rail Road, or of any and every other Rail Road hereafter to be opened in this Province, whereon shall be run any Locomotive Engine or Engines, his Agents and Servants, shall cause a suitable Bell or Steam Whistle to be placed and kept on each Locomotive Engine passing upon such Rail Road, and the said Bell or Steam Whistle shall be rung or blown at the distance of at least eighty rods from every place where the said Rail Road crosses any other Road, Street, Lane or Highway, upon the same level with the said Rail Road, and shall be kept ringing or sounding until such Engine has crossed such other Road, Street, Lane or Highway.

Bell or Steam Whistle to be placed on each Locomotive Engine and used where Rail Road crosses any Road, &c.

II.

Boards with inscriptions to be placed where Rail Road crosses Roads, &c.

II. *And be it further enacted*, That the said Proprietor of every such Rail Road, his Agents and Servants, shall cause boards to be placed, well supported by posts, or otherwise, and constantly maintained across every Road, Street, Lane or Highway, where it is crossed by the said Rail Road, upon the same level therewith—the said posts and boards to be of such height as shall be easily seen by travellers and others, passing on such Road, Street, Lane or Highway, without impeding the travelling, and passing in, through, over and along, the same; and on each side of the said boards shall be painted in capital letters, of the size of at least nine inches each, the following inscription, to be kept always plain and legible: *Rail Road Crossing—Look out for the Engine!*

General Sessions may order Gates to be placed across Rail Roads with persons to attend them

III. *And be it further enacted*, That upon any application made to the General Sessions of the Peace for the County in which any such Rail Road may be, setting forth that, for the security of the Public, that, in addition to the foregoing provisions, it is necessary that Gates should be placed across such Rail Road at any place where the same shall cross any Road, Street, Lane or Highway, as aforesaid, and that a person should be stationed at such Gates to open and close the same when required, for the passing of the Engine or Engines on such Rail Road—such Court of General Sessions, at any of its Terms or Sittings, shall proceed to examine into, and investigate the said application; and if, upon hearing evidence, the said Court shall decide that the placing of such Gates, and stationing such person thereat at the place in question, is actually necessary for the security of the public, such Court shall make an order accordingly, with which order the Proprietor of the said Rail Road, his Agents or Servants, shall forthwith comply. *Provided always*, that a Summons issued by the Clerk of the Peace, setting forth such application made or to be made, shall be served upon the Manager, or person or persons having charge and direction of such Rail Road, or upon some known Agent of the Proprietor thereof; actually employed in and about the said Rail Road at least fourteen days before the first day of the Term or Sitting of the said Court of General Sessions, at which the said investigation shall be made and held as aforesaid.

Obstructions to Rail Roads

IV. *And be it further enacted*, That if any person shall wilfully and maliciously obstruct the passing of any Engine or Carriage along any Rail Road, opened or to be opened in this Province, or shall wilfully and maliciously put or place any obstruction or thing whatsoever on such Rail Road, calculated to obstruct the passing of any such Carriage or Engine, or to injure or endanger the same, or shall wilfully and maliciously in any way injure such Road, or any thing appertaining thereto, or any materials or implements for the construction or use thereof, such person, and every other person who shall be aiding and abetting in any such offence, shall be subject and liable to a penalty of Five Pounds, or, in case of refusal or inability to pay such penalty, to imprisonment in the County Gaol for the space of thirty days.

Persons going upon Rail Road without permission

V. *And be it further enacted*, That if any person, after any Rail Road whereon a Locomotive Engine or Engines shall be run as aforesaid, shall be opened for use, shall himself go upon any Rail Road, or ride, drive or lead, any Horse or other beast upon such Rail Road, without the consent of the Proprietor thereof, or of his Agent; such person shall, for every such offence, be subject and liable to a penalty of Twenty Shillings, or in case of refusal or inability to pay such penalty, to imprisonment in the County Gaol for the space of six days: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to prevent the passing across any such Rail Road where the same is crossed by any other Road, Street, Lane or Highway, as aforesaid, upon the same level with such Rail Road.

Proviso

Beasts found within the limits of Rail Road

VI. *And be it further enacted*, That if any Horse or other Beast shall be found going at large within the Limits of any Rail Road, after the same is or shall be opened for use, the person, through whose fault or negligence such Horse or other Beast shall be so found, shall, for every such offence, be subject and liable to a penalty of Five Shillings, or in case of refusal or inability to pay such penalty, to imprisonment for Two Days, in the County Gaol: *Provided always*, that the said Rail Road shall have on the sides thereof, where it shall not cross some other Road, Street, Lane or Highway, or the same level, a sufficient and lawful fence.

Proviso

VII. *And be it further enacted*, That every such penalty shall and may be sued for and prosecuted before any Two Justices of the Peace in and for the County in which such Rail

Rail Road may be situate, not interested in said Rail Road, or connected therewith, upon the complaint and information of any person who will sue for the same, and may be recovered with costs, on the oath of one or more credible witness or witnesses, and if, upon conviction of the offender, such penalty be not forthwith paid, or an appeal entered, and security given for the due prosecution thereof, and abiding of the judgment thereupon, agreeably to the Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to facilitate summary proceedings before Justices of the Peace, and others, the person so convicted shall forthwith, by the said Two Justices of the Peace, be committed to the County Jail, to be there imprisoned for the space of time herein before prescribed for the offence of which he shall be so convicted.

Penalties how
to be recover-
ed

VIII. *Provided always, and be it further enacted,* That in addition to the penalty herein before prescribed for any offence against this Act, the person guilty of any such offence shall be and be deemed liable to pay all damages incurred or sustained by reason of any such offence by any person whomsoever, and that nothing herein contained shall extend, or be construed to extend, to prevent, or in any manner interfere, with any civil remedy, by Action or Suit at Law, which the Proprietor of any such Rail Road, or any person whosoever shall or may be entitled to by Law against the person guilty of any such offence, notwithstanding the penalty hereby imposed for the same.

In addition to
the penalty
the party guilty
of an offence
to pay
all damages
occasioned
thereby

IX. *And be it further enacted,* That all pecuniary penalties to be recovered and received under this Act shall be paid to the Overseers of the Poor for the Township or Settlement wherein the offence shall be committed, to be by them applied to the use and for the benefit of the Poor of such Township or Settlement.

Pecuniary penalties
to be
paid to the
Overseers of
the Poor

X. *And be it further enacted,* That in order more effectually to prevent breaches of this Act, it shall and may be lawful for the General Sessions of the Peace for any County in which any Rail Road now opened, or to be hereafter opened, may be situate, or for the Justices of the Peace for said County, at any Special Sessions to be summoned for the purpose, and whereat at least three Justices, not interested in the said Rail Road, or connected therewith, shall be present, to appoint and swear in such number of fit and proper persons as shall, in the opinion of such General or Special Sessions, be necessary and proper, and who shall be nominated by the Proprietor of such Rail Road, or his Agent, to be and act as Constables within the limits of such Rail Road, and for the purpose of protecting the same—which Constables, when so appointed and sworn, shall be stationed on and along such Rail Road, and at such places as may be deemed necessary, at the expense of the Proprietor of such Rail Road, and shall carry such distinguishing Badge or Staff, when on duty, as such General or Special Sessions shall direct, and shall have and be entitled to have and exercise all the authority and power of Constables, in preventing breaches of this Act, and for apprehending and taking before any Justice or Justices of the Peace any person guilty of any offence against this Act, and for preserving public peace and order on and within the limits of said Rail Road.

Constables
may be appointed
by the
Sessions within
the limits of
the Rail Road
to protect the
same

XI. *And be it further enacted,* That the words "or other Beast," as used in this Act, shall be held and taken to extend, to and include, any Mare, Gelding, Bull, Ox, Cow, Steer, Heifer, Calf, Sheep, Hog, Goat, or other animal whatsoever, and that whenever in this Act there are used words importing the singular number, or Masculine Gender only, such words shall be understood to include several matters, as well as one matter, and several persons, as well as one person, and females as well as males, and bodies corporate, as well as individuals, unless it be otherwise specially provided; or there be something in the subject or context repugnant to such construction.

Meaning of
certain words
used in this
Act

CAP. XIX.

An Act to regulate the Shad Fishery in the County Cumberland.

(Passed the 27th Day of March, 1840.)

WHEREAS, the Shad Fishery in the County of Cumberland is becoming of importance, and difficulties and disputes have arisen, and are likely to occur relating to the

Presamble

the

the setting of Nets and to drifting Nets, and to prevent such difficulties and disputes it is necessary that regulations for the conducting of said Fishery should be made :

Shad Fishery
in Cumberland
to be under
regulations

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Justices of the Peace for the said County of Cumberland, and such Justices are hereby required and directed, at their next General Sessions of the Peace, or at some Special Sessions to be convened and held for that purpose, before the next General Sessions, and at which Special Sessions at least Five Justices shall be present, to make, ordain and establish, Rules, Orders and Regulations, as to the setting of Nets, and making, erecting and placing, Wears for such Fishery, and as to the number of Nets to be allowed to any one person, and as to the distance at which all Nets shall be set and placed apart, one from another, and as to whether drift Nets shall or shall not be allowed, and how and in what manner the same shall be used, and generally for the due order, regulation and conducting of said Fishery, in any and every of the Bays, Harbors, Rivers, or Creeks, or on the Shores of said County of Cumberland, or within the same, as to such Justices shall seem proper, fit and necessary.

Regulations
may be revis-
ed and altered

II. *And be it further enacted,* That all such Rules, Orders and Regulations, shall be subject from time to time to be revised, amended, changed, altered or abrogated, by the said Justices at any General Sessions of the Peace, to be held from time to time in said County.

Overseers of
Fishery to be
appointed—
and to be
sworn

III. *And be it further enacted,* That the said Justices, at their next General Sessions, or at any Special Sessions to be so held as herein before provided and enacted, previous to the said next General Sessions, and annually, thereafter, at the General Sessions in said County, at which Town Officers are or may be nominated, shall appoint such number of persons as they may deem necessary to be Overseers of the said Shad Fishery, in said County, who shall have charge of the same, and be sworn to the due and faithful performance of their duties in manner as other Town Officers are sworn, and who shall see the Rules, Orders and Regulations, to be made by the said Justices, and from time to time to be in force under this Act, carried into effect.

Overseers to
be assigned
limits for the
exercise of
their powers

Compensation
to Overseers

IV. *And be it further enacted,* That each and every Overseer so to be appointed and sworn as aforesaid, shall be appointed as Overseer for such particular place, and within such limits as may be assigned by the said Justices, within the said County, as the part of said County for which such Overseer is or may be appointed; and for every Net or Wear set or placed within his limits, the Overseer so appointed for the same, shall be entitled to demand and receive for his trouble the Sum or Fee of Five Shillings for each year, to be paid by the person owning or having the use and benefit of said Net or Wear, and in case of refusal or neglect to pay, the said Overseer shall have the same remedy for recovering such Fee or sum of Money, as if the same were a debt of the like amount due for work and labor performed.

Penalty for
breach of Re-
gulations—ap-
plication

V. *And be it further enacted,* That it shall and may be lawful for the said Justices of the Peace, in making such Rules, Orders and Regulations, as aforesaid, to affix thereto any penalty for breach of any such Rule, Order or Regulation, not exceeding Two Pounds, as such Justices may deem proper—such penalty to be recovered and received by the Overseer within whose limits the offence may be committed, in like manner, and with like Costs, as if the same were a debt due to the said Overseer, to be applied one half to the said Overseer, and the residue to the Overseers of the Poor of the Township, within which such offence may be committed.

CAP. XX.

An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, in and by the Act, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to extend to Bridgetown and Digby

Digby certain Acts relating to Firewards, two Acts therein mentioned are extended to the said Towns, and Firewards have been duly appointed therein: *And whereas*, it is deemed necessary to substitute other provisions, as respects the Town of Bridgetown, for the provisions contained in the second and third sections of the said first mentioned Act, and to enact regulations for the management of Fires in the said Town:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That the second and third Sections of the said first mentioned Act, passed in the Fifth Year of the Reign of His late Majesty William the Fourth, be, and the same are hereby repealed.

Sections 2 and 3 of Act 5, Wm. IV, repealed

II. *And be it further enacted*, That when and so soon as they shall be required so to do, by the vote of the majority of the Inhabitants residing within the limits hereinafter rendered liable to be assessed, as hereinafter mentioned, assembled at any Town Meeting in Bridgetown aforesaid, whereof notice shall be given by the Town Clerk, at least Six Days before such Meeting, by Public Notice posted up in at least three public places, within such limits, it shall and may be lawful for the Justices of the Peace for the County of Annapolis, at any General Sessions of the Peace for the said County, to appoint and direct to be assessed such Sum or Sums of Money as may be necessary and adequate, and as may be voted and agreed upon at such Meeting, for procuring and purchasing one good and sufficient Fire Engine for the said Town of Bridgetown, with such quantities of Hose, Fire-Buckets, and other things necessarily appurtenant to such Engine, as may be requisite.

Assessment may be made for purchase of Fire Engine, Hose, Buckets, &c. for Bridgetown

III. *And be it further enacted*, That it shall and maybe lawful for the said Justices, in their said General Sessions, to appoint and direct to be assessed the said Sum or Sums of Money, in one assessment, or to divide the same into two or more assessments, to be made from time to time in different years.

Assessment may be divided

IV. *And be it further enacted*, That it shall and may be lawful for the said Justices, in General Sessions, at their first Session in the Year, annually, after such Fire Engine, with the appurtenances, may be procured, to appoint and direct to be assessed sufficient Monies as may be required by the Firewards of Bridgetown aforesaid, from time to time, for keeping the same in good order, repair, and condition, and for providing a proper Engine House for keeping such Engine: *Provided*, that when any such Annual Sum shall exceed Twenty Pounds, the same shall be voted and agreed upon at a public meeting of the Inhabitants to be convened and assembled as aforesaid.

Assessment may be made for keeping Engine, Hose, &c. in repair

Proviso

V. *And be it further enacted*, That for the purpose of assessing any Monies under this Act, the said Justices, in their said Sessions, when they shall appoint the said Monies to be assessed, shall also nominate and appoint three fit and proper persons as Assessors and Collectors of the said Monies, who shall be respectively sworn before some Justice of the Peace to the faithful discharge of their duty, who shall make an entry thereof in a Book to be kept for that purpose.

Appointment of Assessors

VI. *And be it further enacted*, That every Assessor and Collector appointed under this Act shall be forthwith notified by the Clerk of the Peace of his appointment, and if any person so nominated and appointed shall refuse to act, or shall neglect to be sworn into Office for three days after being so notified, as aforesaid, or being sworn into Office, shall be guilty of any neglect or breach of any of the several duties hereby prescribed, he shall forfeit and pay a penalty of Forty Shillings, to be recovered by the Clerk of the Peace, before any Justice of the Peace, and to be levied with Costs, by Warrant of Distress upon the offenders Goods and Chattels, and to be applied, one half to the said Clerk of the Peace for his trouble in suing for the same, and the other half to be paid into the hands of the Firewards, to be applied for the purposes of this Act.

Persons appointed Assessors refusing or neglecting to serve

VII. *And be it further enacted*, That when any such person so nominated Assessor and Collector, shall refuse to act, or neglect to be sworn into Office, as aforesaid, it shall and may be lawful for three Justices of the Peace to nominate and appoint another person to act as such Assessor and Collector, in the room of any and every person so refusing to act, or neglecting to be sworn, as aforesaid, and every such person so appointed by such three Justices, shall be notified by the Clerk of the Peace, as before mentioned, and be bound, and liable to serve under the like Penalty, as herein before prescribed and imposed.

Assessment to be made upon Houses, Stores, &c. within the limits of Bridgetown, and Goods, &c. in them

VIII. *And be it further enacted*, That when and so soon as such Assessors and Collectors shall be sworn into Office, and within twenty days thereafter, they shall proceed to make a fair,

Appeal against Assessment

fair, impartial, equal, and proportionable Assessment of any Sum or Sums of Money directed and appointed to be Assessed under this Act, upon all the Houses, Stores, and Buildings, situate, lying, and being, within the limits of the said Town of Bridgetown, as particularly defined and specified in the said Act, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to extend to Bridgetown and Digby certain Acts relating to Firewards; and also, upon the Goods, Chattels, and Personal Effects, contained and being in such Houses, Stores, and Buildings, according to the several values of the said Houses, Stores, Buildings, Goods, Chattels, and Personal Effects, by a just, even, and equal rate.

Confirmation
of Assessment

IX. *And be it further enacted*, That the said Assessment shall be borne by the Owners of the said several Houses, Stores, Buildings, Goods, Chattels, or Personal Effects, respectively, and when and so soon as the same shall be completed, such Assessors and Collectors shall procure a Special Sessions to be held by at least three Justices of the Peace for the said County of Annapolis, to be appointed for some day, to be particularly named, for hearing any Appeals from such Assessment.

Notice to be
given of a-
mount of each
sum assessed

X. *And be it further enacted*, That the said Assessors and Collectors shall give to the owner of every House, Store, or Building, so assessed by them, or in case of the absence of such owner, to the occupier or occupiers thereof, and to the owners of any Goods, Chattels, or Personal Effects, so assessed by them, or in case of the absence of such owner, to the agent or agents of such owner, a notice in writing, specifying the amount assessed, for such House, Store, or Building, Goods, Chattels, or Personal Effects, and notifying the party assessed of the sitting of the said Special Sessions, to be appointed as aforesaid, such notice to be given at least six days before the sitting of the said Special Sessions, and requiring the party then to appear to state any objection to said Assessment, or forthwith to pay the amount thereof.

Hearing of
Appeals

XI. *And be it further enacted*, That the said Justices, in such Special Sessions, shall attend at the time and place appointed, and shall proceed to examine into and determine any question respecting the amount of the said assessment, upon any particular person or persons, which shall be made by or on behalf of any party Assessed, and confirm or reduce the same, or to relieve any person or persons altogether, as to such Justices may appear just, without altering or reducing the whole Assessment.

Assessments to
be paid within
a certain time

XII. *And be it further enacted*, That forty days after such Special Sessions shall be allowed to the parties assessed to pay the said Assessment, and if within such forty days the several amounts assessed as aforesaid, or any of the same, or in case of any reduction made upon any such amount, in respect of any particular person or persons, by the said Special Sessions, the amount to which such Assessment shall or may in such case be reduced, shall remain unpaid, the said Assessors and Collectors shall, at the expiration of the said forty days after such Special Sessions, pay over all Monies received by them, into the hands of the Chairman of the Firewards, and at the same time deliver to the Clerk of the Peace, to be kept and filed by him, a true copy of the Assessment signed by them, the said Assessors and Collectors shewing the parties and amounts assessed, and for and upon what respectively, and the several amounts paid and remaining unpaid.

Copy of As-
sessment to be
delivered to
Clerk of the
Peace

Assessments
not paid within
time limited

XIII. *And be it further enacted*, That such Chairman of the Firewards shall forthwith cause any party or parties assessed, or in case of the absence of the owner, the occupier of any House, Store, or Building, assessed, or in case of the absence of any owner of Goods, Chattels, or Personal Effects, assessed, the agent of such owner, whose Assessments remain unpaid, to be summoned before some Justice of the Peace for the County of Annapolis, and upon proof of the Assessment and Notice thereof, as hereinbefore directed, and if the party appeared before the Special Sessions, upon proof of the confirmation or reduction of the amount assessed, if it shall not be made to appear to the said Justice, on behalf of the party assessed, that the amount of such Assessment, or the amount to which it may have been reduced by the said Special Sessions, in case any reduction shall have been made, has been paid, such Justice shall forthwith issue a Warrant of Distress for levying the amount due, with costs, upon the Goods and Chattels of the owner, or in his absence, of the occupier of the House, Store, or Building, assessed, or upon the Goods, Chattels, and Personal Effects, so assessed, as aforesaid: *Provided*, that when any occupier of any House, Store, or Building, so assessed, shall be compelled to pay the assessment

Proviso

Assessment thereon, he shall be entitled to set off and deduct the same from the rent or rents of the said House, Store, or Building, against the owner thereof.

XIV. *And be it further enacted,* That all Monies assessed under this Act shall be paid over to the Chairman of the Firewards, to be applied for the purposes for which the same have been assessed, under the direction of the Firewards, and when and so soon as the Monies hereby directed to be assessed for procuring and purchasing the said Engine and the appurtenances, shall be paid up and received by such Chairman, the Firewards shall proceed without delay to procure such Engine, with the other things thereto appurtenant, and, when procured, the same shall be placed under the charge and direction of the said Firewards.

Monies assessed to be paid to Chairman of Firewards—their application

XV. *And be it further enacted,* That it shall and may be lawful for the said Justices of the Peace, in any General or Special Sessions, to appoint proper persons to take the charge of the said Engine, who shall be called Engine-men, and shall be responsible for the due keeping, repair, and good and serviceable condition of such Engine, and who shall be bound to repair and attend with the same at any alarm of Fire, and to work and conduct the same under the order of the Firewards.

Appointment of Engine Men—their duties

XVI. *And be it further enacted,* That such Engine-men shall always be exempted from any Militia muster or training, or other Militia duty, unless in case of actual service, and one of the said Engine-men shall be appointed as an Officer or Captain, and have the same power and authority as a Fireward, to command the assistance of any person or persons to take such Engine to and from the Fire.

Exemptions in favour of Engine—appointment of Captain

XVII. *And be it further enacted,* That the Firewards shall annually appoint a Chairman, who shall act as Treasurer of the Board, and shall submit his account annually to the said Firewards, at some meeting to be held by them in each year, at Bridgetown, to be audited and signed by such Firewards, and such account, when so audited and signed, shall be submitted to the General Sessions for examination.

Chairman of Firewards to be appointed—to act as Treasurer—and to account

XVIII. *And be it further enacted,* That all Monies required to be assessed for Pumps, and Wells, or for any House or Building pulled down, in order to prevent the progress of any Fire within the limits aforesaid, in the said Town of Bridgetown, shall be assessed and collected in the same manner, and by the same ways and means as are hereinbefore prescribed and directed, and with any monies, if any are required, to be assessed under this Act.

Repairs of Pumps and Wells Houses pulled down to prevent progress of Fire

CAP. XXI.

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

(Passed the 27th Day of March, 1840.)

WHEREAS, by the Act, passed in the Ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places, the Act, passed in the seventh year of the Reign of His said late Majesty, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and every matter, clause and thing, therein contained, except the first, second, twenty-seventh and twenty-eighth Clauses or Sections thereof, were extended to the Town of Dartmouth; *And whereas,* the tenth and eleventh Clauses of the said Act, so extended to Dartmouth, are limited in their operation by express words to the Town or Peninsula of Halifax, but would be beneficial if extended to Dartmouth;

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said tenth and eleventh Clauses of the said Act, shall be extended to the Town of Dartmouth, as if said Town had been named and referred to in such two clauses respectively.

10th and 11th Sections of Act 9, Geo. IV. extended to Dartmouth

And whereas, It is unnecessary that the exception of Seed time and Harvest in the thirteenth Clause of the said Act should extend to Dartmouth:

Preamble

Exception of Seed Time and Harvest in 13th Sec. not extended to Dartmouth

Preamble 16th clause of Act to extend to Dartmouth

Preamble

Road Incumbrances on road to Fletcher's Bridge from Scallon's house

II. *Be it therefore enacted,* That the said exception of Seed time and Harvest, in the said thirteenth Clause of the said Act, shall not extend, or be held or deemed to extend, to the Town of Dartmouth.

And in order to avoid doubts as to the Sixteenth Clause of the said Act having been extended to Dartmouth:

III. *Be it enacted,* That the sixteenth Clause of the said Act shall extend, and be deemed to extend, to Dartmouth, as if the said Town had been named in the said sixteenth Clause.

And whereas, The main public Road leading from Scallon's House to Fletcher's Bridge is frequently encumbered and obstructed to the great annoyance and danger of Travellers and Passengers on the Road; for remedy whereof—

IV. *Be it enacted,* That all Logs, Spars, Bark, Scantling, Boards, Planks, Slabs, Wood, Hoop-poles, Staves, Laths, Fencing Materials, Stones and Timber, of any kind, which shall be placed in the Ditches or Track of the said Road, between Scallon's House and Fletcher's Bridge, encumbering the same, shall be *ipso facto* forfeited, and it shall and may be lawful for the Commissioners of Streets for Dartmouth, or any of them respectively, without any Suit or Process of Law whatsoever, to cause all Articles so found encumbering the said Road, to be instantly seized and disposed of, in such way or manner as they shall think proper, and, if the same shall be sold, the proceeds of such Sale shall be applied for the repair and improvement of the said Road.

CAP. XXII.

An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS a Building has been erected at Lunenburg, to be used as a Combined Common and Grammar School or Academy, and whereas differences have arisen in the management and control thereof, which it is desirous to settle and adjust upon equitable principles, giving to every denomination of Christians resident in the said Town of Lunenburg, as far as is practicable, a fair share in the management thereof:

Trustees appointed to the Common and Combined Grammar School at Lunenburg—their powers and duties

Proviso

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, the Reverend James Cuppage Cochran, the Reverend Donald A. Fraser, the Reverend Charles Cossman, John Creighton and George Thessiger Solomon, Esquires, shall be the Trustees and Commissioners of the said School or Academy, who shall have power to take charge of the same, and all property appertaining to the same, and all Monies hereafter to be applied for the support thereof, and appoint a Master or Masters of the same, and agree with him or them for his or their Salary or Salaries, and to make Rules, Regulations, and Bye Laws for the regulation thereof; *Provided always,* that no Rule, or Bye Law, or alteration of them, shall have effect until it has received the approbation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Vacancies occurring in the Trust

II. *And be it further enacted,* That when any vacancy shall hereafter occur among the said Trustees and Commissioners hereby appointed, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to replace all vacancies among such Trustees and Commissioners.

Continuation of Act

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

CAP. XXIII.

An Act to regulate the Gaspereau and Salmon Fishery in Horton.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Court of General Sessions of the Peace, for the County of King's County

County, at any Term or Sitting thereof, to be held in this year of our Lord One Thousand Eight Hundred and Forty, to make any Rules, Orders and Regulations for preventing the taking or catching of Gaspereau or Salmon or other Fish, whatsoever, in the River Gaspereau, in the Township of Horton, from Gaspereau Lake at the head of the River to the Town landing at the mouth of the River, by Seines, Hedges, Wears, Eel-pots, or by any other means whatsoever, for and during any period of time by such Rules, Orders and Regulations or any of them respectively, to be prescribed, not exceeding three years; and also for removing obstructions in the said River to the free passage of Fish, and for the breach of any of the said Rules, Orders and Regulations respectively, to affix and impose any penalty not exceeding Five Pounds.

Protection of
Gaspereau
Fishery

II. *And be it further enacted*, That the said Court shall also appoint fit and proper persons as Overseers and Protectors of the said Fishery, who shall be sworn to the faithful discharge of their duty before some Justice of the Peace, and it shall be the duty of the said Overseers to see that such Rules, Orders and Regulations, shall be fully carried into effect, and to sue and prosecute for any penalty for the breach thereof, that may be incurred, which penalty shall be Sued for and Prosecuted before any two Justices of the Peace, for the said County, and if, upon conviction, the amount of the penalty and costs be not forthwith paid, or an appeal be entered and security given on such appeal, agreeably to the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to facilitate summary proceedings before Justices of the Peace and others, the party convicted shall be committed to the Common Jail by Warrant, under the Hands and Seals of the said two Justices, for a period not greater than Thirty Days, for every Twenty Shillings of the said penalty, unless such penalty and costs be sooner paid.

Overseers of
Fishery to be
appointed—
their duty

Penalty for
breach of re-
gulations of
Justices

III. *And be it further enacted*, That if any Overseer, under this Act to be appointed and sworn, shall be guilty of any wilful neglect or omission of duty under this Act, he shall be subject and liable to a penalty not exceeding Three Pounds for every such neglect or omission, to be recovered by any person who will sue or prosecute for the same, in manner herein before prescribed and directed.

Liability of
Overseers

CAP. XXIV.

An Act to continue and amend the Acts in force respecting the Militia of the Province.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First and Second year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater Security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, except the twenty-seventh, thirty-second, eighty-third and eighty-fourth Clauses or Sections of the said Act, and except so far as the same is or may be altered or amended by this Act, or by the Act herein after mentioned; also the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the better protection of the Province by providing an efficient Militia Force, except so far as altered or amended by this Act, shall be continued, and the said Acts and every matter, clause and thing, therein contained, except as before excepted, are hereby severally continued for one year and no longer.

Acts 1 and 2,
Geo. IV, and
2, Vict. con-
tinued (with
exceptions

II. *And be it further enacted*, That it shall and may be lawful for any Artillery Company, Grenadier Company, or for any Light Infantry or Rifle Company, formed or to be formed, under the fifth Clause of the Act herein before first mentioned and hereby continued, at any Meeting of the Company to be convened by the order of the Officer Commanding the same, and of which Meeting at least three days notice shall be given to each Militia Man in such Company by vote of the majority present at such Meeting, to make and pass all such Rules and Regulations as may be necessary for the good order and government of said Company, and the Dress, and Drilling and Disciplining thereof, and to impose any Fine not exceeding Forty Shillings for the breach of any Rule or Regulation, which Rules and Regula-

Power given
to certain
Companies to
make regula-
tions for their
good govern-
ment

tions

Penalty for
breach of: Re-
gulations

tions shall, when approved and sanctioned by the Captain or Officer Commanding such Company, be binding upon the whole Company; and all Fines imposed by such Rules and Regulations respectively shall be recovered by the same ways and methods and in like manner as other fines imposed by the said Acts herein before mentioned and hereby continued, upon any Militia Man, are directed to be recovered.

Notice to Mi-
litia men to at-
tend drills

III. *And be it further enacted*, That in every case where, either under the fifteenth and sixteenth Clauses or Sections of the Act herein before last mentioned, passed in the Second year of the Reign of Her present Majesty Queen Victoria, and hereby continued, any Draft or Body of Men shall be ordered for Drill, either by Squad or Company, or the General Body of Militia shall be ordered for Drill, previous notice or warning shall be given for three days at least before the first day of Meeting to be appointed for Drill, which notice or warning shall be given to every Militia Man called out for Drill, personally, or if not to be found at his usual place of Dwelling, to receive such notice or warning personally, the leaving notice in writing, with the Parent, Master or Wife, or with the Servant or Child, of the years of discretion, or giving such Militia Man notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed sufficient, unless it be made satisfactorily to appear to the Commanding Officer of his Company, or a Board of Officers, that he was ignorant of such notice having been given to him.

Attorneys at
Law liable to
perform Mili-
tia duty—ex-
cept Attorney
and Solicitor
Generals

IV. *And be it further enacted*, That no Attorney at Law, who, unless specially exempted from Militia Musters or Trainings, by the fortieth Clause or Section of the said Act herein first mentioned, and hereby continued, would otherwise be compellable to attend such Muster or Trainings, save and except only the Attorney General and Solicitor General, shall hereafter be exempted from any Militia Muster or Training, any thing in the said fortieth Clause of the said Act contained to the contrary notwithstanding.

Travelling al-
lowance to
Serjeant or
Corporal or-
dered to es-
cort Militia
man to Jail

V. *And be it further enacted*, That the Serjeant or Corporal who shall escort any Militia Man to Jail, when committed in manner mentioned and prescribed by the forty-first Clause of the said Act herein first mentioned, and hereby continued, shall be entitled to receive the sum of Three Pence per Mile for every Mile such Serjeant or Corporal shall be required to travel, to escort such Militia Man to Jail, which travelling Fees shall be paid to such Serjeant or Corporal by the Militia Man so committed to Jail, before such Militia Man shall be discharged from Jail, and, if unable to pay, the said Militia Man shall in addition to the time for which he shall have been so committed, be detained further in Jail, a period of Twenty-four hours for every Five-Shillings of the amount of such travelling fees.

Buglers may
be appointed

VI. *And be it further enacted*, That the Captain or Officer Commanding any Company shall be, and he is hereby fully empowered in manner and agreeably to the Terms prescribed in and by the forty-third Clause of the said Act herein before first mentioned, and hereby continued, to appoint, when necessary, a proper person or persons as Bugler or Buglers to the said Company, who shall be compellable to serve and perform his duty, under the same penalty as by the same Clause imposed on any Serjeant, Corporal, Drummer or Fifer, for refusing to accept his appointment or refusing or neglecting his duty.

Officers ap-
pointed to take
out their Com-
missions with-
in three
months

VII. *And be it further enacted*, That any Officer who shall have been heretofore nominated and appointed, or who may hereafter be nominated and appointed, to any Regiment or Battalion, and who, after being notified of such appointment by the Lieutenant Colonel or Officer Commanding such Regiment or Battalion, shall not within three months thereafter take out his Commission, shall be liable either to be superseded or shall only take Rank from the date of his Commission, which shall, if not taken out as herein before mentioned, bear date on the day the same shall be taken out.

Returns of
Militia to be
made annually

VIII. *And be it further enacted*, That instead of the two returns required in and by the forty-seventh Clause of the said Act herein first mentioned, and hereby continued, only one such Return shall be hereafter required to be made on or before the last day of November in each year.

Time for
Training pre-
scribed

IX. *And be it further enacted*, That unless some particular emergency shall, in the opinion of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, require otherwise, there shall be annually One day's Muster or Training of each Regiment or Battalion of Militia, at which only the first Class of Militia, as established by the fifty-sixth Clause of the said Act herein first mentioned, and hereby continued, shall be required to attend,

tend, and such Muster or Training shall be either one day's Company Drill, or one day's Regimental or Battalion Drill, as the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall direct.

X. *And be it further enacted,* That the amount to be drawn by any Adjutant under the forty-second Clause of the Act of the Second year of the Reign of Her present Majesty Queen Victoria, herein mentioned, and hereby continued, shall not exceed Ten Pounds instead of Fifteen Pounds, mentioned in the said forty-second Clause. Allowance to Adjutant

IX. *And be it further enacted,* That this Act shall continue and be in force for one year and no longer. Continuation of Act

CAP. XXV.

An Act concerning Wills.

(Passed the 27th Day of March, 1840.)

See Appendix to Minutes and Wills 200. for English Act 1 and 26.

WHEREAS, by an Act, passed by the Imperial Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the Reign of Her present Majesty, entitled, An Act for the amendment of the Laws with respect to Wills. The Law of England concerning Wills was altered and amended, and the provisions of numerous Statutes relating in part, or in whole, to Devises or Bequests of Real and Personal Property, were repealed: *And whereas,* it is highly expedient that the Law of this Province, in respect to Wills, and the disposal of Real and Personal Estate whatsoever, thereby, should be conformable, as nearly as may be, to the Law of England. Preamble

1 Sec. 26

I. *Be it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,* and by the authority of the same, that, from and after the first day of October, in this present year One Thousand Eight Hundred and Forty, the first, second, third, fourth, fifth and sixth clauses of the Act of the General Assembly of this Province, passed in the thirty-second year of the Reign of His Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and every matter and thing in the said several clauses of the said Act contained, shall be, and the same are hereby, repealed, saving only so much of the said sixth clause as saves to the Governor for the time being the jurisdiction and right to Probate of Wills as theretofore used, subject, nevertheless, to the rules and directions contained in the said Act; and also, that the eleventh clause of the Act of the same Session of the General Assembly, entitled, An Act for preventing Frauds and Perjuries, and every matter and thing in the same eleventh clause contained, shall be, and the same is hereby, repealed. 1st, 2d, 3d, 4th, 5th and 6th clauses of the Act 32d Geo. II repealed, except so much of the 6th as relates to the jurisdiction of the Governor and his right to the Probate of Wills

11th clause of the Act 32d Geo. III for preventing frauds and perjuries repealed

II. *And be it further enacted,* That the words and expressions hereinafter mentioned, which, in their ordinary signification, have a more confined or a different meaning, shall in this Act, except when the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, that is to say: the word "Will" shall extend to a Testament and to a Codicil, and to an appointment by Will or by writing in the nature of a Will in exercise of a Power, and also, to a Disposition by Will and Testament, or Devise of the custody and tuition of any child, and to any other Testamentary Disposition; and the words "Real Estate" shall extend to Manors, Messuages, Lands, Rents and Hereditaments, whether Freeholder or of any other Tenure whatsoever and wheresoever, and whether corporeal, incorporeal or personal, and to any undivided share thereof, and to any Estate, Right or Interest, (other than a chattel interest) therein, and the words "Personal Estate" shall extend to Leasehold Estates, and other Chattels Real, and also to Monies, Shares of Government, and other Stocks or Funds, whether in this Province, or in the United Kingdom, or elsewhere, to Securities for Money, (not being Real Estates) to Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever, which, by Law, devolves upon the Executor or Administrator, and to any share or interest therein; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a Female as well as a Male. Meaning of certain words in this Act

"Will"

Real Estate

"Personal Estate"

Number

Gender

All property may be disposed of by will

III. *And be it further enacted*, That it shall be lawful for every Person to devise, bequeath, or dispose of by his Will, executed in manner hereinafter required, all Real Estate and all Personal Estate, which he shall be entitled to, either at Law or in Equity, at the time of his death, and which if not so devised, bequeathed or disposed of, would devolve upon the Heir at Law or Customary Heir of him, or (if he became entitled by descent) of his Ancestor, or upon his Executor or Administrator, and that the power hereby given shall extend to all Real Estate whatsoever; and also, to Estates pur autre vie, whether there shall or shall not be any special Occupant thereof; and whether the same shall be Freehold, or of any other Tenure, and whether the same shall be a corporeal or incorporeal Hereditament, and also to all contingent Executory or other future interests, in any Real or Personal Estate, whether the Testator may or may not be ascertained as the person or one of the Persons in whom the same respectively may become vested, and whether he may be entitled thereto, under the Instrument by which the same respectively were created, or under any Disposition thereof, by Deed or Will—and also to all Rights of Entry—for conditions broken, and other Rights of Entry—and also to such of the same Estates, Interests and Rights, respectively, and other Real and Personal Estate as the Testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his Will.

Right of entry and property acquired after execution of the Will

Estates pur autre vie

IV. *And be it further enacted*, That if no disposition, by Will, shall be made of any Estate, pur autre vie, of a Freehold nature, the same shall be chargeable in the hands of the Heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of Freehold Land in fee simple; and in case there shall be no special occupant of any Estate, pur autre vie, whether Freehold, or of any other Tenure, and whether a corporeal or incorporeal Hereditament, it shall go to the Executor or Administrator of the Party that had the Estate thereof, by virtue of the Grant; and if the same shall come to the Executor or Administrator, either by reason of a special occupancy, or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal Estate of the Testator or Intestate.

V. *And be it further enacted*, That no Will made by any person under the age of twenty-one years shall be valid.

No will of a person under age valid

Nor of a Feme Covert except as might heretofore be made

VI. *Provided always and be it further enacted*, That no Will made by any married woman shall be valid, except such a Will as might have been made by a married woman before the passing of this Act, or as hereinafter described, that is to say, a Will of personal estate made by a married woman with her husband's consent, provided such consent be thereon expressed in writing—or a Will for appointing one Executor or more to a Will, whereof the wife is Executrix—or a Will by a married woman of Real or Personal Estate to which she may be entitled for her separate use, or an appointment by Will of a married woman, made in pursuance of a Power to be executed, notwithstanding coverture; *provided*, that no Will or any Devise or Bequest in any Will made by a married woman, shall be void, by reason of any Devise or Bequest, or of any Gift, or Disposition to or for the use or benefit of her husband.

Robert... 2 h 4

Widow's... English Act

Proviso

VII. *And be it further enacted*, That no Will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned, that is to say, it shall be signed at the end or foot thereof, either by the Testator, with his name written, or for the Testator, with his name written by some other person, in his presence, and by his direction, and such signature, whether made personally, or by deputy, shall be made or acknowledged by the Testator, in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the Will, in the presence of the Testator, but no form of attestation shall be necessary.

Every will to be in writing and signed by Testator in presence of two witnesses at one time

VIII. *And be it further enacted*, That no appointment made by Will, in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every Will executed in manner hereinbefore required, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by Will, notwithstanding it shall have been expressly required that a Will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointment by will to be executed like other wills

IX. *Provided always, and be it further enacted*, That any Soldier, being in actual Military Service, or any Mariner or Seaman, being at sea, may dispose of his Personal Estate as he might have done before the making of this Act.

Wills of Soldiers and Mariners excepted

X. *And be it further enacted,* That every Will, executed in manner hereinbefore required, shall be valid, without any other publication thereof. Publication not requisite

XI. *And be it further enacted,* That if any person who shall attest the execution of a Will, shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such Will shall not on that account be invalid. Will attested by an incompetent witness not invalid

XII. *And be it further enacted,* That if any person shall attest the execution of any Will, to whom, or to whose wife or husband, any beneficial Devise, Legacy, Estate, Interest, Gift, or appointment, of, or affecting any real or Personal Estate, (other than and except charges and directions for the payment of any debt or debts), shall be thereby given or made such Devise, Legacy, Estate, Interest, Gift, or Appointment, shall, so far only as concerns such person attesting, the execution of such Will, or the wife or husband of such person, or any person claiming under such person, or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such Will, or to prove the validity or invalidity thereof, notwithstanding such Devise, Legacy, Estate, Interest, Gift, or Appointment, mentioned in such will: *Provided always,* that nothing in this Clause contained shall extend, or be construed to extend, to render null and void any such beneficial Devise, Legacy, Estate, Interest, Gift, or Appointment of, or affecting any Real or Personal Estate, to any person attesting the execution of any Will, or the wife or husband of such person or any person claiming under such person, or wife, or husband, in any case where there shall be two competent witnesses to such Will, besides the person to whom or to whose wife or husband such beneficial Devise, Legacy, Estate, Interest, Gift, or Appointment, shall be thereby given. Gifts to an attesting witness to be void

XIII. *And be it further enacted,* That in case by any Will any Real or Personal Estate shall be charged with any debt or debts, and any Creditor, or the wife or husband of any Creditor, whose debt is so charged, shall attest the execution of such Will, such Creditors, notwithstanding such charge, shall be admitted a witness to prove the execution of such Will, or to prove the validity or invalidity thereof. Proviso

XIV. *And be it further enacted,* That no person shall, on account of his being an Executor of a Will, be incompetent to be admitted a witness to prove the execution of such Will, or a witness to prove the validity or invalidity thereof. Creditor attesting to be admitted a witness

XV. *And be it further enacted,* That every Will made by a man or a woman shall be revoked by his or her marriage, (except a will made in exercise of a power of appointment, when the Real or Personal Estate thereby appointed would not, in default of such appointment, pass to his or her Heir, Customary Heir, Executor, or Administrator, or the person entitled as his or her next of kin, under the aforesaid Act of this Province, for the settlement and distribution of the Estates of Intestates, or any Act made in addition to or to amend or alter the same.) Executor to be admitted a witness

XVI. *And be it further enacted,* That no Will shall be revoked by any presumption of an intention to revoke on the ground of an alteration in circumstances. Will to be revoked by Marriage

XVII. *And be it further enacted,* That no Will or Codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another Will or Codicil executed in manner hereinbefore required, or by some Writing, declaring an intention to revoke the same, and executed in the manner in which a Will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the Testator, or by some Person in his presence, and by his direction, with the intention of revoking the same. No will to be revoked by presumption

XVIII. *And be it further enacted,* That no cancelling, by drawing lines across the Will or any part thereof, and no obliteration, interlineation or other alteration made in any Will after the execution thereof, shall be valid, or have any effect (except so far as the words or the effect of the Will before such alteration shall not be apparent) unless such alteration shall be executed in like manner as hereinbefore is required, for the execution of the Will, but the Will, with such alteration as part thereof, shall be deemed to be duly executed, if the Signature of the Testator made by himself or some other Person in his presence and by his direction, and the subscription of the Witnesses be made in the margin or on some other part of the Will opposite or near to such alteration, or at the foot or end of, or opposite to, a memorandum referring to such alteration, and written at the end or some other part of the Will. How a will may be revoked

No will revoked to be revived but by re-execution or a codicil

XIX. *And be it further enacted,* That no Will or Codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a Codicil executed in manner hereinbefore required, and shewing an intention to revive the same—and when any Will or Codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked, before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

Conveyances subsequent to Will

XX. *And be it further enacted,* That no Conveyance or other Act, made or done subsequently to the execution of a Will of, or relating to, any Real or Personal Estate therein comprised, (except an Act by which such Will shall be revoked, as aforesaid,) shall prevent the operation of the Will, with respect to such Estate or Interest in such Real or Personal Estate, as the Testator shall have power to dispose of, by Will, at the time of his death.

Operation of Wills

Every will to speak from the death of Testator

XXI. *And be it further enacted,* That every Will shall be construed, (with reference to the Real Estate and Personal Estate comprized in it,) to speak and take effect as if it had been executed immediately before the death of the Testator, unless a contrary intention shall appear by the Will; *Provided always,* that if the Testator, at the time of his death, be subject or liable to perform any Contract made by him for the sale and conveyance of any Real or Personal Estate, then, and in every such case, the Executor of the Will of the deceased, (or in case there are more than one Executor, and any of them refuse the office of Executorship of the said Will, then the remaining and acting Executor or Executors of such Will,) shall, notwithstanding any devise or bequest of the Real or Personal Estate to which such Contract refers, be deemed a Trustee or Trustees thereof, so far as may be necessary for performing such Contract, (if valid and binding on the Testator,) and shall have power to execute the necessary Deeds and Conveyances, in order to the performance of such Contract; and the said Deeds and Conveyances, or any of them, so made or executed by him or them, shall be of equal validity as if made by the Testator himself in performance of such Contract: and as to the purchase money or consideration, payable to the Testator, on the performance of such Contract, the Executor or Executors, (or such remaining and acting Executor or Executors, as the case may be,) shall be entitled to receive the same, but shall hold such purchase money subject to all or any such dispositions, uses and purposes, as may in such Will be expressed respecting such Real or Personal Estate, or respecting the purchase money or consideration thereof, but if no disposition, use or purpose, shall be expressed concerning the same, then shall hold such purchase money, for the use and benefit of the Estate of the Testator generally.

Proviso

Relative to any contract for the sale and conveyance of real or personal Estate made by Testator

A residuary devise shall include estate comprized in lapsed & void devises

XXII. *And be it further enacted,* That unless a contrary intention shall appear by the Will, such Real Estate, or Interest therein, as shall be comprized, or intended to be comprized, in any Devise in such Will contained, which shall fail or be void by reason of the death of the Devisee in the lifetime of the Testator, or by reason of such Devise being contrary to Law, or otherwise incapable of taking effect, shall be included in the residuary Devise, (if any,) contained in such Will.

A general devise of lands shall include copyhold and leasehold as well as freehold lands

XXIII. *And be it further enacted,* That a Devise of the Land of the Testator, or of the Land of the Testator in any place, or in the occupation of any person mentioned in his Will, or otherwise described in a general manner; and any other general Devise which would describe a customary Copyhold or Leasehold Estate, if the Testator had no Freehold Estate which could be described by it, shall be construed to include the customary Copyhold and Leasehold Estates of the Testator, or his customary Copyhold and Leasehold Estates, or any of them, to which such description shall extend, as the case may be, as well as Freehold Estates, unless a contrary intention shall appear by the Will.

A general devise to include estates over which Testator has a general power of appointment

XXIV. *And be it further enacted,* That a general Devise of the Real Estate of the Testator or of the Real Estate of the Testator, in any place, or in the occupation of any person mentioned in his Will, or otherwise described in a general manner, shall be construed to include any Real Estate, or any Real Estate to which such description shall extend, (as the case may be,) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will, and in like manner, a bequest of the Personal Estate of the Testator, or any bequest of Personal Property, described in a general manner, shall be construed to include any

Personal

Personal Estate or any Personal Estate to which such description shall extend, (as the case may be,) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will.

XXV. *And be it further enacted,* That where any Real Estate shall be Devised to any person without any words of limitation, such Devise shall be construed to pass the fee simple, or other the whole Estate or Interest, (which the Testator had power to dispose of by Will), in such Real Estate, unless a contrary intention shall appear by the Will.

A devise without words of limitation to be construed to pass the fee

XXVI. *And be it further enacted,* That in any Devise or Bequest of Real or Personal Estate, the words "die without issue" or "die without leaving issue" or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior Estate Tail, or of a preceding gift being (without any implication arising from such words,) a limitation of an Estate Tail to such person or issue, or otherwise: *Provided,* that this Act shall not extend to cases where such words as aforesaid import, if no issue described, in a preceding gift, shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested Estate, by a preceding gift to such issue.

The words "die without issue" or "die without leaving issue" to mean issue living at the death

Proviso

XXVII. *And be it further enacted,* That where any Real Estate shall be devised to any Trustee or Executor, such Devise shall be construed to pass the fee simple, or other the whole Estate or interest which the Testator had power to dispose of by Will in such Real Estate, unless a definite term of years, absolute or determinable, or an Estate of Freehold, shall thereby be given to him expressly, or by implication.

A devise to Trustees or Executor to pass the whole interest of Testator

XXVIII. *And be it further enacted,* That where any person, to whom any Real Estate shall be devised for an Estate Tail, or an Estate in quasi entail, shall die in the lifetime of the Testator leaving issue, who would be inheritable under such entail, and any such issue shall be living at the time of the death of the Testator, such Devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

Devises of Estate tail shall not lapse

XXIX. *And be it further enacted,* That, where any person being a child or other issue of the Testator, to whom any real or personal Estate shall be devised or bequeathed for any Estate or interest, not determinable at or before the death of such person, shall die in the lifetime of the Testator leaving issue, and any such issue of such person shall be living at the time of the death of the Testator, such Devise or Bequest shall not lapse, but shall take effect, as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

Gifts to children or other issue who leave issue living at the Testator's death shall not lapse

XXX. *And be it further enacted,* That this Act shall not extend to any Will made before the first day of October One Thousand Eight Hundred and Forty, and that every Will re-executed or re-published, or revived by any Codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any Estate, *pur autre vie*, of any person who shall die before the first day of October, One Thousand Eight Hundred and Forty.

Not to extend to Wills made before the first day of Oct. 1840

Nor to Estate *pur autre vie* who die before then

CAP. XXVI.

An Act to Regulate certain Landings in the County of Digby.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Bridge over Bear River, dividing the Counties of Annapolis and Digby, and the Bridge over Sissaboo River, in the County of Digby, shall be under

Charge of Bridges over Bear and Sissaboo Rivers

Regulations
may be made
respecting
them

Penalty for
breach of Re-
gulations

Bridge-Keep-
ers may be ap-
pointed—their
duties and
powers

Bear River
Bridge con-
sidered in
County of
Digby

Recovery of
Penalties

under the charge, care and custody, of the Justices of the Peace for the said County of Digby; and it shall and may be lawful for the said Justices, from time to time, at any General Sessions of the Peace for the said County, to be held at Digby, to make such Orders, Rules and Regulations, as shall appear to them to be expedient and necessary, for the due ordering and keeping of the said Bridges respectively, and for preventing obstructions to or on the same, by lading or unlading Cargoes of Vessels thereon, or therefrom, and such Orders, Rules and Regulations, from time to time, to change, alter, or vary, and to impose any fine or penalty, not exceeding Five Pounds, for the breach of any or either of the said Orders, Rules and Regulations, to be made as aforesaid, and also to appoint such and so many fit and proper persons as Bridge-Keepers, as such Justices shall deem requisite, who shall have the care, charge and control, of and over such of the said Bridges, as by the said Justices shall be directed, and shall enforce and carry into effect the Rules, Orders and Regulations, of the said Justices to be made and established as aforesaid, and also to fix and regulate such compensation as they, the said Bridge-Keepers, shall respectively receive.

II. *And be it further enacted*, That, for the purposes of this Act, the whole Bridge over Bear River shall be deemed and considered to be in the County of Digby.

III. *And be it further enacted*, That any penalty to be fixed and imposed by the said Justices in Session, for breach of any Order, Rule, and Regulation, to be made as aforesaid, shall and may be sued for, and recoverable, and be recovered, according as the amount may be, before any Justice or Justices of the Peace for the said County of Digby, or for the County of Annapolis, by any person who will sue for the same, in the like manner, with the same costs, and by the same ways and means, as any debt of the like amount is now recoverable, and shall be applied as follows, that is to say—one half to the Bridge Keepers, or Keepers of the Bridge, whereon such offence shall be committed, and the other half to the person who will sue for the same.

CAP. XXVII.

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

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Acts relating to Commissioners of Sewers, and every matter, clause and thing, therein contained, except as altered or amended by this Act, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

And whereas, the mode of collecting Dyke Rates has been found inconvenient:

II. *Be it therefore enacted*, That, from and after the passing of this Act, any Rate or Rates made for the repairing of any Aboiteau, Dyke or Dykes, or for, or in respect of, any Fencing, or the Drainage of any Marsh or Waste Lands, or for, or in respect of, any Road or Roads, on, over or to, such Marsh Lands, shall and may, when made according to Law, be collected by, and in the name of the Commissioners of Sewers by or under whose authority or order such Rate or Rates shall or may be made, be sued for, collected and recovered, in the same manner and by the same method of proceeding, and in the like course, and with such costs, from the respective Proprietors of the Lands in question, or upon, or in respect of which, such Rate or Rates shall or may have been made, as ordinary Debts of the same amount may or can be collected, sued for and recovered; or if any Proprietor or Proprietors cannot be found, then, by such other mode or modes as are now by Law prescribed and authorised.

III. *And be it further enacted*, That when the repairs only of any Dyke or Dykes shall or may be intended or designed to be made by the Commissioners of Sewers, the Proprietors,

Act 5, Wm.
IV. continued
(with excep-
tions)

Preamble

Dyke and
Drainage
Rates—how
collected and
recovered

Notice to be
given to Pro-
prietors of re-

etors, respectively of, and in the Land or level, enclosed by such Dyke or Dykes, shall only be entitled to receive three days' notice, of the time when, and place where, the work is required to be done, instead of six days' notice, as now by Law required; and it shall only be necessary to give such notice to the Proprietors resident within the Township or Townships where the Lands or level inclosed by such Dyke or Dykes may be situate, any Law, usage or custom, to the contrary notwithstanding.

pairs necessary to be made

IV. *And be it further enacted*, That no Action or Suit for any Rate or Rates, made by or under the authority, order or direction, of any Commissioners of Sewers, shall hereafter be subject or liable to be barred by any Act or Acts of the General Assembly, now in force for the limitation of Actions, any thing in the said Acts contained to the contrary notwithstanding.

Suits for recovery of rates not liable to be barred.

CAP. XXVIII.

An Act to Incorporate the Royal Acadian School Society.

(Passed the 27th Day of March, 1840.)

WHEREAS, a number of Persons associated themselves in the Town of Halifax, in the Year One Thousand Eight Hundred and Thirteen, for the establishment of a School for the education of Poor Children, and have raised, from time to time, by private contributions, large sums of Money, which have been expended towards the erection of valuable and expensive Buildings, on a Lot of Land, in the Town of Halifax, granted for that purpose, and also for the establishment and support of the said School, called the Royal Acadian School: *And whereas*, our late Gracious Sovereign George the Third, did, by Grant under the Great Seal of this Province, bearing date on or about the Eighteenth day of December, in the Year of our Lord One Thousand Eight Hundred and Eighteen, give and grant unto the Honourable Sampson Salter Blowers, Esquire, the Chief Justice of the Province of Nova-Scotia, Two Lots of Land, situate, lying and being, in the Town of Halifax, being the Lot number five, in Collier's Division, letter H, and the Lot number five, in Foreman's Division, block letter H, with the Buildings thereon, then occupied for the purpose of a School for the education of poor children, which said Lots of Land are particularly described in the said Grant, to and for the several purposes specified therein, that is to say—to hold in free and common soccage unto the said Sampson Salter Blowers, in his capacity as Chief-Justice, as aforesaid, and to his Successors in the said office of Chief-Justice, for ever, in trust, for the sole use, benefit and behoof, of a School, to be kept in the said Town of Halifax, for the education of poor children, which School is to be called the Acadian School, and to be supported, kept and maintained, on said two Lots of Land for ever, by the voluntary subscriptions or donations of charitable and well disposed persons, and to be conducted and managed agreeably to such Rules and Regulations as shall be from time to time made and agreed on by a Committee to be elected and chosen for that purpose, from time to time, by a majority of the Subscribers or Contributors for the support of the said School: *Provided always*, that such Rules and Regulations should be previously approved of by the Governor, Lieutenant-Governor, or Commander in Chief of the said Province, for the time being, by and with the advice of the Council: *And provided also*, that no Master or Teacher should be employed in said School unless previously approved of by the Governor, Lieutenant-Governor, or Commander in Chief, with the advice of the said Council, with power to each Governor, Lieutenant-Governor, or Commander in Chief, from time to time, with such advice, afterwards to discharge or dismiss from such School any Master or Teacher, as in and by the said grant, on reference thereto, may more fully appear: *And whereas*, in the event of the death of the said Trustee, who is now a very aged man, difficulties will arise as to the legal estate of and in the Lands and Premises contained in the said grant: *And whereas*, the said Society has been aided by Legislative grants of Money, and they are desirous of obtaining further assistance from the Legislature, by the passing of an Act of Incorporation, for enabling them to hold their property, and manage their affairs with greater ease

Preamble

and

and convenience: *And whereas*, the said School is supported by a large portion of the Inhabitants of the Town of Halifax, and a great number of the children of the poor and destitute are instructed therein gratuitously, and the said Society, by whom the said School is upheld and supported, is deserving of encouragement; wherefore and because the Incorporation of the said Society may be beneficial, and may further the advancement of the said School:

Incorporation
of Royal Aca-
dian School
Society—pow-
ers and privi-
leges

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Honorable Thomas Nicholson Jeffery, the Honorable Henry Hezekiah Cogswell, the Honorable Enos Collins, the Honorable Hibbert Newton Binney, the Honorable James William Johnston, the Honorable Sir Rupert Dennis George, the Honorable Alexander Stewart, Robert Hume, Samuel G. W. Archibald, John Spry Morris, Charles Twining, John Slayter, George Norton Russell, James Walton Nutting, John Howe, Thomas Forrester, Hugh Bell, Mather Byles Almon, James Finlayson Gray, Joseph Howe, William Young, Alexander Keith, Henry Pryor, Robert Brown, James C. Hume, John McNeil and Adam Esson, Esquires, and the Reverend John Scott and the Reverend John Martin, and all and every such other person or persons as now are Members or Office Bearers of, or in, the said Society, called the Royal Acadian School Society, and all and every such other person or persons as hereafter shall or may become Members or Office Bearers of, or in, the said Society, and their Successors, shall be and are hereby appointed a Body, Politic and Corporate, in deed and name, by the name of "The Royal Acadian School Society," and by that name have succession forever, and a Common Seal, and by that name shall and may sue and be sued, implead and be impleaded, at Law and in Equity, and in all Courts and places, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy, Lands, Houses, Tenements, Hereditaments and Rents, in fee simple or otherwise, and also Goods, Chattels, and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things in and about the same, as shall or may be thought necessary or proper, and also shall have, from time to time, and at all times, full power and authority and license to constitute, make and establish, such Bye Laws, Rules and Ordinances, as may be thought necessary for the rule and good government of the said Society, the establishing of the Officers proper for the management of its affairs, and declaring the extent, duration and authority, of the Officer and Officers of the said Society, and their mode of appointment, and generally for promoting the object of the Society; *Provided*, such Bye Laws, Rules and Ordinances, be not contradictory or repugnant to the Laws or Statutes of this Province, or of those in force within the same, or to the provisions hereof; *And provided also*, that the said Society shall not hold at any time Lands, Tenements, Houses, Hereditaments and Rents, Goods, Chattels, Property or Effects, of greater value than Six Thousand Pounds.

Proviso

Vested right of
Society to
Lands and
Premises in
Halifax

II. *And be it further enacted*, That the said Lands and Premises at Halifax, with the Buildings aforesaid thereon, shall be, and hereby are declared to be, vested in the said Incorporated Society in fee simple, subject, nevertheless, to such Debts as have been incurred by the Managing Committee of the said Society, and still remain due, if any, in and about the purchase of the said Land, the erection of the said Buildings, or other, the business of the said Society.

Members of
the Society—
sums to be
paid by them
Proviso

III. *And be it further enacted*, That all persons paying an annual subscription of Twenty Shillings or upwards, or making at one time a donation of Ten Pounds, or upwards, to the Society, shall be entitled to be Members of the said Society; *Provided*, that such annual subscription or donation be actually paid into the Funds of the Society, and provided that no person now a Member of the said Society, or who may hereafter become a Member of the same, shall at any time hereafter continue a Member of the same, less he shall have heretofore paid, or shall hereafter pay, at one time, into the Funds of the said Society, a donation of at least Ten Pounds, or shall hereafter annually, and from year to year, pay into the said Funds the sum of Twenty Shillings or upwards; and if the annual subscription or payment of any such annual Member shall not be paid on the first day of June in each year after the present year, such annual Member, shall thereupon, cease to be a Member of the said Society, until such annual subscription or payment shall be actually paid, or until such person shall otherwise become a Member of the said Society, under some Bye Law or rule thereof.

IV. *And be it further enacted*, That the said Society shall continue to be governed, and its affairs managed by a President, a Vice-President, a Secretary and Treasurer, and a managing Committee, to be henceforth called the Executive Committee, and such other Officers as the said Society may, from time to time, think proper; *Provided*, that nothing herein contained shall make it necessary, after the passing of this Act, or in consequence thereof, to re-appoint any of the persons now filling the said Offices, or any of them.

Office Bearers

Proviso

V. *And provided, and be it further enacted*, That Sir Colin Campbell, now the President of the said Society, shall, after the passing of this Act, be the President of the said Society, and the Honourable Thomas N. Jeffrey, now the Vice-President of the said Society, shall, after the passing of this Act, be the Vice-President of the said Society; and James C. Hume, now the Secretary of the said Society, shall, after the passing of this Act, be a Secretary of the said Society; and that the Honourable Hibbert Newton Binney, now the Treasurer of the said Society, shall, after the passing of this Act, be the Treasurer of the said Society; and that the Honourable Henry Hezekiah Cogswell, the Honourable Enos Collins, the Honourable Hibbert Newton Binney, the Honourable James William Johnston, the Honourable Sir Rupert Dennis George, the Honourable Alexander Stewart, Robert Hume, Samuel G. W. Archibald, John Spry Morris, Charles Twining, John Slayter, John Howe, George Norton Russell, James Walton Nutting, Adam Esson, Thomas Forrester, Hugh Bell, Mather Byles Almon, James Finlayson Gray, Joseph Howe, William Young, Alexander Keith, Henry Pryor, Robert Brown, James C. Hume and John McNeil, Esquires, and the Reverend John Scott, and the Reverend John Martin, now the managing Committee of the said Society, shall, after the passing of this Act, be the Executive Committee of the said Incorporated Society.

Proviso

Continuation
of President,
&c. now in
office

VI. *And be it further enacted*, That all persons, without regard to religious denomination, or difference of religious sentiments, may be, and, at any time hereafter, become a Member of the said Incorporated Society, being in all other respects entitled to be and become a Member of the said Society, and, now and at any time hereafter, may hold any of the said Offices and appointments, or any other Offices or appointments, in the said Incorporated Society, being duly elected and appointed thereto, anything contained herein, or any rules, regulations, or bye-laws of the said Society, to the contrary in any wise, notwithstanding.

Eligibility for
office

VII. *And be it further enacted*, That the said Society, incorporated as aforesaid, shall have power, from time to time, hereafter to appoint, the President, Vice-President and Executive Committee, at some general Meeting of the said Society, by a majority of the Members present thereat, and all appointments of President, Vice-President, and Executive Committee to be hereafter made, shall be made at some General Meeting, by a majority of the Members of the Society present, according to such regulations, concerning such appointments, as may hereinafter be enacted, or as may hereafter by any Bye-law of the said Society, to be made by virtue hereof, be appointed.

Society here-
after to ap-
point Office
Bearers

VIII. *And be it further enacted*, That the Treasurer and Secretary of the said Society, and such other Officers as may hereafter be required for the management of its affairs, shall be appointed in such manner as shall be declared by the Bye-Laws and Rules of the said Society, to be passed by virtue of this Act.

Appointment
of Treasurer
and Secretary
regulated by
Bye Laws

IX. *And be it further enacted*, That it shall be the duty of the Executive Committee, from time to time, as occasion may require, to consult on the affairs of the Society, to examine and ascertain the state of the said School, and of the Lands and Buildings of the Society, and the management thereof, to examine and review the proceedings and Rules of the said Committee, and generally to oversee the affairs of the Society, and exercise supervision thereof, and, when and so often as occasion may require, to make report on any of the said matters, or any other, affecting the interests of the Society, to the annual meeting of the Society.

Power given
to Executive
Committee

X. *And be it further enacted*, That a report shall annually be made to the Society of the proceedings of the Executive Committee, and of the progress and state of the said School, and of the receipts and expenditures and state of the funds and accounts of the Society, and of its affairs generally.

Annual report
of Executive
Committee

XI. *And be it further enacted*, That a general meeting of the said Society shall be held once in every year, and as much oftener as may be directed by any Rule or Bye-Law

General Meet-
ings of Society

of the said Society, and the Executive Committee aforesaid, or a majority of them, shall have power to call a general meeting of the said Society, at any time, and as often as they may see just occasion, at such places, times, and in such manner, as shall and may be regulated by the Rules and Bye-Laws of the said Society.

Committee meeting

XII. *And be it further enacted*, That the Executive Committee of the said Society shall meet and assemble as often as there may be occasion, or as may be required and appointed by the Rules and Bye-Laws of the said Society.

Appointments not considered permanent

XIII. *Provided always, and be it further enacted*, That the appointments named in this Act shall not, by reason of anything herein contained, be deemed permanent, but shall be subject, as to their duration, and in all other respects, to any resolutions of the Society, at any general meeting, and to the Bye-Laws and Rules which may, from time to time, be passed by virtue of this Act, in the same manner as any other or future appointment to the same, or any other offices of the said Society, are or may be subject, any thing herein contained to the contrary notwithstanding.

CAP. XXIX.

An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS the Inhabitants of the Township of Saint Mary's, in the County of Guysborough, are desirous that such Township, in consequence of its distance from the Town of Guysborough, and the great inconvenience which is experienced from their necessary attendance at the Court of General Sessions of the Peace now held at Guysborough aforesaid, may be set off and erected into a separate and distinct District, of the said County of Guysborough, and that there may be held therein a Court of General Sessions of the Peace, and the Inhabitants thereof be enabled to have a separate assessment for County purposes:

Township of Saint Mary's, to be a distinct District

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Township of Saint Mary's aforesaid shall be, and the same is hereby, set off and erected into a separate and distinct District of the County of Guysborough, and that there shall be held therein a Court of General Sessions of the Peace, at the times and places herein-after mentioned.

A Clerk of the Peace to be appointed

II. *And be it further enacted*, That there shall be appointed a Clerk of the Peace for the said District of Saint Mary's, to be hereby erected, and the Sheriff of the County of Guysborough or his Deputy, with the Justices of the Peace appointed, or to be appointed, for the purpose of preparing Lists of Grand Juries, shall return, to the Clerk of the Peace for the said District of Saint Mary's, Lists of persons qualified and liable by Law to serve respectively as Grand Jurors, and Petit Jurors, resident within such District, from which Lists, at the Term or Sitting of the General Sessions of the Peace, to be held in such District first after the passing of this Act, the Clerk of the Peace shall draw in the manner prescribed by Law a Grand and Petit Jury, respectively, who shall be forthwith summoned to attend such General Sessions, and that on the last day of the said Term or Sitting, and of every subsequent Term or Sitting of said Court, the said Clerk of the Peace shall draw from such Lists a Grand and Petit Jury, to be summoned according to Law, to attend the next Term or Sitting of said Court.

Grand and Petit Jurors—how to be appointed

III. *Provided always, and be it further enacted*, That at any Term or Sitting of said General Sessions of said District, it shall and may be lawful for the said General Sessions to appoint three Justices of the Peace to revise such Lists of Grand and Petit Juries as often as may be requisite.

The Sessions to appoint three Justices to revise lists of Grand Jurors

IV. *And be it further enacted*, That such Court of General Sessions of the Peace shall be held at the Court House in the Village of Sherbrooke, on the first Tuesday of July, in each and every year.

Sessions when to be held

V. *And be it further enacted,* That the Inhabitants, residing within the limits of the said District, shall be, and they are hereby, exempted from their liability to attend as Jurors at any General Sessions of the Peace to be hereafter held at Guysborough aforesaid, and in like manner the Inhabitants of the County of Guysborough, residing out of the limits of said District, shall be, and they are hereby, exempted from any liability to attend as Jurors at the General Sessions of the Peace or the Court of Common Pleas for the said District.

Inhabitants within the District exempted from attendance at Guysborough as Grand Jurors

VI. *Provided always, and be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to exempt any of the Inhabitants residing within the said District, from their liability to attend as Jurors at the Supreme Court at Guysborough, but such Inhabitants shall, and they are hereby required to, attend as such Jurors at the said Supreme Court as heretofore.

Jurors to attend Supreme Court at Guysborough

VII. *And be it further enacted,* That it shall and may be lawful for the Grand Jury and General Sessions of the Peace for the said new District, hereby created, to present and assess Monies for the purposes of said District, under and by virtue of the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, in the same manner, and under and subject to the like regulations, restrictions and conditions, for the same purposes, and subject and liable to the same control, and with the same exemptions, and to the like extent, as if the said District had been, and was, a separate and distinct District at the time of the passing of the said Act.

Money to be assessed for the purposes of this District

And whereas, The Grand Jury has been drawn, and all Officers have been appointed for the County of Guysborough, for the present year:

Preamble

VIII. *Be it further enacted,* That this Act shall not go into operation until the first day of January, in the year of Our Lord One Thousand Eight Hundred and Forty-one.

Not to go into operation till 1841

CAP. XXX.

An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Annapolis to present, and for the Court of Sessions for the said County to confirm, any sum of money which they may deem necessary and sufficient for the erection and safe and proper keeping of a Lock-up House, to be erected at Bridgetown, in the said County; and it shall be lawful to assess, levy and collect, the said sum, in the same manner as now by Law provided for other sums assessed for County purposes.

Expense of erecting and keeping a Lock-up House at Bridgetown, how provided

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

Charge of Lock-up House

CAP. XXXI.

An Act for establishing the Times and Places of holding the Polls at Elections of Representatives.

(Passed the 27th day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That, the Act, passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, entitled,

Acts repealed by this Act

See 1863 fol 51

entitled, An Act for regulating Elections of Representatives to serve in General Assembly; also, the Act, passed in the Fifty-eighth year of the Reign of His said late Majesty King George the Third, to alter and amend the said Act; also, the Act, passed in the Fourth and Fifth year of the Reign of His late Majesty King George the Fourth, in addition to, and in amendment of, the said Act first mentioned; also, the Act, passed in the Eighth year of the Reign of His said late Majesty King George the Fourth, entitled, An Act concerning Elections in the County of Cumberland; also, the Act, passed in the Tenth Year of the Reign of His said late Majesty King George the Fourth, entitled, An Act concerning Elections in the County of Shelburne; also, the Act, passed in the First year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the opening and holding a Poll for the Election of Representatives to serve in General Assembly for the County of Cape Breton, and for the removal or adjournment of the same; also, the Act, passed in the Third year of the Reign of His said late Majesty King William the Fourth, entitled, An Act in addition to the Act to regulate the opening and holding a Poll for the Election of Representatives to serve in General Assembly for the County of Cape Breton, and for the removal or adjournment of the same; also, the Act, passed in the Fifth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to amend the Act for regulating the Election of Representatives to serve in General Assembly; also, the Act, passed in the Sixth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act in amendment of the Act to regulate the holding of Polls at Elections in the Island of Cape Breton; also, the sixth clause or section of the Act, passed in the Sixth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to divide the County of Sydney, and to regulate the Representation thereof; also, the Act, passed in the said Sixth year of His said late Majesty's Reign, entitled, An Act concerning Elections in the County of Cumberland; also, the sixth clause or section of the Act, passed in the said Sixth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to erect the County of Shelburne into two separate and distinct Counties, and to regulate the Representation thereof; also, the Act, passed in the Seventh year of the Reign of His said late Majesty King William the Fourth, entitled, An Act relative to Elections for the Township of Amherst; also, the seventh, eighth and ninth, clauses of the Act, passed in the said Seventh year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to divide the County of Annapolis, and to regulate the Representation thereof; also, the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, entitled, An Act respecting Elections for the County of Colchester, shall be, and the said several Acts and clauses of Acts hereinbefore severally mentioned, and every matter and thing therein contained, are hereby respectively repealed.

II. *And be it further enacted*, That, hereafter, in the several Counties and Townships of this Province, at any Election to be held in and for such Counties and Townships, respectively, the Poll for such Election shall be held and opened at the places, and for the times hereinafter mentioned, that is to say :

COUNTY OF HALIFAX.

The Poll shall be opened at the County Court House, in the Town of Halifax, there to continue five days; thence shall be adjourned to some central and convenient place at Saint Margaret's Bay, to be there continued for two days; thence to be adjourned to some central and convenient place in Musquodoboit, to be there continued for two days; and thence to be adjourned to some central and convenient place at Sheet Harbor, to be there continued for two days.

TOWNSHIP OF HALIFAX.

The Poll shall be opened at the County Court House in Halifax, to be there continued for the space of five days, and thence shall be removed to some central and convenient place in St. Margaret's Bay, to be there continued for the space of two days.

COUNTY OF COLCHESTER.

The Poll shall be opened at the Court House in Truro, and be there continued for the space of three days; and thence shall be adjourned to some central and convenient place in Upper Stewiacke, at or near the Meeting House, and be there continued for two days, and

and be thence adjourned to some central and convenient place in the Village of Port a Pique, and be there continued for two days, and be thence adjourned to some central and convenient place in Tatamagouche, to be there continued for three days.

TOWNSHIP OF TRURO.

The Poll shall be opened at the Court House in Truro, and be there continued for three days.

TOWNSHIP OF ONSLOW.

The Poll shall be opened at some central and convenient place in the Township of Onslow, and be there continued for three days.

TOWNSHIP OF LONDONDERRY.

The Poll shall be opened at some central and convenient place in the Township of Londonderry, and be there continued for three days.

COUNTY OF PICTOU.

The Poll shall be opened at the Court House in Pictou, and be there continued for four days, and thence shall be adjourned to some central and convenient place at New Glasgow, in the Township of Egerton, and be there continued for three days, and thence shall be adjourned to some central and convenient place in Merigomishe, in the Township of Maxwelton, to be there continued for three days.

TOWNSHIP OF PICTOU.

The Poll shall be opened at the Court House in Pictou, and be there continued for four days.

COUNTY OF HANTS.

The Poll shall be opened at the Court House in Windsor, and be there continued for three days, and thence be adjourned to some fit and convenient place in the Scotch Village, in the Township of Newport, and be there continued for the space of two days, and be thence adjourned to some fit and convenient place, near the Church, in the Township of Rawdon, to be there continued for two days, and be thence adjourned to some fit and convenient place at or near the mouth or end of the Noel Road, to be there continued for the space of two days.

TOWNSHIP OF WINDSOR.

The Poll shall be opened at the Court House in Windsor, and be there continued for three days.

TOWNSHIP OF FALMOUTH.

The Poll shall be opened at some central and convenient place in the Township of Falmouth, to be there continued for three days.

TOWNSHIP OF NEWPORT.

The Poll shall be opened at some central and convenient place in the Township of Newport, to be there continued for three days.

COUNTY OF KING'S COUNTY.

The Poll for the County shall be opened at the Court House in Kentville, and be there continued for five days, and be thence adjourned to the School House near the Established Church, at Aylesford, there to be continued for two days, and be thence adjourned to the School House at Parrsborough, there to be continued for the space of three days.

TOWNSHIP OF CORNWALLIS.

The Poll shall be opened at some central and convenient place in the Township of Cornwallis, and be there continued for six days.

TOWNSHIP OF HORTON.

The Poll shall be opened at some central and convenient place in the Township of Horton, and to be there continued for four days.

COUNTY OF ANNAPOLIS.

The Poll shall be opened at the Court House in Annapolis, to be there continued for three days, and be thence adjourned to some central and convenient place in Bridgetown,

to be there continued for two days, and thence be adjourned to some central and convenient place in Lawrence Town, to be there continued for the space of two days.

TOWNSHIP OF ANNAPOLIS.

The Poll shall be opened in the Court House in Annapolis, and be there continued for four days, and be thence adjourned to some central and convenient place in said Township, on the Post Road, near the School House, at the head of the lane leading to Bridgetown, and be there continued for two days.

TOWNSHIP OF GRANVILLE.

The Poll shall be opened in some convenient place in the settlement of New Caledonia, at or near the Annapolis Ferry, to be there continued for two days, and the Poll be thence adjourned to some central and convenient place in Bridgetown, and be there continued for two days.

COUNTY OF DIGBY.

The Poll shall be opened at the Court House in Digby, and be there continued for the space of six days, and be thence adjourned to some central and convenient place, near the Chapel at Montagan, in the Township of Clare, to be there continued for the space of four days.

TOWNSHIP OF DIGBY.

The Poll shall be opened at the Court House in Digby, and be there continued for the space of six days.

TOWNSHIP OF CLARE.

The Poll shall be opened at some central and convenient place near the Chapel at Montagan, and be there continued for four days.

COUNTY OF YARMOUTH.

The Poll shall be opened at the Court House in Yarmouth, to be there continued for four days, and be thence adjourned to the Court House at Tusket Village, to be there continued for four days.

TOWNSHIP OF YARMOUTH.

The Poll shall be opened at the Court House in Yarmouth, and be there continued for four days.

TOWNSHIP OF ARGYLE.

The Poll shall be opened at the Court House in Tusket Village, and be there continued for three days, and be thence adjourned to some central and convenient place at the head of Pubnico, and be there continued for two days.

COUNTY OF SHELBURNE.

The Poll shall be opened at the Court House in Shelburne, and be there continued for four days, and be thence adjourned to some convenient place, near the head of Barrington Harbour, and be there continued for four days.

TOWNSHIP OF SHELBURNE.

The Poll shall be opened at the Court House in Shelburne, and be there continued for four days.

TOWNSHIP OF BARRINGTON.

The Poll shall be opened at some central and convenient place, near the head of Barrington Harbour, and be there continued for four days.

COUNTY OF QUEEN'S COUNTY.

The Poll shall be opened at the Court House in Liverpool, to be there continued for four days, and be thence adjourned to some fit and convenient place near the lower Meeting House in Port Medway, in the Township of Liverpool, to be there continued for two days, and be thence adjourned to some central and convenient place at Brookfield, in said County, to be there continued for three days.

TOWNSHIP OF LIVERPOOL.

The Poll shall be opened at the Court House in Liverpool, and be there continued for the space of four days.

COUNTY OF LUNENBURG.

The Poll shall be opened at some central and convenient place in Chester, and be there continued for two days, and thence be adjourned to the Court House in Lunenburg, and be there continued for four days, and thence be adjourned to some central and convenient place at New Dublin, to be there continued for two days.

TOWNSHIP OF LUNENBURG.

The Poll shall be opened at the Court House in Lunenburg, and be there continued for six days.

COUNTY OF SYDNEY.

The Poll shall be opened at the Court House in Dorchester, and be there continued for six days.

COUNTY OF GUYSBOROUGH.

The Poll shall be opened at the Court House in Guysborough, and be there continued for four days, and be thence adjourned to some central and convenient place in the Sherbrooke Village, there to be continued for two days.

COUNTY OF CUMBERLAND.

The Poll shall be opened at the Court House in Amherst, and be there continued for three days, and from thence be adjourned to some convenient place at River Philip, near where the old Court House stood, to be there continued for one day, and be thence adjourned to some convenient place at Wallace, to be there continued for two days.

TOWNSHIP OF AMHERST.

The Poll shall be opened at the Court House at Amherst, and be there continued for three days.

III. *And be it further enacted*, That the Poll, when so adjourned, as hereinbefore directed, from one place to another, shall be opened at the next place of adjournment on the day next but one after the last day hereby limited for the continuance of the Poll, at the place where the same shall be there last held, unless such day shall happen to be Sunday, Christmas Day, or Good Friday, when the said Poll shall be opened on the Monday, or the day after Christmas Day, or Good Friday.

On adjournment from one place to another one day shall intervene

IV. *And be it further enacted*, That hereafter, in the several Counties and Townships hereinafter mentioned, at any Election to be held in and for such Counties and Townships, respectively, the Poll for such Election shall be held and opened at the places and for the times hereinafter mentioned, that is to say :

Elections in Cape-Breton

COUNTY OF CAPE BRETON.

The Poll shall be opened at the Court House in Sydney, to be there continued for six days, and thence shall be adjourned to some central and convenient place at Baddeck, to be there opened on the twelfth day inclusive, after the opening of the Poll at Sydney aforesaid, to be there continued for four days, and thence be adjourned to some central and convenient place at Louisburg, to be there opened on the tenth day inclusive, after the opening of the same at Baddeck, and to be there continued for four days.

TOWNSHIP OF SYDNEY.

The Poll shall be opened at the Court House in Sydney, and be there continued for six days.

COUNTY OF RICHMOND.

The Poll shall be opened at Arichat, in Isle Madame, and be there continued for four days, and be thence adjourned to some central and convenient place at St. Peter's, to be there opened on the day next but one after the day hereby limited for closing the Poll at Arichat, and to be there continued for four days.

TOWNSHIP OF ARICHAT.

The Poll shall be opened at the Court House in Arichat, to be there continued six days.

COUNTY OF INVERNESS.

The Poll shall open at some central and convenient place on the South side of the Margaree River, near the mouth thereof, there to be continued for four days, and be thence adjourned

adjourned to the Court House at Port Hood, to be there opened on the third day after the day hereby limited for closing the Poll at Margaree River, and there to be continued for four days.

Poll not to be held on Sunday Christmas Day or Good Friday

V. *Provided always, and be it further enacted,* That, if the day to which any such Poll shall be hereby adjourned as last aforesaid, shall happen to be Sunday, Christmas day, or Good Friday, the Poll shall be opened on the Monday, or on the day next after Christmas Day or Good Friday.

Poll closed by Proclamation or consent

VI. *And provided also, and be it further enacted,* That if any Poll shall be sooner closed by Proclamation, or by consent of Candidates, agreeably to Law, at any place, either finally or for adjournment to some other place, nothing herein contained shall extend, or be construed to extend, to require the Poll to be kept open the whole number of days hereinbefore limited, for the place at which it shall be so sooner closed by Proclamation or consent as aforesaid.

Poll closed by consent no adjournment need take place

VII. *And be it further enacted,* That if the Poll at any Election shall be finally closed by consent of Candidates, agreeably to Law, at any place from whence it is hereby directed to be adjourned to some other place or places, it shall not be necessary to make any such adjournment, but such Poll shall finally close, though it may not then be at the last place herein named, for holding the same.

Adjournment to take place without application

VIII. *Provided always, and be it further enacted,* That whenever, by this Act, any Poll shall be directed to be adjourned from the place where it shall be first opened, to any other place or places, it shall be imperative upon the Sheriff or other Officer, holding such Poll, so to adjourn the same, without the application of any Candidate or Candidates at such Election, and when, and at the same time, the Sheriff or other Officer shall give notice of opening such Election, as by Law directed; at the first place of Polling, he shall also give notice, by putting up Advertizements in at least, two of the most public places in each of the Townships or Settlements to which such Poll is hereby directed to be adjourned, of the day and hour on which such Poll will be opened, at each of such Townships or Settlements respectively, to which the Poll shall be so directed to be adjourned.

Notice of adjournment

IX. *And be it further enacted,* That whenever in this Act any number of days shall be fixed and limited for holding the Poll, or any interval between the close of the Poll at one place, and its opening at any place of adjournment shall be limited, such number of days, or such interval, shall always be, and be taken and held, exclusive of Sundays, Christmas Days or Good Fridays.

X. *And be it further enacted,* That this Act may be altered or amended by any Act or Acts to be passed during this present Session.

CAP. XXXII.

An Act to Incorporate an Hotel Company in Halifax.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, the establishment of a Company at Halifax for erecting and finishing a Public Hotel, will be advantageous to the Province, inasmuch as it will afford accommodation to Strangers, who may be induced, either from business or pleasure, to visit the Province, in consequence of the establishment of a Line of Steam Packets between this Port and Great Britain, and also to Quebec and Boston.

And whereas, The several persons hereinafter named, with divers others, have entered into a subscription to raise in Shares such sum as may be requisite as a Joint Stock or Fund, for that purpose:

Incorporation of Company—powers and privileges

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the Honorable Thomas N. Jeffery, James B. Uniacke, Charles W. Wallace, James Tremain, Joseph Starr and William Lawson, Junior, Esquires, and all and every such person or persons as shall, from time to time, become Proprietors of Shares in the Company, and undertaking hereby established, and their respective Successors, Executors and Administrators and Assigns, shall henceforth be, and they are hereby united into a Company, and declared to be

be one Body, Politic and Corporate, by the name of the "Halifax Hotel Company"; and by that name shall have perpetual Succession and a Common Seal, with power the same Seal to change, alter, break and make new, as they shall see fit, and by that name, shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any person or persons who shall commit any Felony, Misdemeanour or other offence, by Law indictable, and shall by that name be capable, authorized and empowered, to purchase, have, hold, receive, possess and enjoy, Houses, Lands, Tenements, Hereditaments and Rents, in *fee simple* or otherwise, and also Monies, Securities for Monies, Goods and Chattels, and all other things, Real, personal or mixed, and shall by that name be capable, authorized and empowered, to give, grant, sell, convey, assign and mortgage, subject to the restrictions hereinafter mentioned, and to demise and let the same or any part thereof, and to do, manage, and transact and execute, all other things in and about the same, which shall and may be thought necessary and proper for the benefit or advantage of the said Company; and also, that the said Company, or a major part of them, shall, from time to time, and at all times, have full power and authority and license, to constitute, ordain, make and establish, change, vary and alter, such Bye Laws and Ordinances, as may be thought necessary, for the government of the said Company; *Provided*, such Bye Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of the Province, and those in force within the same; and that such Bye Laws shall not be of any force or effect until they shall have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

II. *Provided always, and be it further enacted*, That the said Company shall not take, have, hold, possess or enjoy, at any one time, Real Estate to a greater value than Thirty Thousand Pounds.

III. *And be it further enacted*, That the Capital of the said Company shall be divided into Shares of Twenty-five Pounds each Share; and such Shares shall be assignable and transferable in such manner and upon such terms, as by the said Bye Laws may be also provided and directed.

IV. *And be it further enacted*, That the several persons who now are or hereafter may become Subscribers towards the said undertaking, shall, and they are hereby required to, pay the sum or sums of Money by them respectively subscribed, in such proportions and at such times and places as shall be directed by the said Bye Laws; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same, in any Court of Law or Equity; *Provided always*, that it shall not be lawful for the said Company to call for, or require any Shareholder in the said Company to contribute or pay, any larger sum than the amount of the Share or Shares held by him as aforesaid.

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

VI. *And be it further enacted*, That all such Lands and Real Estate as the said Company may hold at any time, or so much thereof as may be necessary to satisfy any Writ of Execution that may be issued against the said Company, upon any Judgment that may be obtained against them, shall and may be taken upon such Writ, and sold in the same manner, and with like notices, proceedings, and Equity of Redemption, as the Lands of Private Persons may be taken, levied on, and sold according to Law, and the Sheriff shall immediately after such Sale make and execute a Deed to the Purchaser, which Deed shall convey and transfer all the Estate and interest of the said Corporation in the Lands so taken, sold and conveyed.

VII. *And be it further enacted*, That from and immediately after the passing of this Act, all and singular the Lands, Tenements, Hereditaments and Real Estate, and Property whatsoever, which at any time heretofore have been granted, assigned or conveyed to any person or persons whomsoever in trust, for the use and benefit of the said "Halifax Hotel Company," and all Houses, Buildings and Erections, whatsoever thereon, together with the rights, members, privileges, and appurtenances thereof, to the said Lands, Real Estate and

Limitation of
Real Estate to
be possessed
by Company

Capital—
Shares £25
each

Payment of
Shares

Proviso

Shares con-
sidered Per-
sonal Property

Real Estate of
Company lia-
ble for Debts

Vested Rights
of Company

Property, whatsoever belonging, and all the Rents, issues, profits and advantages thereof, shall be, and the same are hereby declared to be, absolutely vested in, and transferred to, the said "Halifax Hotel Company," in *fee simple*, subject to such debts, contracts and agreements, as have been incurred and entered into by the managing Committee of the said Company, as is hereinafter mentioned and provided.

Meetings of
Company

VIII. *And be it further enacted*, That the Annual General Meeting of the said Company shall be held in the Month of June, in every year, after this present year, and at such day and place as the Board of Directors shall appoint, and that Special Meetings of the Company shall be summoned by the Directors, when they shall deem the same necessary, or whensoever a requisition in Writing therefor shall be delivered to the Board, signed by Twenty Shareholders, and specifying the object of such Meeting; *Provided always*, that notice of the day appointed for the Annual or any such Special Meeting of the Company, shall be given by an Advertisement, published at least ten days previous thereto, in two of the Public Newspapers in Halifax.

Voting of
Shareholders

IX. *And be it further enacted*, That at any Annual and Special Meeting of the Company, each Proprietor or Shareholder having paid up all calls on him made and then due and payable, shall be entitled to one vote and no more according to the number of Shares which any Proprietor or Shareholder may possess, namely—the owner of one Share to have one vote, the owner of four Shares to have two votes, and the owner of eight Shares, or any greater number of Shares, to have three votes and no more, and may give such vote or votes by his or her proxy, duly constituted, according to the Bye Laws, such proxy being a Shareholder and entitled to vote; and every such vote by proxy shall be as good and sufficient to all intents and purposes, as if such principal had voted in person; and whenever any Share shall be held by more than one person, then the person present at the Meeting who stands first on the Registry, or is first named in the Stock Certificate, shall vote therefor, and at every Meeting of the Board of Directors, each Director shall have one vote only, and every question, matter or thing, which shall be discussed or considered at any Meeting of the Board of Directors, shall be determined by the majority of votes then given, by the Directors then present; and in case it should so happen that at any General or Special Meeting of the Board of Directors the votes shall be equal, then the President of the Company, or in his absence, the Chairman of the Meeting or of the Board shall be entitled to a casting vote, upon the matters under discussion, besides, and in addition to, his own personal vote, unless such right to a casting vote shall be abrogated by the Bye Laws hereafter to be made.

First General
Meeting of
Shareholders
to organise
Company

X. *And be it further enacted*, That so soon as the said Hotel is erected and finished, or whenever the said six persons first named in this Act, shall deem it necessary and expedient, the said six persons shall, by Public Advertisement to be printed in at least two of the Newspapers in Halifax, during ten days, appoint a day and place for the first General Meeting of the Subscribers, and shall assemble such Meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, the Company hereby incorporated shall be formed and organized, and go into operation under this Act; and the said Subscribers then and there present or their proxies, shall and may forthwith, in the manner prescribed, proceed to elect seven Directors (one of whom to be chosen by the said Directors by Ballot as President) and a Secretary, and the said Directors and Secretary, so to be elected, shall hold, exercise and enjoy, and retain their respective Offices from the day of such their election, until the Annual General Meeting in June, One Thousand Eight Hundred and Forty-two, and thence continually, until a new choice of Officers be made by the Company, pursuant to this Act, and the Bye Laws in that behalf to be provided.

Election of
Directors, Pre-
sident, &c.

Term of ser-
vice

Change of Di-
rectors

Proviso

Preamble

XI. *And be it further enacted*, That at the Annual General Meeting of the Company in each year, the Directors of the said Company for the ensuing year shall be elected by Ballot, in the following manner, viz: the Shareholders shall first elect four Directors for the then ensuing year out of the seven Directors who have served for the preceding year, and shall then elect three other Directors from the Shareholders of the Company; *Provided always*, that it shall and may lawful for the said Shareholders to re-elect one of the three persons who were Directors the preceding year, if they shall think proper so to do.

And whereas, The said Thomas N. Jeffery, James B. Uniacke, Charles W. Wallace, James Tremain, Joseph Starr and William Lawson, Junior, the said six persons first named

named in this Act, were, at a Meeting of the Shareholders held in the Month of April last past, chosen and appointed a Committee to select a Site for, and to erect and build, the Hotel; *And whereas*, the said persons above named, have incurred liabilities and have entered into divers contracts and agreements, for finishing the said Building:

XII. *Be it therefore enacted*, That the said Thomas N. Jeffery, James B. Uniacke, Charles W. Wallace, James Tremain, Joseph Starr and William Lawson, Junior, shall continue in office until the contracts and agreements so entered into by them shall be completed, and until the said Hotel is built and finished, and their liabilities discharged, or until they or any of them shall be removed from office; by the Shareholders or a majority of them, at any General or Special Meeting duly convened, and the said persons so named shall have full power and authority to call a Meeting of the Company hereby incorporated, whenever they shall deem it expedient, and for the interest of the Incorporation so to do.

Liability of
Company

XIII. *And be it further enacted*, That the said Company shall be liable for all Debts, Contracts and Engagements, incurred and entered into by the said Committee, to the extent of the Shares taken and held by each Shareholder, and no more, in the said Company.

XIV. *And be it further enacted*, That the Shareholders of the said Corporation shall be, and they are hereby empowered and authorised, from time to time, hereafter at any Special Meeting, to be for that purpose called and holden; and on a requisition in writing of two thirds of the Shareholders in the said Corporation, being first made and signed by such Shareholders, their Executors, Administrators or Agents, expressing their assent thereto, to borrow, on Mortgage of the Property belonging to the said Corporation, such sum or sums as may be deemed expedient by the said Company, and mentioned in such requisition; and the Directors of the Company for the time being, on a Resolution or Resolutions of the said Company, are hereby authorised and required to grant and convey in Mortgage any Lands, with the Buildings thereon, of the said Company, or any part thereof, to secure payment of any Monies which the said Company, or the Directors thereof, for the time being, may borrow in pursuance of such Resolutions, in order to enable them to carry on the business of the said Company, and for the general purposes of the said Corporation.

Money may be
borrowed on
Mortgage by
Company

XV. *And be it further enacted*, That it shall and may be lawful for the said Shareholders, at any annual or Special Meeting to be called for that purpose, and of which due notice of at least ten days shall be first given in two of the Newspapers published in Halifax, for the purpose of carrying on the Business of the said Corporation, to sell Shares to such an extent as may be agreed to by such Meeting; and every purchaser and purchasers of such Shares, to be entitled to all the privileges and advantages held and possessed by the original Shareholders in the said Company, subject to the Bye-Laws of the said Corporation.

Additional
Shares may be
disposed of

XVI. *And be it further enacted*, That the Shareholders of the said Corporation shall, and they are hereby empowered and authorised, from to time hereafter, at any Special Meeting, to be for that purpose called and holden, and on a requisition in writing of two thirds of the Shareholders in the said Corporation being first made and signed by such Shareholders, their Executors, Administrators and Agents, expressing their assent thereto, to sell the said Real Estate and Property to the said Corporation belonging, either in whole or in part, or to appropriate the said Real Estate, Buildings and Premises, with their appurtenances, to such other uses and purposes as they may deem expedient; and the Directors for the time being, upon a Resolution or Resolutions of the said Company, are hereby authorised and required to grant and convey the same, and to make and execute the necessary Deeds and Conveyances for that purpose.

Real Estate of
Company may
be sold, or ap-
plied to other
uses than an
Hotel

XVII. *Provided always, and be it further enacted*, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of Money by way of Discount or otherwise, or engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship or Vessel, or Marine Risk, or upon any loss by Fire, or upon any Life or Lives.

Restrictions

XVIII. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed or taken to extend, to relieve or discharge the said Company, or any

Liability of
Shareholders

Proviso

any of the present or future Proprietors, or other holders of Shares in the said Company, from any responsibility, contract, duty, or obligation whatsoever, to which, by Law, they, he or she, now is, or at any time hereafter may be, or would have been subject or liable, had this Act not have been passed, as between such Company and any other party or parties whomsoever; and the said Proprietors or Holders of Shares in the said Company, their Lands, Goods and Chattels, shall be liable, under any Execution that may be issued against the said Corporation, in the same manner and to the same extent as if this Act had not been passed; *Provided always*, that if the Directors shall by any Contract or Engagement incur any responsibility for any sum or sums of Money, beyond the amount of the Shares subscribed for, without the sanction of the said Company first obtained at any General or Special Meeting to be called or summoned, as hereinbefore mentioned, the Directors of the said Company, shall, themselves, be held and be personally liable for the amount so by them incurred.

CAP. XXXIII.

An Act to authorise the Sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm."

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, in the Year of Our Lord One Thousand Eight Hundred and Thirty-two, in pursuance of Resolutions of the Magistrates for the District of Halifax, passed in Special Sessions of the Peace, assembled for that purpose, and by and with the approval and concurrence of the Grand Jury of that year, a certain Lot or Parcel of Land, on the Peninsula of Halifax, commonly known as the "Old Blue Bell Farm," was purchased for the use of the Town of Halifax:

And whereas, the sum of One Thousand Pounds, the purchase money of the said Lot of Land, was, in pursuance of a Resolution of a Special Sessions of the Peace, held at Halifax on or about the Twenty-second day of August, in the said year One Thousand Eight Hundred and Thirty-two, borrowed, for the benefit of the Town of Halifax, from Mr. John Clark, late of Halifax aforesaid, Merchant, but now deceased, for, and applied in payment of the said purchase:

And whereas, By the consent and desire of the said Justices, in Sessions, for securing the re-payment of the Money so borrowed as aforesaid, the said Lot of Land was conveyed to the said John Clark, and, by the like desire and consent, for securing and effectuating the objects of the said purchase, for the benefit of the Town of Halifax, the said John Clark did become bound by his certain Bond, dated on or about the Thirtieth day of August, in the said year One Thousand Eight Hundred and Thirty-two, in the penal Sum of Two Thousand Pounds, payable to three of the said Justices, and thereby it was among other things recited that the said purchase was made for the purpose of erecting a Public Slaughter House, and to and for such other uses and purposes as the Justices of the Peace for the County of Halifax, in any General or Special Sessions of the Peace to be holden at Halifax, should or might order, direct, and appoint, and that the said John Clark had advanced the said purchase money on behalf of the Town of Halifax, and that it was agreed between him and the obligees of the said Bond, on behalf of the Town of Halifax, and that they, on behalf of the said Town, should well and truly repay to him the said Money and Interest, in three years, and that the said Lot of Land should, from time to time, and at all times thereafter, be held, used, and occupied, to and for the use of the said Town, for the purposes aforesaid; and that upon repayment of the said Money, as aforesaid, the said John Clark, at the request and charges of the said obligees, and the Survivors and Survivor of them, should make such conveyance as should be required to convey and vest all the Estate and Title of and in the said Lot of Land to and in such person or persons, or Body, Politic or Corporate, as the said obligees, on behalf of the said Town, should

should appoint, and the said Bond was on condition to be void if the said John Clark, his Heirs, Executors, Administrators or Assigns, should, from time to time and at all times thereafter, so long as the title to the said Land should remain in him and them, permit and suffer the same to be held and enjoyed, to and for the purposes aforesaid, (the Annual Interest on the purchase Money being paid,) and also should at such request, and upon such payment as before recited, well and truly convey and assure the said Land in manner as before recited, for and on behalf of the said Town of Halifax.

And whereas, the said John Clark was not, nor are his heirs at Law, or the Executors of his last Will and Testament, now, in any manner personally interested in the said purchase, and now hold the said Land only as a security for the repayment of the said Money and Interest, but subject to the trusts and equities on behalf of the Town of Halifax, created by the said purchase, and the aforesaid Bond.

And whereas, the said John Clarke hath since departed this life, after having made his last Will and Testament, in writing, duly executed according to Law, for passing Real Estate by Devise, and thereby, among other things, empowered his Executrix and Executors, therein named, to sell and dispose of his Real Estate, at their discretion.

And whereas, the said Sum of One Thousand Pounds, with a large arrear of Interest, is now due and owing to the Estate of the said John Clark, and it is proper that the said Lot of Land should be sold and disposed of, and the proceeds applied towards payment thereof: But because the Executors have no authority to sell the said Land, indefeasibly and absolutely, and difficulties may arise, and great expense would be incurred in the foreclosure of the Equity, in the said Land, existing on behalf of the Town of Halifax, and the enforcing of the claims of the said John Clark, for the recovery of his said Debt and Interest:

I. *Be it therefore enacted and declared, by the Lieutenant-Governor, Council and Assembly,* That the legal Title in and to the said Real Estate, so purchased, as aforesaid, shall be, and be hereafter deemed to be, in James M'Nab and Eliza Frances Clark, the Executor and Executrix of the last Will and Testament of the said John Clark, and that they shall have the same power and authority to sell and dispose of the said Real Estate, called the Old Blue Bell Farm, as if the same had indisputably formed a part of the said Real Estate of the said John Clark, at the time of his death; and that the said Executor and Executrix shall be, and are hereby, authorised to execute all necessary Deeds and Conveyances to the Purchaser or Purchasers thereof, and which said Deed or Deeds it is hereby declared shall be available in Law, and shall well and truly convey and assure to such Purchaser or Purchasers, his or their Heirs and Assigns, for ever, an indefeasible estate of inheritance in fee simple, or otherwise, as aforesaid, of and in the said Real Estate, which may be sold, as aforesaid, according to the terms of such deed or deeds, and the prices at which the said Lands shall be sold, and the Monies arising and to arise from all such sales, shall, after deducting the necessary charges and expenses thereof, be applied towards paying off and discharging, as far as the same will extend, the said Principal and Interest due to the said John Clark, as aforesaid.

Jas. McNab
and Eliza
Frances Clark
empowered to
sell Old Blue
Bell Farm

Proceeds of
Sale

CAP. XXXIV.

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

(Passed the 27th Day of March, 1840.)

WHEREAS the Meeting House in Tusket Village in the County of Yarmouth, wherein the Reverend James Lent officiates, was built by a number of persons who were mutually interested therein, several of which persons are now deceased, and the right of such persons has thereby become vested in their Heirs or Representatives respectively,

Preamble

tively, *And whereas*, the interest of several of the present owners of Pews in the said Meeting House has now become so inconsiderable that great difficulty is experienced in procuring Funds for the repair, finishing and ornamenting, of said Meeting House, owing to the neglect or refusal of many of the owners of the said Pews to pay their proportion of necessary and unavoidable expense of repairing, finishing and ornamenting, the same, in consequence whereof the said Meeting House is in danger of going to decay :

Money may be assessed to defray expense of necessary repairs

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

Assessments not paid Pews may be Let at Auction for a certain period

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

Liability of Lessees for payment of Pew Rents

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

CAP. XXXV.

An Act to Incorporate a Company, to be called the St. Peter's Canal Company.

(Passed the 27th Day of March, 1840.

Preamble

WHEREAS, it would be highly advantageous for Navigation, and be productive of important beneficial results, as well to the Island of Cape Breton, as to this Province in general, if a Ship Canal were opened from the Bay of St. Peter's to the Bras d'or Lake, across the Isthmus of St. Peter's, in the said Island of Cape Breton : *And whereas*, it is desirable that the opening of the said Canal should be undertaken with as little delay as may be, and that an Act should be passed to Incorporate a Company for that purpose :

I.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* Charles Dickson Archibald, Thomas Laurrie Murray, John MacNeil, Richard Smith, James Mallock and George Handley, and all other the persons who shall become adventurers in, or parties to, the said undertaking, and possessed of any Share or Shares therein, their Executors, Administrators and Assigns, shall be, and are hereby declared to be, one Body Politic and Corporate in Deed and in Name, under the Title of "The St. Peter's Canal Company," and by that name shall have perpetual succession, and a Common Seal, and by that name shall sue and be sued, implead and be impleaded, in all Courts of Law and Equity, within this Province.

Incorporation of St. Peter's Canal Company—powers and privileges

II. *And be it further enacted,* That the said Company shall and may take, purchase and hold, any Lands, Tenements and Hereditaments, Ships, Vessels, Steam Boats, Craft, Chattles and Effects, to the value of Thirty Thousand Pounds, and may also sell, alien, demise, or otherwise dispose of, the said Lands, Tenements and Hereditaments, Ships, Vessels, Steam Boats, Craft, Chattels and Effects, from time to time, as they may deem fit and expedient for the advantage of the said Company.

Company may purchase, sell, or demise Lands, Tenements, Ships, &c.

III. *And be it further enacted,* That the Capital or Joint Stock of the said Company shall consist of Thirty Thousand Pounds of lawful Money of Nova-Scotia, to be divided into three hundred Shares of One Hundred Pounds each, which shall be numbered in arithmetical progression, beginning with number one, and shall be transferable and conveyed according to the regulations and Bye-laws of the said Company, to be made, passed and established as hereinafter mentioned, and that the said Shares shall be deemed to be personal Estate, and not of the nature of real Property.

Capital of Company—Shares

Shares deemed Personal Estate

IV. *And be it further enacted,* That it shall and may be lawful for the said Company to cut and open a sufficient Canal and Water Course, of such breadth, depth and dimensions as they may deem fit and necessary, and in such line and direction as may be most practicable and convenient for the purpose of making a Navigable Channel for Ships, Vessels, Steam Boats, Craft and Timber, to and from the Waters of the said St. Peter's Bay, to the said Bras d'or Lake, in the said Island of Cape Breton, respectively, and to dig and construct all such Chambers, Basins, Reservoirs, Locks, Dams, Sluices, Weirs and Embankments, and to form and erect such Piers, Jetties, Quays, Wharves and other works, as may be necessary to render the said Canal secure, useful and beneficial, to the public and the said Corporation, and generally to do all such other things as may be requisite and necessary for the effectual completion and perfection of the said undertaking.

Canal may be opened—Basins, &c. constructed

V. *And be it further enacted,* That the course of the said Canal, and the said Reservoirs, Locks, Dams, Piers, Jetties, Quays, Wharves, and appurtenances, and all Lands or real Estate, purchased or obtained for the said Company, subject to the conditions and reservations, contained in the conveyances or agreements for the purchase thereof, shall be, and the same are hereby declared to be, vested in the said Corporation, in fee simple for ever.

Course of Canal vested in Company

VI. *And be it further enacted,* That the said Canal, Locks and Towing Paths, shall be free and open to all Her Majesty's subjects, at all convenient times and seasons, with their Ships, Vessels, Boats, Rafts, Goods and Merchandize, after payment of the Toll or Pass Money, which may be established and ordained by the said Corporation.

Canal to be free to Her Majesty's Subjects upon payment of Toll

VII. *And be it further enacted,* That a General Meeting of the said Company shall be held annually, on the first Monday of May, in each and every year, at some convenient place in the Town of Halifax, and that upon any particular emergency, or whenever the affairs of the said Company shall require, it shall and may be lawful for the Directors to be nominated and elected as hereinafter mentioned, or any three of them, to summon a Special General Meeting, provided, at least, ten days' notice thereof, and of the object of such Special Meeting, shall be given in some two of the public Newspapers published at Halifax aforesaid, and that all such General Meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Meetings of Company

VIII. *And be it further enacted,* That at the first or such other General Meeting as may be most expedient, the Shareholders in the said Company, provided, there shall then and there be present the Holders, or Representatives of the Holders, of at least one hundred Shares, shall proceed to nominate and elect seven of the said Shareholders, each of whom shall be entitled, in his own right, to at least five Shares in the Capital or Joint Stock of

Choice of Directors—term of Office, &c.

of the said Corporation, to be Directors for the management of the affairs of the said Company, and that all acts, matters and things, which the said Directors may, by any of the provisions of this Act, be authorised to do, shall and may be done by any three of them, and that the said Directors not being removed or disqualified, and not resigning, shall continue in Office until the annual General Meeting of the said Company, which shall next be held after the said Election, or until their Successors or Successor shall, at some General Meeting, be nominated and appointed, as hereinafter provided.

Three Directors retire annually from Office—places to be supplied

Proviso

Shareholders contracting with Company incapacitated from being Directors

Vacancies in the Direction how supplied

Meetings for choice of Directors may be adjourned for want of sufficient attendance

IX. *And be it further enacted*, That, at the second, and each and every subsequent General annual Meeting to be held on the said first Monday of May, in each and every year, or at any adjournment thereof, three of the said Directors, to be determined by drawing Lots for that purpose, shall go out of Office, and cease to be Directors of the said Company, and their places shall be filled by Shareholders, duly qualified and elected as aforesaid: *Provided nevertheless*, that all and every Director who shall, by Lot, so cease to be in the direction of the said Company, being duly qualified as aforesaid, shall be immediately, or at any subsequent Annual General Meeting, eligible thereto.

X. *Provided always, and be it further enacted*, That no person concerned or interested in any Contract under the said Company, shall be capable of being chosen, or, being chosen, of continuing a Director of the said Company: and no person, during such time as he shall be such Director, shall be capable of taking any Contract under the said Company.

XI. *And be it further enacted*, That when and so often as any Director named or elected, by virtue of this Act, shall die, or shall resign, or shall become disqualified or incompetent to act as such Director, or shall cease to be a Director by any other cause than that of going out of Office as aforesaid, it shall be lawful for the remaining Directors, and they are hereby required within twenty-one days after such vacancy shall have arisen, to elect some other Proprietor, duly qualified as before mentioned, to fill up such vacancy.

XI. *And be it further enacted*, That if, at any General, Annual, or Special Meeting, there shall not be present the Holders, or Representatives of the Holders or Proprietors, of at least one hundred Shares in the said undertaking, within two hours of the time appointed for such Meeting, no choice of Directors shall be made, nor shall any business be transacted; but in such case, there shall be an adjournment of the said Meeting, to some day and place, then and there to be named, and so from time to time, as often as the same shall happen until, at some adjournment of such General Meeting, there shall be a sufficient number of Proprietors or their Representatives present, to proceed to business, and the Directors for the time being shall continue to act, and have the same powers as they had and were possessed of, until new Directors shall be appointed, as aforesaid.

Voting

XIII. *And be it further enacted*, That all persons, who shall have duly subscribed for, or become entitled to, one or more Share or Shares in the Capital of the said undertaking, and their respective Executors, Administrators or Assigns, shall have one Vote for every such Share: *Provided always*, that no person shall have more than five Votes, and such Vote or Votes may be given by such respective parties, in or by their respective Proxies, all such proxies being proprietors of shares in the said undertaking, constituted under their hands, according to the form hereto annexed, or any other sufficient appointment, and every such Vote or Votes, by Proxy, shall be good and sufficient to all intents and purposes, as if the Principal had Voted in person, and every question, matter or thing, which shall be proposed in any General or Special General Meeting of the said Company, shall be determined by the Votes of the majority of the Voters and Proxies then present, and at every such Meeting the Chairman thereof shall and may not only Vote as a Principal and Proxy, but in case of an equality of Votes, shall and may also have the decisive or casting Vote, and the appointment of every such Proxy may be made according to the following form, or as near thereto as circumstances will admit, that is to say:

A. B., of _____, one of the Proprietors of "The St. Peter's Canal Company," doth hereby appoint C. D., of _____, to be his Proxy, to Vote at any General or Special Meeting of the said Company, as he, the said C. D., shall think proper, according to his judgment, for the benefit of the said undertaking, or anything appertaining thereto: In witness whereof, the said A. B. hath hereto set his Hand, this _____ day of _____, A. D. 18

XIV. *And be it further enacted,* That in case the Capital or sum of Money hereinbefore specified, shall be found insufficient for carrying into effect the purposes by this Act authorized, then, and in such case, it shall and may be lawful for the said Company to raise and contribute among themselves, or by the addition of new Subscribers, or by Mortgage or otherwise, as they shall see fit, such other and further sum not exceeding Twenty Thousand Pounds, as may be necessary for completing and perfecting the said undertaking.

Capital of
Company may
be increased

XV. *And be it further enacted,* That the said Directors who shall first be appointed under the provisions of this Act, shall, with all convenient speed, proceed to draw up a Code of Bye Laws, Rules and Regulations, for the government of the said Company, and the conduct and management of its affairs and business, and shall submit the same to be altered, amended and confirmed, at some General Meeting of the said Company, to be summoned for this purpose.

Bye Laws,
Rules, &c. to
be established

XVI. *And be it further enacted,* That the Directors for the time being, over and above the powers and authorities specially conferred by this Act, or the Bye Laws of the said Company, shall have the custody of the Common Seal of the said Corporation, and shall have authority to meet and adjourn, from time to time, and from place to place, and to call Special General Meetings of the said Company, at such times and places, and for such purposes, as they may think proper, three of the said Directors being present at every such Meeting, and shall have full power and authority to direct and establish the form and mode of subscribing for Shares, and the Certificates, Registering, Sale, Assignment, and transfer thereof, and the modes and times for payment thereof, or for any proportion thereof, and to direct and manage all other the affairs of the said Company, and for that purpose to contract for, and purchase in fee simple or otherwise, or take on lease or sell, demise, or otherwise dispose of, and convey any Lands, Tenements and Hereditaments, and to build, purchase and employ, any Ships, Vessels, Steam Boats and Craft, which may be necessary or expedient, and to direct, manage and control, the works of the said Company, and to appoint a Treasurer and Secretary, or Clerks, Engineers, or other necessary Officers, with such Salaries, recompenses and allowances, as to the said Directors shall seem proper, and the same from time to time to displace, and others to re-appoint, as occasion may be, and to contract and agree in such way and manner, and with such person or persons, as they shall see fit, for the works of the said Canal, and the parts, members and appurtenances, thereof, and the materials therefor; and the said Directors may require from all and every Officer and Servant of the said Company, and every Engineer, Contractor and Undertaker, such security for the faithful and effectual performance of his duty, contract or agreement, as they may think proper, and shall and may ordain and establish the Toll or Pass Money to be paid by or for, or in respect of, every Ship, Steam Boat, Craft, Lighter, Raft, Goods and Merchandize, passing or entering the said Canal, or its appurtenances, and the times and modes of passing and navigating the same, and to fix, declare, pay and distribute, the dividends, income and profits, of the said Company, to and among the Proprietors thereof, when and how, and as they may think fit and proper; and the said Directors shall keep a regular minute and entry of all their proceedings at every meeting of the said Directors, and report the same to the said Annual General Meetings or Special Meetings of the said Company, and shall obey their orders or directions; and the said Directors shall keep full and true accounts of all Monies disbursed, and payments made by them, and by all persons employed by or under them, and of all Monies which they shall or may, from time to time, receive on behalf of, or in respect of, the said undertaking, and shall regularly enter into some Book or Books for this purpose to be provided, notes, minutes or copies, as the case may require, of every such appointment, contract, bargain, agreement, receipt and disbursement, and all other their orders, proceedings and transactions—which Book or Books shall remain under the care and direction of the said Directors, but shall nevertheless at all convenient times, be open to the inspection of the Shareholders and Proprietors of the said Company; and the said Directors are hereby declared to possess all other powers and authorities which shall, or may be requisite and necessary, for the efficient and beneficial conduct, management and control, of all such undertakings and speculations, matters and things, as the said Company can or may engage in, and carry on, under and by virtue of the provisions hereof.

Powers and
Duties of Di-
rectors

Directors to
report their
proceedings

Calls of Money from Shareholder

XVII. *And be it further enacted*, That the said Directors shall have power from time to time, to make such calls of Money from the Subscribers to, and Proprietors of, the said undertaking, as they shall find necessary; and every owner of any Share in the said undertaking, shall pay his or her ratable proportion of the Monies, to be called for as aforesaid, to such person, and at such times and places, as the said Directors shall appoint, and if any owner of any such Shares shall not so pay his or her rateable proportion, then, and in such case, and so often as the same shall happen, such owner shall pay interest for the same, after the rate of Six Pounds per centum per annum, from the day appointed for the payment thereof, up to the time when the same shall be actually paid; and if any owner of any such Share shall neglect or refuse to pay his or her ratable proportion, together with Interest, if any accrue, for the space of Three Calendar Months from and after the day appointed for the payment thereof, then it shall be lawful for the said Company to sue for and recover the same in any of Her Majesty's Courts of Record within this Province, and in any Action to be brought by the said Company for this purpose, it shall be sufficient for the said Company to declare and allege that the Defendant, being the Proprietor of so many Shares in the said undertaking, is indebted to the said Company, in such sum or sums of Money as the calls in arrear shall amount to, whereby an Action hath accrued to the said Company, by virtue of this Act, without setting forth the special matter; and on the Trial of such Action, it shall only be necessary, in order to obtain Judgment for the said arrears, and interest thereon, to prove by the Clerk or other Officer, or by the production of the Books of the said Company, that the Defendant was a Proprietor of some Share or Shares in the said undertaking, and such calls were in fact made, and due notice thereof given; or the said Directors may, and they are hereby authorised to, declare the Share or Shares of any person refusing or neglecting to pay any such calls, together with interest, for the space of three months as aforesaid, to be forfeited and sold, and transferred at such times, and in such way and manner, as the said Directors, or the Bye Laws of the said Company, shall direct and appoint.

Transfer of Shares

XVIII. *And be it further enacted*, That no person shall sell or transfer any Share which he or she may hold, or be entitled to, in the said undertaking, after any call shall have been made for any Sum of Money, in respect of such Share, unless he or she, at the time of such transfer or sale, shall have paid the full Sum of Money which shall have been called for, in respect of each Share, so to be sold or transferred.

Liability of Shareholders

XIX. *Provided always, and be it further enacted*, That no Proprietor or Shareholder in the said Company shall be or become responsible, chargeable or accountable, by any ways or means whatever, for any other or greater Sum of Money than the amount of the Share or Shares which he shall actually and *bona fide* possess, or be entitled to, in the Capital or Joint Stock of the said Corporation.

Canal, &c. exempted from Taxes until Dividend of six per cent. is declared and paid

XX. *And be it further enacted*, That the said Canal, and its Appurtenances shall be, and the same are hereby declared to be, exempt and discharged from the payment of any Poor and County Rates, or other Public or Local Taxes, Rates, or Assessments, whatever, until such time as a Dividend or Dividends of profits on the Joint Stock or Capital actually paid in, equal to six per cent. per annum, or upwards, shall have been declared and actually paid.

CAP. XXXVI

An Act to Incorporate the Margaretville Pier Company.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, a Pier or Wharf at Margaretville, in the Township of Wilmot, in the County of Annapolis, has been commenced, and the completion thereof will be highly advantageous to that part of this Province, and it is expedient to encourage the building of such Pier or Wharf:

Names of Proprietors of Shares

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That John Wiswall, James Wiswall, Benjamin Gates, Asaph Bent, Gilbert Reagh, Wesley Reagh, James

James Pearce, Jonathan Pearce, John F. Outhit, Henry Magee, Rees Stronach, Henry Clarke, John Melick, and such other person or persons as shall, from time to time, become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into, a Company, and declared to be a Body Politic and Corporate, in Deed and in Name, by the name of the Margaretville Pier Company, and by that name shall and may have Succession and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, into any Court or Courts of Law or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, take, receive, possess and enjoy, any Houses, Stores, Lands and Tenements, and Real Estate whatsoever, Materials, Goods, Chattles, and all other things, real, personal and mixed; and also, to give, grant, let, assign or convey, the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper, for the benefit and advantage of the said Corporation; and also, that the said Company, or the major part of them, shall, from time to time, and at all times, have full power, authority and licence, to constitute, ordain, make and establish, change, vary and alter, such Bye-Laws, Rules and Ordinances, as may be thought necessary, for the good rule and government of the said Corporation; *Provided*, such Bye-Laws, Rules and Ordinances, be not contradictory or repugnant to the Laws and Statutes of the Province, and those in force within the same; *And provided also*, that such Bye-Laws, Rules and Ordinances, shall not be of any force or effect until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, nor until the same shall have been registered in the Office of the Registrar of Deeds for the County of Annapolis.

Name of Company
Shall have succession, a Common Seal, &c.

May make Bye-Laws, &c.

Proviso Bye Laws not to be repugnant to the Laws of Province

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

Not to hold Lands, &c. of greater value than £2000

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

The affairs of the Company to be under the management of a President and other Officers

IV. *And be it further enacted*, That it shall and may be lawful for the said Company, when formed, to build and erect a Public Pier or Wharf, or to proceed to complete the Pier or Wharf already commenced at Margaretville, in the said Township of Wilmot, which shall be opened and free for the use of all Ships and Vessels, and persons whomsoever, subject to such Rates of Dockage and Wharfage, as shall be fixed and established by the said Company, by and with the consent, sanction and approbation, of the Court of General Sessions of the Peace for the County of Annapolis.

A Public Pier to be erected at Margaretville

To be free for the use of all Ships subject to Dockage

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

Shares to be deemed personal property

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

The Lands of the Company may be taken under execution & sold as Goods & Chattles
Sheriff to give Deed to the Purchaser

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

Proviso Not to engage in Banking operations or become Underwriters

VIII. *And be it further enacted*, That the names of all the Members of the said Corporation,

The names of Shareholders, &c. to be registered

Corporation, and the number of Shares owned by them respectively, shall be Registered in the Office of the Registrar of Deeds, in the County of Annapolis; and no transfer of any Share in said Corporation shall be final and effectual, until the Certificate thereof shall have been Registered in the said Office, to the end that it may be publicly known, who are the persons composing the said Corporation.

Proviso
This Act not to affect the liability to which Proprietors of shares now are or may be subject
The property of Proprietors to be liable under any execution issued against the Corporation
Proviso
Persons who have heretofore contributed £2 10s. or upwards to be deemed Shareholders

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

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

XI. *And be it further enacted,* That this Act shall continue and be in force for fifteen years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

This Act to continue for fifteen years

CAP. XXXVII.

An Act to authorise the Congregation of the Meeting House in the Town of Yarmouth, near the Parade, to raise Money from the Pews of such Meeting House, for the Repairing and Ornamenting thereof.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, the Meeting House in the Town of Yarmouth, near the Parade, was originally built by a number of persons who were mutually interested therein, and were the owners of the Pews in the said Meeting House—many of which persons are since dead, whereby their Pews have become vested in the Heirs or other Representatives of such deceased original Proprietors: *And whereas,* the interest of several of the present owners of the said Pews, last mentioned, has now become so inconsiderable that great difficulties are experienced in procuring funds to keep the said Meeting House in repair, owing to the neglect of many of the owners of the said Pews to pay their proportion of the necessary and unavoidable expense of repairing the same, in consequence of which, the said Meeting House is in danger of going to decay:

Money for repairing or ornamenting Meeting House may be raised by the Congregation
Notice
Three or more persons may be appointed as a Committee to assess the required sums of Money on the Pews

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from time to time, after the publication of this Act, whenever it shall be necessary to procure or raise any Sum of Money for the Repairing or Ornamenting of the said Meeting House, it shall and may be lawful for the Congregation attending at such Meeting House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation, at such Meeting House, during the time such Meeting House shall be open for Divine Service, on three several Sundays, previous to such Meeting, to nominate and appoint, by vote of the majority of the Members present at said Meeting, three or more fit and proper persons as a Committee, to assess and apportion the Sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, of the said

said Meeting House, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due notice shall be publicly given, by putting up the same in some conspicuous place in the said Meeting House, on the Sunday after the same shall be made by the said Committee; and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting House, for three successive weeks after the same shall have been made by the said Committee.

Notice of the assessment to be given

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

Persons not paying the sum assessed on pews in which they are interested the same to be let

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

Lessee of pews to be put in possession by the Committee

Lessee to pay rent

If rent be unpaid to be sued for

CAP. XXXVIII.

An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.

(Passed the 27th Day of March, 1840.)

WHEREAS, the said Township of Ramsay, in the County of Colchester, has been regularly set off into a Township, with metes and bounds, by the name of the Township of Ramsay, and the Inhabitants thereof are desirous that the same should be altered in its name, and be hereafter called the Township of Stirling:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Township of Ramsay shall be henceforth called and known by the name of the Township of Stirling, and that all Acts of the Assembly, Grants, judicial and other proceedings whatsoever, shall hereafter be understood and taken to refer to the said Township by the last mentioned name, and not by the name or title of the Township of Ramsay.

Township of Ramsay to be henceforth called Stirling

CAP. XXXIX.

An Act to regulate the fencing of the Marsh at Pubnico.

(Passed the 27th Day of March, 1840.)

WHEREAS, at the Marsh in Pubnico Harbor, Fences are erected between the Upland and the Marsh Lands, whereby Salt Marsh, Sedge Banks, and other Undyked Lands

Preamble

Lands, owned by various Proprietors, are protected from trespasses, but there are no means of compelling the Proprietors of such Salt Marsh, Sedge Banks, and other Undyked Lands, to contribute to the building or keeping up said Fences, not being the Proprietor or Proprietors of the adjoining Lands to such Fences :

Proprietors of salt marsh on Pubnico Harbour to build and maintain their proportion of fence
Power of fence viewers

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Proprietors respectively of such Salt Marsh Land, Sedge Banks or Undyked Lands, in such Marsh on Pubnico Harbour, shall build up and maintain his part or proportion of such Fence, to be fixed and established by the Fence Viewers, and in case of neglect or refusal of any Proprietor so to do, any Fence Viewer, upon application made to him, shall proceed in the same manner, and under and subject to the same penalty, as is provided and directed in and by the second clause of the Act, passed in third year of the Reign of His late Majesty King George the Fourth, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses.

CAP. XL.

An Act to preserve the Harbor of Cape Forchu in Yarmouth.

(Passed the 27th day of March, 1840.)

Preamble

WHEREAS, it is found necessary for the preservation of the Harbour of Cape Forchu in Yarmouth, to prevent Stones or Ballast being taken away from the Bar or Beach, commonly called the Fish Point, on the Western side of the said Harbour :

No ballast or stones shall be taken from Fish Point at Cape Forchu

Penalty

How recovered

How appropriated

Appeal

Act 2, Wm. 4, repealed

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing hereof, no Stones or Ballast shall be taken away from the Bar or Beach commonly called the Fish Point, on the Western side of the Harbour of Cape Forchu, and if any person or persons shall take away any Stones or Ballast from the said Bar or Beach, the person or persons convicted thereof, shall forfeit and pay a sum not exceeding Five Pounds, nor less than Three Pounds, for each offence, to be sued for and recovered on information or complaint before any two of Her Majesty's Justices of the Peace, for the County of Yarmouth, one half of which penalty shall be to the use of the person or persons who shall sue for the same, and the other half to the use of the Poor of the Township of Yarmouth, subject to an appeal to the Supreme Court or the Court of Common Pleas; for the said County, upon security given for prosecuting the same to effect.

II. *And be it further enacted,* That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to preserve the Harbour of Cape Forchu in Yarmouth, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

CAP. XLI.

An Act to provide for building a Bridewell.

(Passed the 27th day of March, 1840.)

Preamble

WHEREAS, the punishment of Criminals ought to be applied with a view to their reformation and restoration to Society, for which object the Penitentiary system adopted in Great Britain and the United States, is justly applauded; *And whereas,* the delapidated state of the Bridewell in the Town of Halifax renders it totally inefficient for the above objects, and it is necessary that a provision be made for erecting a new building of a Provincial character, and under Provincial controul:

Names of Commissioners

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That Edward Allison, John E. Fairbanks, Michael Tobin, Junior, William Grigor and James Boyle Uniacke, Esquires, shall be Commissioners for the purposes of this Act.

II.

II. *And be it further enacted*, That the sum of Four Thousand Pounds shall be granted and paid to the said Commissioners for building a Bridewell, on such suitable Site near the Town of Halifax, as may be selected by such Commissioners, or the major part of them, and may be obtained by Grant from the Crown, by purchase or otherwise, for such purpose.

III. *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 draw by Warrant on the Treasury, in favour of said Commissioners, or the major part of them, for the said Four Thousand Pounds, in such sums or amount as may be required from time to time; *Provided always*, that no greater sum than One Thousand Pounds be drawn in any one year.

IV. *And provided further, and be it further enacted*, That if such Commissioners, or the major part of them, may find it expedient to raise Money by way of loan, in anticipation of the sum hereby granted, or any part thereof, it shall and may be lawful for the said Commissioners or the major part of them, to borrow any sum which may be required not exceeding such sum as may remain undrawn of the said Four Thousand Pounds, at five per cent. interest, or at any less rate of interest.

£4,000 for building a Bridewell Site to be selected by the Commissioners Money to be drawn by warrant on the Treasury Proviso

Commissioners may borrow money at the rate of 5 per cent or less interest

CAP. XLII.

An Act to vacate the Seats of Members on the acceptance of certain offices of place or emolument under the Crown.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, in future, if any Member of this Assembly, or of any Assembly hereafter to be chosen, shall be appointed to, and accept of, any of the offices hereinafter mentioned and specified, that then and from thenceforth his seat shall become and be declared vacant, and the Speaker, whenever a Member shall accept any office, as aforesaid, shall require that a Writ may be issued in the usual form for the election of another to serve in his stead.

II. *And be it further enacted*, That the Officers referred to in the foregoing Section shall be, and be construed to include, those following, to wit—the Attorney-General, the Solicitor-General, the Secretary of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, the Surveyor-General, the Prothonotary, the Registrar in Chancery, and the Registrar of Deeds at Halifax.

III. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to prevent the re-election of such Member, whose seat shall or may have become vacant under the first clause of this Act, to the same or any future House of Assembly.

The seats of the Members of the Assembly to be vacated on their accepting certain offices

Officers referred to in the first clause

Nothing to prevent the re-election of such Member

CAP. XLIII.

An Act to Incorporate the Bay of Fundy Steam Navigation Company.

(Passed the 27th day of March, 1840.)

WHEREAS, the establishment of one or more Steam Boats, to ply in the Bay of Fundy, will prove of much public advantage; *And whereas*, certain persons hereinafter named, have associated themselves together for the purpose of building and putting in operation one or more Steam Boats, for the transport of Passengers and Merchandise, between Parrsborough, Windsor, Horton, Truro, and other parts of the Bay of Fundy:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Honourable James Ratchford, Thomas C. Haliburton, Benjamin Dewolf, Henry Goudge, Perez M. Cunningham, George McCawley, James L. Dewolf, George Dewolf, Harry King, Elisha Dewolf, Thomas A. S. Dewolf, Elisha Dewolf Ratchford, Charles E. Ratchford, John Kerr, James Elderkin, George Umphray, and all and every other person and persons

Preamble

Names of proprietors of shares

Name of Com-
pany
Common Seal
President &c.
Bye-Laws
Proviso

Bye-Laws to
be registered

Capital

Shares trans-
ferable

Joint Stock &c.
shall be res-
ponsible to
debts of Com-
pany

Names of
Members, &c.
to be registered
in the District
of Parrsboro'
and County of
Hants

Corporation
not to deal in
lending of
money, &c.

Act to continue
25 years

sons who now have, in their own right, or as Executors, Administrators or Assigns, of the original Proprietors, at any time or times hereafter shall have, or to be entitled to; any part, share or interest, therein, shall henceforth be, and they are hereby, united into a Company, and declared to be one Body Politic and Corporate, in deed and in name, by the name of the Bay of Fundy Steam Navigation Company, and by that name to have a succession, to continue for the term of twenty-five years, and to have a Common Seal, with power, from time to time, to choose their President and other Officers, and to make Bye-laws for the good government and regulation of the said Company; *Provided*, that such Bye-laws shall not be repugnant to the Laws of this Province, and shall not have any force or effect until they shall have been submitted to, and approved by, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and until the same shall have been registered in the Office of the Registrar of Deeds for the District of Parrsborough, and for the County of Hants.

II. *And be it further enacted*, That the Capital or Joint Stock of the said Corporation shall be Five Thousand Pounds, and shall be divided into two hundred Shares or portions, and such Shares shall be transferrable, and be conveyed in such manner, and under such restrictions and conditions, as the said Corporation, by their Bye-laws, shall, from time to time, appoint.

III. *And be it further enacted*, That the Joint Stock or Property of the said Corporation shall be responsible for the Debts and Engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate Property of any present or future Member of the said Corporation, beyond the amount of the Shares or Stock held by such individual Member in the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the Funds of the said Corporation, except against such individual Member or Members of the said Corporation, as may have made himself or themselves liable, by way of security, for the Debts or dealings of the said Corporation.

IV. *And be it further enacted*, That the names of all the Members of the said Corporation, and the number of Shares owned by them, respectively, shall be registered in the Offices of the Registrars of Deeds for the District of Parrsborough and County of Hants, and no transfer of any Share in the said Corporation shall be final and effectual, until the Certificate thereof shall have been registered in the said Offices, respectively, to the end that it may be publicly known, who are the persons composing the said Corporation.

V. *And be it further enacted*, That nothing herein contained shall be held, or construed to give, the said Corporation, the privilege of dealing in the lending of Money by way of Discount or otherwise, or engaging in any Banking operation whatsoever, or to underwrite and make Insurance upon any Ship or Vessel, or Marine risk, or upon any loss by Fire, or upon any life or lives.

VI. *And be it further enacted*, That this Act shall continue and be in force for twenty-five years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

CAP. XLIV.

An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Acts to alter and amend the same.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships; also, the Act, passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, 'An Act to alter and amend

Act 10 Geo. 4,
2 Wm. 4, and
2 Vict. (except
as amended)
continued

amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and Regulating of Townships; also, the Act, passed in the Second Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and Regulating of Townships, and the Act to alter and amend the same, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, save and except so far as the same are or may be altered or amended by this Act, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *Provided always, and be it further enacted,* That nothing in the fourth, fifth, or last Clauses of the said Act herein first mentioned, and hereby continued and amended, contained, shall extend or be construed to extend to the Marsh called the Grand Prairie, in Horton, but any Sum of Money heretofore named, and required for the purposes in the said Act mentioned by any Committee, appointed as in the said Act prescribed, and remaining uncollected; and any Sum of Money hereafter, to be named and required for such purposes, by any Committee to be appointed as aforesaid, shall be notified to the Commissioners of Sewers of the said Dyke, and such Commissioners shall include the amount in any sum to be assessed by them upon the Proprietors of the said Dyke, as ordinary Dyke Rates, and shall apply such amount in payment of the expenses incurred by the said Committee, to be certified by them.

Nothing in the 4th 5th or last clauses of the Act first mentioned to extend to the Grand Prairie in Horton

CAP. XLV.

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

(Passed the 27th Day of March, 1840.)

WHEREAS, the Shareholders of the Nova-Scotia and Halifax Marine Insurance Companies, are desirous of being permitted to compensate the Directors and Auditors thereof, for their services, in case two-thirds of the Shareholders present, in person, or by their proxies, at any General Meeting, shall think proper so to do:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Nova-Scotia Marine Insurance Company, and the Halifax Marine Insurance Company at any Annual or General Meeting of such Companies respectively, to vote any sum or sums of Money as such Companies may deem proper, to be paid in such manner as may be prescribed by any resolution of the said Companies respectively, as a compensation for the services of the Directors and Auditors of the said Companies respectively, *Provided,* that at least two-thirds of the Shareholders present at such Meeting, in person, or by their proxies, shall concur in any such resolution, any clause, matter or thing, in the several Acts of Incorporation of the said Companies contained, to the contrary notwithstanding.

Nova Scotia and Halifax Marine Insurance Companies may vote money to pay directors and auditors

Proviso

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

Continuation of Act

CAP. XLVI.

An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou.

(Passed the 27th Day of March, 1840.)

WHEREAS the present mode of selecting and licensing Pilots for the Port of Pictou is inconvenient:

Preamble

I.

Commissioners may be appointed to select Pilots

I. *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, at any time after the passing of this Act, by and with the advice of the Executive Council, to appoint and commission, during pleasure, five persons (of whom three shall be a quorum) to examine and select Pilots for the Port of Pictou, and to supply any vacancy or vacancies occurring in such Commission in the same manner.

Commissioners to be sworn

II. *And be it further enacted,* That before any Commissioner shall act under such appointment, he shall take the Oath contained in the Schedule hereunto annexed, marked A, before any one of the Justices of the Peace in and for the County of Pictou, which Oath shall forthwith be duly filed by such Justice of the Peace, in the Office of Clerk of the Peace for the said County.

Pilots to be examined and licenced and receive a certificate

III. *And be it further enacted,* That, from and after the time this Act shall come into operation, the said Commissioners shall, from time to time, License as many fit and proper persons, by them examined, as they shall think necessary to act as Pilots for the Port of Pictou, and to grant to such persons to be licenced, a Certificate in the form contained in the Schedule hereunto annexed, marked B, for which Certificate the person receiving it, shall pay the sum of Twenty Shillings, and the Certificate so granted shall be numbered and registered, in a Book to be kept for that purpose, and shall be renewed annually, on payment of Ten Shillings.

Provisions of the Act 59 Geo. 3 to be applicable to Pilots licenced under this Act

IV. *Provided always; and be it further enacted,* That save and except, only as to the manner of Licensing such Pilots, all the provisions, enactments and directions, contained in the Act, passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act to preserve and regulate the Navigation of the Harbor of Pictou, of which this Act is an amendment, and all Rules, Orders and Regulations, made and published, or to be made and published, under or by the authority of said Act, shall, in every respect, be applied to, and are hereby made applicable to, the Pilots, to be Licenced under this Act, in the same manner as if such Pilots had been appointed and Licenced under the said Act hereby amended.

After the 15th April 1840 no Pilot to be licenced except as by this Act provided

V. *And be it further enacted,* That on, from and after, the fifteenth day of April, in the year of Our Lord One Thousand Eight Hundred and Forty, this Act shall come into and be in operation, and thereafter, it shall not be lawful for the Justices in their Sessions of the Peace, for the said County of Pictou, to License any Pilot or Pilots for the Port of Pictou, but every such Pilot shall be Licenced as herein before provided.

Schedules

SCHEDULE A.

I A. B. do swear that I will act diligently, faithfully and impartially in the selection and examination of the Pilots for the Port of Pictou.

SCHEDULE B.

Province of Nova-Scotia, }
No. Port of Pictou. }

We (names of Commissioners) Commissioners appointed by Law of this Province, to examine and select Pilots for the Port of Pictou, certify that (name of Pilot) of (place of abode of Pilot,) having been examined by us at Pictou, was by us judged, a fit and proper person to undertake the Pilotage of Vessels of every description, into, and out of, the said Port of Pictou, and on the _____ day of _____ A. D. 18____, was by us Licensed to act in that capacity.

Entered in the Register of Pilot's Licenses, the _____ day of _____ 18____.

(Signed,) A. B.
C. D.
E. F.
&c.
Commissioners.

This License cannot be lent or transferred.

CAP. XLVII.

An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

(Passed the 27th Day of March, 1840.)

WHEREAS, an Act, passed in the Second Year of Her present Majesty's Reign, Preamble
entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, for effecting a transfer by the respective Officers of Her Majesty's Ordnance Department at Halifax, to the Commissioners of Public Cemeteries in Halifax, of a certain piece of Land to be used as a Public Cemetery: 2 Vic: 4839

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That when and so soon as the said Act shall go into operation, and a Public Cemetery be established on the said piece of Land, under the said Act, there shall be for ever reserved and granted the right of Military Burials in such portion of the Lands, by the said Act, appropriated for a Public Cemetery, as may be assigned for that purpose by the Commissioners of Public Cemeteries in Halifax, and which shall comprise at least two acres of ground, suitable for the object, and properly accessible; and such right is hereby granted and reserved as fully, as if such right had been reserved in and by the said Act. The right of Military Burials to be reserved

II. *And be it further enacted,* That there shall be reserved and granted to the respective Officers of Her Majesty's Ordnance Department at Halifax, and all persons under their command, free access in, across and over, the said Land, in such manner as shall, from time to time, be required by the said respective Officers, to and from a certain Ordnance Store House, now being on the said Land, so long as such Store House shall remain thereon; and until the Commissioners of Public Cemeteries in Halifax, for the time being, shall and may remove the said Store House at their expence, to some place to be appointed by the respective Officers of Her Majesty's Ordnance Department at Halifax, for the time being: *Provided,* that such right of way shall not continue longer than the period of ten years from the passing of this Act; if, at any time within that period, the Commissioners of Public Cemeteries in Halifax, shall be willing, at their expence, and shall offer to the respective Officers of Her Majesty's Ordnance Department at Halifax, for the time being, to remove the said Building to some place within the Town of Halifax, to be named by the said respective Officers of Her Majesty's Ordnance Department. Access to be allowed to a certain Store-house

CAP. XLVIII.

An Act to authorise the shutting up of an Old Road, in the Township of Horton.

(Passed the 27th day of March, 1840.)

WHEREAS, a new line of Road has been opened in the Township of Horton, leading from Wolfville to Lower Horton, commencing at the West line of Lands owned by Samuel Rankin, and extending Eastwardly to the Blacksmith's shop now owned and occupied by Edward Harris, whereby the Old Line of Road, nearly parallel thereto, and formerly travelled between the said two points, is now rendered comparatively useless, and the keeping open the said Old Road is attended with great expence to the Proprietors of Lands adjoining to the said Road, by reason of the Fences required on the said Road, without producing any benefit to the Public: Preamble

And whereas, it appears that all persons who are interested in the shutting up of the said Road, have testified their consent to the measure:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be

Proprietors of
the adjoining
land may shut
up the old
road

be lawful for the Proprietors of Land adjoining the said Old Road, from the said West Line of Lands owned by Samuel Rankin, and extending Eastwardly to the said Blacksmith's shop, now owned and occupied by Edward Harris, to shut up and enclose the said Old Road; and the Property therein shall be vested in the Proprietors of the Lands adjoining thereto, and where the Lands on the two sides of the Road shall be owned by different Proprietors, then, and in every such case, the Line of division between such Proprietors shall be the centre of the said Road.

CAP. XLIX.

An Act to make perpetual the Act to lessen the expence of the Proof of Written Documents, in Actions depending in any of the Courts within this Province.

(Passed the 27th Day of March, 1840.)

Act 3, Wm.
IV, made per-
petual

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to lessen the expence of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, and every matter, clause and thing, therein contained, shall be made perpetual, and the same are hereby made perpetual.

CAP. L.

An Act to repeal An Act, entitled, An Act respecting the exportation of Grindstones from this Province.

(Passed the 27th Day of March, 1840.)

Act 1, Victoria
repealed

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the first year of Her present Majesty's Reign, entitled, An Act respecting the exportation of Grindstones from this Province, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

CAP. LI.

An Act to make perpetual the Act for the more easy Redemption and Foreclosure of Mortgages.

(Passed the 27th Day of March, 1840.)

Act 3, Wm.
IV, made per-
petual

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the more easy Redemption and Foreclosure of Mortgages, and every matter, clause and thing, therein contained, shall be made perpetual, and the same are hereby made perpetual.

CAP. LII.

An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, has, during this Session, passed the House

House of Assembly, and been agreed to by the Legislative Council, whereby the Poll for the County of King's County is directed to be adjourned to, and held at the School House in, Parrsborough.

And whereas, A Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively, has passed the House of Assembly, and been agreed to by the Legislative Council, whereby part of said Township has been annexed to the County of Cumberland, and part thereof to the County of Colchester, and it is necessary to provide for holding a Poll in that part of the said Township annexed to the County of Cumberland.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That if such Bill for dividing the said Township of Parrsborough, and annexing parts thereof to the Counties of Colchester and Cumberland, shall pass into a Law, and go into operation as an Act of the General Assembly of this Province, at any Election for the County of Cumberland, the Poll shall be held at the times and places following, instead of the times and places now appointed, or by the Bill hereinbefore first mentioned, if it shall become an Act of the Assembly, and come into operation, to be appointed for holding the same, that is to say :

The Poll shall be opened at the County Court House in Amherst, and be there continued for three days, and be thence adjourned to some convenient place near the Church in Parrsborough, to be there opened on the day next but one after the day hereby limited for the close of the Poll at Amherst, and be there continued for two days, and thence be adjourned to some convenient place near the site of the old Court House at River Philip, to be there opened on the day next but one after the day hereby limited for the close of the Poll at Parrsborough, to be there continued for one day, and be thence adjourned to some convenient place at Wallace, to be there opened on the day next but one after the day hereby limited for the close of the Poll at River Philip, to be there continued for three days.

County of Cumberland
The Poll to be opened in Amherst for three days
At Parrsborough for two days
At River Philip for one day
At Wallace for three days

II. *And be it further enacted*, That at any future Election for the County of King's County, if the said Bill for dividing the Township of Parrsborough hereinbefore mentioned shall become an Act of Assembly, and come into operation, it shall not be necessary to open the Poll for such Election at Parrsborough—any thing in any Act passed, or to be passed, to the contrary notwithstanding.

At Elections for the County of King's County it shall not be necessary to open the Poll at Parrsborough
Preamble

And whereas, The time limited for holding the Poll at Elections for the County of Guysborough, at Sherbrooke Village, is considered too short :

III. *Be it therefore enacted*, That at any Election for the said County of Guysborough, the Poll may be continued for four days at Sherbrooke Village—any thing in any Act or Acts passed, or to be passed, to the contrary notwithstanding.

The Poll to be continued for four days at Sherbrooke Village

CAP. LIII.

An Act to enable the Devises or Representatives of John Bolman to shut up an Old Road in Lunenburg.

(Passed the 27th day of March, 1840.)

WHEREAS, in the Year of Our Lord One Thousand Eight Hundred and Twenty-nine, by an alteration made on the centre Road leading to Upper La Have, in the County of Lunenburg, a new Line of Road was run across the Land of John Bolman, late of Lunenburg, in the said County, Esquire, deceased, through which the Old Road so altered had already passed : *And whereas*, no compensation was given to the said John Bolman by the Appraisers appointed under the Law, for laying out such New Road in consequence of their opinion being, that the said John Bolman had a right to shut up and enclose the portion of the Old Road so altered as aforesaid, hereinafter described : *And whereas*, the said John Bolman being now deceased, his Devises and Representatives are desirous of shutting up the said Old Road, passing through their Lands as aforesaid :

Preamble.

I.

Devises, &c.
of John Bol-
man may shut
up old road

Limits of the
old road to be
shut up

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the person or persons now entitled to the Land through which such Old Line of Road passes, as Devises or Assignees of the said John Bolman, shall be entitled to shut up, fence and enclose, and to hold as their own Property, in the same manner and estate, as such person or persons are now entitled to hold, and do hold, the other part of the said Land through which the same passes, all that portion of the said Old Road described as, and within the limits following, that is to say : to be bounded Northwardly by a Line to be formed by the prolongation of the South side line of the said Old Road, in the same course as it passes across the North end of the Land of John Die-mon and Matthew Fenner, and into the said Land of the said John Bolman, deceased, until it crosses the said Old Line of Road to the West side thereof; and thence to measure South sixty-two degrees West forty-three rods; thence North forty-four degrees twenty minutes West thirty rods; thence South sixty-seven degrees West one hundred and forty-eight rods.*

CAP. LIV.

An Act to amend the Act to establish the County or Shire Town in the County of Digby.

(Passed the 27th Day of March, 1840.)

Preamble

WHEREAS, by the Act, passed in the First Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to establish the County or Shire Town in the County of Digby, it is enacted, that it shall and may be lawful for the Grand Jury, and Court of Sessions, for the said County of Digby, and they are hereby directed, to furnish and provide a Sessions House in some central and convenient place in the Township of Clare, and that, when such Sessions House is provided, there shall be annually held therein, at such time as shall be appointed, during this present, or at any future Session of the General Assembly, one Term or Sessions of the Court of General Sessions of the Peace, in such Township of Clare, at which all Town Officers, for the said Township, shall be appointed in manner by Law prescribed for the appointment of Town Officers. *And whereas, since the passing of the said Act, no Sessions House has been erected in the Township of Clare aforesaid, in consequence of a difference of opinion as to the size and dimensions of the said Sessions House having originated between the Court of General Sessions and the Grand Juries of the County of Digby, attending such Court, at three several sittings of said Court: And whereas, Commissioners have been appointed for building such Sessions House, and the Inhabitants have subscribed towards the same, but are desirous that the dimensions of the Building should be as recommended by the Grand Jury, in order to avoid further difficulty :*

Sessions
House at Clare

Dimensions

When Ses-
sions House
erected
Sessions to be
held annually
on the 1st
Tuesday of
July

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Sessions House to be erected at Clare, under the said Act hereby amended, shall be of the following dimensions, that is to say—of the length of forty feet, of the width of thirty-six feet, and of the height of nineteen feet post, including in said Building a Court Room, and a Room each for the Grand Jury and Petit Jury, respectively.*

II. *And be it further enacted, That when such Sessions House shall have been erected, there shall be held therein annually, thereafter, on the first Tuesday of July, one Term or Sitting of the Court of General Sessions of the Peace for the said County of Digby, as provided by the said Act hereby amended.*

CAP. LV.

An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof.

(Passed the 27th day of March, 1840.)

Preamble

WHEREAS, by the Fourth Clause of the Act, passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to divide the County

County of Annapolis, and to regulate the Representation thereof, it is enacted, that, after that Act should come into operation, until the new County of Digby thereby created should have been provided with a Jail according to Law, the Jail of the then present County of Annapolis should be, and be deemed, the Jail of the said new County of Digby; and the Sheriff for the County of Annapolis should continue to be and act as Sheriff for the said new County of Digby, in the same manner, and with the same power and authority, as if the said County of Annapolis still remained undivided: *And whereas*, a Jail is now erected in the said County of Digby, which, since the said Act has come into operation, has always been used as the Jail of the said County, and therein have been confined prisoners charged with Larceny, and other criminal offences: *And whereas*, such Jail is at present represented by a majority of the Justices of the Peace for said County, to be sufficiently secure for the common purposes of the said County, and that such Jail is not likely to be put into a better condition, until a Sheriff for said County shall be appointed, and it is therefore proper a Sheriff shall be appointed for said County.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from, and immediately after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a Sheriff in manner prescribed by the fifth clause of the said Act—anything in the said clause contained to the contrary notwithstanding, and such clause shall, thereupon, have full operation and effect, and be in full force in every respect.

Sheriff to be appointed

CAP. LVI.

An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the sum of Twenty Six Thousand Pounds shall be granted and placed at the disposal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to be applied and expended for and upon the improvement of the Main Roads in this Province, in manner following, that is to say:

£26,000 granted for Main Roads specially

On the Main Eastern Road from Keys' to Brookfield, Four Thousand and Fifty Pounds.

On the Road round Cumberland Mountain, Nine Hundred Pounds.

On the Road from Parrsborough to Amherst, Four Hundred and Fifty Pounds.

From Westchester to Amherst, Three Hundred and Sixty Pounds.

From Folly Lake to Pugwash, One Hundred and Ninety Pounds.

From Truro to Salmon River, One Thousand Six Hundred and Twenty Pounds.

From Reed's, Mount Tom, towards Pictou, on the new line, Six Hundred and Thirty Pounds.

From Pictou East County line to Antigonish, One Hundred Pounds

From Antigonish to Guysborough County line, Two Hundred and Fifty Pounds.

From Sydney County line, Saint Mary's, to Gut of Canso, Three Hundred and Fifty Pounds.

From Sydney County line, on the Main Road to Gysborough, Three Hundred Pounds.

On the Road from Upper Stewiacke to Pictou, Two Hundred Pounds.

Great Roads through Cape-Breton, Inverness and Richmond, as follows:

From Ship Harbor to Margaree, One Thousand Three Hundred Pounds.

From Margaree, by Ross', to Middle River, Five Hundred Pounds.

From Ship Harbor to Arichat, Three Hundred Pounds.

From McPherson's to McNab's, Five Hundred Pounds.

From McNab's to Curry's, One Thousand Six Hundred and Fifty Pounds.

From Sydney to the Mines, Two Hundred and Fifty Pounds.

Great

Great Eastern Road through Musquodoboit to Saint Mary's, One Thousand Eight Hundred Pounds.

Shore Road from Musquodoboit Eastward, Four Hundred and Fifty Pounds.

From Pictou, by River John, to bounds of Cumberland, Three Hundred Pounds.

Road from Halifax to Windsor, Eight Hundred Pounds.

Hawes' Hill, Four Hundred Pounds.

From Manning's Inn, Falmouth, by Daniel Bishop's, to Gaspereau Bridge, One Hundred Pounds.

Mount Denson Road, Eight Hundred Pounds.

Main Roads through King's, Four Hundred and Fifty Pounds.

Main Roads through Annapolis, Four Hundred and Fifty Pounds.

From F. A. Robichau's to Yarmouth line, Four Hundred and Fifty Pounds.

Bridge at Grand Joggin, Digby, Four Hundred and Fifty Pounds.

Main Roads in Yarmouth, Four Hundred and Fifty Pounds.

Halifax to Chester, Two Thousand Five Hundred Pounds.

Chester to Liverpool, Eight Hundred Pounds—Six Hundred Pounds thereof in the County of Lunenburg, and Two Hundred Pounds in the County of Queen's County.

Nictaux to Brookfield—one half in Queen's County and one half in Annapolis, One Hundred and Seventy-five Pounds.

Liverpool to Shelburne—one half in each County, Eight Hundred Pounds.

Shelburne to Still-water, in Argyle, Five Hundred Pounds.

Windsor to Chester, Two Hundred Pounds.

Terfry's to Shubenacadie, Two Hundred and Twenty-five Pounds.

II. *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, from time to time, by Warrant on the Treasury, to draw such sum or sums of Money for the foregoing Services, respectively, in such order, in point of time, as the exigency of the case and public convenience may, in the opinion of the Governor, Lieutenant-Governor or Commander in Chief, require and demand; *Provided always*, that one half of the said sum of Twenty Six Thousand Pounds, and no more, shall be drawn from the Treasury, or expended in this present year of Our Lord One Thousand Eight Hundred and Forty, and the remaining half in the year of Our Lord One Thousand Eight Hundred and Forty-one.

III. *And be it further enacted*, That the expenditure of the said Monies hereby granted in and for the several Services hereinbefore mentioned, shall, wherever practicable and expedient, be made by Tender or Contract, after actual survey of any new lines of Road whereon such Monies shall be expended under and by virtue of this Act.

IV. *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 authorize and direct surveys to be made where none have heretofore been made.

V. *And be it further enacted*, That upon the lowest and most advantageous offer and Tender for the service required, where the same is to be done by Tender or Contract, the Commissioner or Commissioners appointed for such service shall enter into a Contract with the party making such Tender and offer, for the performance of the service required, and take sufficient security for the due performance of the same, which Contract and security shall be made and taken in such manner and form as by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall be prescribed and directed.

CAP. LVII.

An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges, and the Acts in amendment thereof.

(Passed the 27th day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fourth and Fifth Year of the Reign of His late Majesty King George the Fourth, entitled,

Money how
and when to
be drawn from
Treasury

Mode of Ex-
penditure

Surveys of
Roads may be
made

Security to be
required for
performance
of Contract

Acts 4 and 5,
Sec. IV, and

entitled,

entitled, An Act to regulate the Expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges; and also, the Act, made and passed in the Ninth Year of His said late Majesty's Reign, to continue, alter and amend the said Act, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Acts hereinafter mentioned; also, the Act, passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts, and every matter, clause and thing, therein contained; also, the Act, passed in the First Year of Her present Majesty's Reign, entitled, An Act in further amendment of the Act to regulate the Expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued; and the said several Acts, except as before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

9, Geo. IV, (with exceptions) 7, Wm. IV, and 1 Vic. to be continued

CAP. LVIII.

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

(Passed the 27th Day of March, 1840.)

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

Act 4, Wm. IV, continued (with exceptions)

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

Goods entered for Warehouse, Bond dispensed with and Landing Permit granted

III. *And be it further enacted*, That if, on the first entry of any Goods, subject to Colonial Impost Duties, or on entry thereof from the Warehouse for home use, the Colonial Impost Duties thereon, to be ascertained, as in and by the Act hereby continued and amended is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer, or person making the entry thereof, before any Permit shall be granted for the Goods contained in such entry; but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by instalments, and in manner following, that is to say, one fourth part of said Duties in six months, another fourth part thereof in nine months, and the remaining half part thereof in one year, from the date of such Bond, respectively, and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and

Colonial Duties not exceeding £10 to be paid down before permit be granted

Colonial Duties exceeding £10—how secured

there

there be executed by the same parties, and in the form by the said Board to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any instalment thereof: *Provided always*, that where Goods have been Warehoused above one year, then the Colonial Duty, if exceeding Ten Pounds, shall be payable, one half in three months, and the other half in six months, from the date of the entry from Warehouse, and the Bond shall be made accordingly.

Period limited
for entry in-
wards of
Goods

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

CAP. LIX.

An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(Passed the 27th day of March, 1840.)

Act 10. Geo.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act in addition to, and in amendment of, an Act, passed in the Third Year of the Reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province; and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LX.

An Act to continue the Act to prevent damage to the Nets of Fishermen, by Coasting Vessels.

(Passed the 27th Day of March, 1840.)

Act 5, Wm.
IV, continued

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

CAP. LXI.

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

(Passed the 27th day of March, 1840.)

Act 6, Wm.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act

Act relative to the Assessment of Dyke Rates, for the New or Wickwire Dyke in Horton, shall be continued; and the said Act, and every matter, clause and thing, therein contained, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXII.

An Act to continue the several Acts for the encouragement of Schools.

(Passed the 27th day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the encouragement of Schools, save and except the fifth clause or section thereof, which was repealed; and also, save and except so far as the same is altered or amended by the Act hereinafter mentioned, or by either of the said Acts; also, the Act, passed in the Sixth Year of His said late Majesty's Reign, entitled, An Act for the encouragement of Schools, except so far as the same may be altered or amended by the Acts hereinafter mentioned, or either of the said Acts; also, the Act passed, in the First Year of Her present Majesty's Reign, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same, save and except so far as the same may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second Year of Her present Majesty's Reign, entitled, An Act to continue and further to amend the Act for the encouragement of Schools, and the Acts to amend the same, shall be continued; and the said several Acts herein before mentioned, and every matter, clause and thing, therein contained, save and except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 and 6, Wm. IV, and 1 and 2 Vict. continued (with exceptions)

CAP. LXIII.

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

(Passed the 27th Day of March, 1840.)

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

Act 4 Wm. IV, continued (with exceptions)

II. *And be it further enacted*, That in every case, during the continuance of the said Act, where Goods, charged with Colonial Duties, and also with Imperial Duties, being of Foreign growth, produce, or manufacture, shall be Warehoused in a King's Warehouse, under, or in pursuance of, the regulations prescribed by any Act of the Imperial Parliament, and also, in every case where Goods, charged with Colonial Duties, being of British growth, produce, or manufacture, shall be Warehoused in a King's Warehouse, and the Owner, or Importer of such Goods shall have given Bond at the Custom House for the due Warehousing of the said Goods, respectively, as prescribed by the said regulations, then, and in every such case, the Bond for the Colonial Duties thereon, by the Twenty-first

For Goods Warehoused, Bond given at Custom House sufficient

Permit from
Collector of
Impost neces-
sary for remo-
val of Goods
from Ware-
house

first section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the Bond entered into at the Custom House shall be deemed the security for the due Warehousing of the said Goods, but it shall not be lawful for any Collector or other Officer of Her Majesty's Customs to permit any Goods, so Warehoused, to be taken out of Warehouse for home consumption, or for the Fisheries, until a Permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom House, and there filed, setting forth, that the Colonial Duties, to which such Goods are, or may be subject, have been fully paid, or secured, and if any such Goods shall be removed, or taken from such King's Warehouse, before such Permit shall be granted and filed at the Custom House, the same Goods shall be forfeited, and the owner thereof, and the person or persons by whom the same shall be removed from the Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

CAP. LXIV.

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

(Passed the 27th Day of March, 1840.)

Acts 9 and 10
Geo. IV and 7
Wm. IV con-
tinued (with
exceptions)

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

CAP. LXV.

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

(Passed the 27th Day of March, 1840.)

Acts 10, Geo.
IV, and 2,
Vic. continued
(with excep-
tions)

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

CAP. LXVI.

An Act to continue the Act for regulating the Fishery in the River Shubenacadie.*(Passed the 27th Day of March, 1840.)*

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

Act 4, Wm. IV, continued

CAP. LXVII.

An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams, or any other obstruction.*(Passed the 27th Day of March, 1840.)*

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

Act 1, Vic. 1, continued

CAP. LXVIII.

An Act to continue the Act for granting Duties on Licences for the Sale of Spirituous Liquors, and for Sales by Auction in Halifax, and the Act to alter the same.*(Passed the 27th day of March, 1840.)*

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

Act 7, Wm. IV, and 2, Vic. continued (with exceptions)

CAP. LXIX.

An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.*(Passed the 27th Day of March, 1840.)*

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

Act 3, Wm.
V, continued

CAP. LXX.

An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.*(Passed the 27th day of March, 1840.)*

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

Act 3, Wm.
IV, continued

CAP. LXXI.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and the Acts in amendment thereof.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and every matter, clause and thing therein contained save and except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; or either of the said Acts; also, the Act, passed in the Seventh Year of His said late Majesty's Reign, entitled, An Act to alter, amend and continue, the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Acts to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and every matter, clause and thing, therein contained, shall be continued; and the said several Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 1 and 7,
Wm. IV, and
2, Vic. con-
tinued (with
exceptions)

CAP. LXXII.

An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of the Reign of His late Majesty King George the Fourth, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the Sixth year of His said late Majesty's Reign, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3 and 6,
Geo. IV, and
7, Wm. IV,
continued
(with excep-
tions)

CAP. LXXIII.

An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof, in this Province, and the Act in amendment thereof.*(Passed the 27th Day of March, 1840.)*

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof, in this Province, and every matter, clause and thing therein contained, save and except the twelfth clause or section thereof, and also, except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Fifth year of His said late Majesty's Reign, entitled, An Act to amend and continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof, in this Province, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 and 5,
Wm. IV, con-
tinued (with
exceptions)

CAP. LXXIV.

An Act to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the First year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of an Act, made and passed in the First and Second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Wm.
IV, continued

CAP. LXXV.

An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers, and Wild Cats.*(Passed the 27th Day of March, 1840.)*Act 3, Wm.
IV, continued

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

CAP. LXXVI.

An Act to continue the several Acts concerning the Bridewell and Police in Halifax.*(Passed the 27th Day of March, 1840.)*Acts 55, Geo.
III. 10. Geo.
IV. and 2.
Wm. IV. con-
tinued with
exceptions

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for the better and more effectual administration of the office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause, and thing, therein contained, save and except the Tenth Section of the said Act; and also, an Act, passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, save and except the Fourth Section of the said Act; also, an Act, passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act, passed in the Second year of the reign of His late Majesty King William the Fourth, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXVII.

An Act to continue the several Acts for the prevention of Smuggling.*(Passed the 27th day of March, 1840.)*Act 4, Wm.
IV, and 5,
Wm. IV, con-
tinued

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

CAP. LXXVIII.

An Act to continue the Act additional concerning Nuisances.*(Passed the 27th Day of March, 1840.)*

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

Act 5, Wm.
IV. continued

CAP. LXXIX.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.*(Passed the 27th Day of March, 1840.)*

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

Acts 11, Geo.
IV. and 1 & 2
Wm. IV. con-
tinued

CAP. LXXX.

An Act to continue the Act for the better regulation of Sable Island, in this Province.*(Passed the 27th Day of March, 1840.)*

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

Act 1, Vic.
continued

CAP. LXXXI.

An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops or of the Militia, when on their March from one part of the Province to another; and also, the Acts, passed in the Fifty-first and Fifty-third years of His said late Majesty's Reign in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 48, 51 &
53, Geo. III.
continued

CAP. LXXXII.

An Act to continue the Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same

(Passed the 27th Day of March, 1840.)

Act 4, Geo.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXIII.

An Act to continue the Act for the Summary Trial of Actions in the Island of Cape-Breton.

(Passed the 27th Day of March, 1840.)

Act 7, Wm.
IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Summary Trial of Actions in the Island of Cape-Breton, and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

CAP. LXXXIV.

An Act to continue the Acts respecting the collection of Poores' Rates of Pictou.

(Passed the 27th Day of March, 1840.)

Act 6, Wm. IV.
continued

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

CAP. LXXXV.

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

(Passed the 27th Day of March, 1840.)

Act 51, Geo.
III. continued

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

CAP.

CAP. LXXXVI.

An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performuace of Quarantine, and the Act in amendment thereof.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the Third Year of His said late Majesty's Reign, to continue and amend the said Act, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2, & 3,
Wm. IV, con-
tinued.

CAP. LXXXVII.

An Act to continue the Act to regulate certain Landings in the County of King's County.

(Passed the 27th day of March, 1840.)

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

Act 5, Wm.
IV, continued

CAP. LXXXVIII.

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

(Passed the 27th day of March, 1840.)

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

Act 2, Vic.
continued

CAP. LXXXIX.

An Act to continue the Act to encourage the Importation of Improved Breeds of Cattle into this Province.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the Importation of improved Breeds of Cattle into this Province, and the Bounty therein mentioned, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.
IV, continued

CAP. XC.

An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton.*(Passed the 27th Day of March, 1840.)*Act 2, Vic.
continued

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

CAP. XCI.

An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.*(Passed the 27th Day of March, 1840.)*Act 3, Wm.
IV, continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCII.

An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.*(Passed the 27th day of March, 1840.)*Act 5, Wm.
IV, continued

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

CAP. XCIII.

An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.*(Passed the 27th Day of March, 1840.)*Act 2, Vict.
continued

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

CAP.

CAP. XCIV.

An Act to continue the Act relating to Marriage Licenses.*(Passed the 27th Day of March, 1840.)*

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

Act 2, Wm.
IV. continued

CAP. XCV.

An Act to continue the Act for regulating the Exportation of Red or Smoked Herrings.*(Passed the 27th Day of March, 1840.)*

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

Act 3, Wm.
IV. continued

CAP. XCVI.

An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis; and also, the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 9, Geo.
IV, and 4,
Wm. IV, con-
tinued

CAP. XCVII.

An Act to continue the Act to authorise the Sessions of the Peace for the County of Queen's County to make Regulations for the gathering of Sea Manure in the said County.*(Passed the 27th Day of March, 1840.)*

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

Act 3, Wm.
IV, continued

CAP. XCVIII

An Act to continue the Act to make the stealing of Dogs; Beasts and Birds, Larceny.

(Passed the 27th Day of March, 1840.)

Act 2, Vict. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of Her present Majesty's Reign, entitled, An Act to make the stealing of Dogs, Beasts and Birds, Larceny, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XCIX.

An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and additional thereto.

(Passed the 27th Day of March, 1840.)

Act 6, Wm. IV. continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Appointment of Chairman of Firewards, Treasurer and Secretary Monies assessed for Fire Department, and for Pumps and Wells placed at disposal of the Firewards

II. And be it further enacted, That the Firewards of the Town of Halifax shall appoint one of their number at their first annual meeting, or at some subsequent meeting, as Chairman, and another as Secretary and Treasurer of such Firewards; and all Monies levied and assessed upon the Town of Halifax for Pumps and Wells, or for Fire Engines, or other purposes connected with the Fire Department of the Town of Halifax, shall be paid over, when collected by the Town and County Treasurer, and applied for the purposes for which they have been respectively voted, levied and assessed, upon the order of the Chairman, and the Secretary and Treasurer of Firewards, without its being requisite to apply to the Court of Sessions for any orders for such monies.

Account of money received and disbursed to be rendered to Sessions

III. And be it further enacted, That at the December Term or Sitting of the Court of General Sessions of the Peace for the County of Halifax, the said Firewards shall return an account of the monies received and expended by them, authenticated by the signatures of the Chairman, and the Secretary and Treasurer, to be audited by the said Court of Sessions and Grand Jury.

Preamble

And whereas, The mode of remedying dangerous Chimnies, Stoves, Pipes and Smoke Funnels, provided by the third Clause or Section of the Act, passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to an Act, passed in the Second Year of His Majesty's Reign, entitled, An Act for appointing Firewards, and punishing thefts and disorders at the time of Fire, is dilatory, cumbrous, and has become inoperative in the Town of Halifax :

Firewards empowered to enter Houses and cause to be removed dangerous chimnies, stove pipes &c

IV. Be it therefore enacted, That any two Firewards of the said Town of Halifax, shall be, and they are hereby, empowered to demand admittance into any House, Building or Place, whatsoever, in said Town, wherein they may have reason to believe, from the information of any Householder of said Town, there is any dangerous chimney, stove, stove pipe or smoke funnel, and if, in their opinion, such chimney, stove, stove pipe or smoke funnel, shall be dangerous in its then present situation, to order the same to be altered or removed as they shall direct and appoint, and, within twelve hours after such order, such alteration or removal shall be made, or otherwise, it shall and may be lawful for the said Firewards

Firewards to have the said alteration or removal made at the expense of the party owning or occupying the said House, Building or Place, wherein such chimney, stove, stove pipe, or smoke funnel may be.

V. *And be it further enacted*, That if any person shall refuse to admit such Firewards into any House, Building or Place, for the inspection of any such chimney, stove, stove pipe or smoke funnel, or, being ordered to remove or alter the same, shall refuse or neglect to obey said order within twelve hours after the same shall be made, such person shall forfeit and pay a penalty of Twenty Shillings, to be recovered before any Justice of the Peace; and if, upon due conviction, the same shall not be forthwith paid, or an appeal from the decision of the said Justice made, and security given agreeably to law, the person shall be committed to Jail for a period not less than seven days, unless the fine be sooner paid.

Resistance of
Firewards

VI. *And be it further enacted*, That, at any time, when necessary, the Firewards, or any two of them, may require the attendance of a Police Constable.

Police Consta-
bles to attend
Firewards
when required
Continuation
of Act

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

CAP. C.

An Act to continue the Act relating to the Court of Commissioners at Halifax.

(*Passed the 27th Day of March, 1840.*)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act relating to the Court of Commissioners at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Geo.
IV. continued

CAP. CI

An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

(*Passed the 27th Day of March, 1840.*)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 10, Geo.
IV. continued

CAP. CII.

An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

(*Passed the 27th Day of March, 1840.*)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.
IV. continued

CAP. CIII.

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

(Passed the 27th Day of March, 1840.)

Act 5 and 6,
Wm. IV. and
1 and 2, Vict.
continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, except so far as the same is altered or amended by the Acts hereinafter mentioned, and also, except the eighth clause or section thereof, which is hereby repealed; also, the Act, passed in the Sixth Year of the Reign of His said late Majesty, entitled, An Act to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes; also, the Act, passed in the First Year of Her Majesty's Reign, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, except in so far as the same may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second Year of Her present Majesty's Reign, entitled, An Act to continue and further amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Act in amendment thereof, shall be continued, and the said Acts, except as before excepted, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. CIV.

An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof.

(Passed the 27th Day of March, 1840.)

Acts 2 and 6,
Wm. IV, and
2, Vict. con-
tinued

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

CAP. CV.

An Act to continue the Act concerning Malicious Injuries to Property.

(Passed the 27th Day of March, 1840.)

Act 2, Wm.
IV, continued

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

Act 6,
IV, con

CAP. CVI.

An Act to continue the Act to restrain the Issuing Writs of Attachment, in certain cases.*(Passed the 27th Day of March, 1840.)*

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

Act 4 and 5,
Geo. IV. con-
tinued

CAP. CVII.

An Act to continue the Act concerning Goods exported, and for granting Drawbacks.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty, and every matter, clause, and thing, in the said Act contained, save and except the second and thirty-first clauses or sections of the said Act, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty-one, and no longer.

Act 4, Wm.
IV, continued
(with excep-
tions)

CAP. CVIII.

An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 7, Geo.
IV. continued

CAP. CIX.

An Act to continue the Act for the General Regulation of the Colonial Duties.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the general regulation of the Colonial Duties, which Act will continue in operation until the Thirty-first day of March, in this Year of Our Lord One Thousand

Act 4, Wm.
IV, continued

Eight Hundred and Forty, and every matter, clause and thing, in the said Act contained, save and except the third Clause or Section thereof, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-one, and no longer.

CAP. CX.

An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of holding the Circuits of the said Court, and the Acts in amendment thereof.

(Passed the 27th Day of March, 1840.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of holding the Circuits of the said Court, in the several Counties and Districts of this Province, and every matter, clause and thing, therein contained, except so far as the same have been altered by an Act, passed in the Fifth year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to discontinue one Sitting of the Supreme Court in each year in the Upper and Lower Districts of the County of Sydney, and for altering the Sitzings of the said Court in the said County, and in the County of Cape Breton; and except also, in so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Seventh year of His said late Majesty's reign, to continue and amend the said first mentioned Act; also, the Act, passed in the First year of Her present Majesty's Reign, to continue, and in amendment of, the said first mentioned Act, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly

CAP. CXI.

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

(Passed the 27th Day of March, 1840.)

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

Acts 4 and 7,
Wm. IV, and
1, Vic. con-
tinued (with
exceptions)

Act 4, Geo.
IV, continued

CAP. CXII.

An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.*(Passed the 27th Day of March, 1840.)*

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

Act 6, Wm. IV. continued

CAP. CXIII.

An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fifty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 58, Geo. III. continued

Expired 1841

CAP. CXIV.

An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.*(Passed the 27th Day of March, 1840.)*

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

Act 2, Vict. continued

CAP. CXV.

An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.*(Passed the 27th Day of March, 1840.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fiftieth year of the Reign of His late Majesty King George the Third entitled, An Act in addition to an Act, passed in the Thirty-third year of the Reign of

Act 50, Geo. III, continued

of

of His late Majesty King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages, and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. CXVI.

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

(Passed the 27th day of March, 1840.)

Act 4, Wm.
IV. continued

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