

THE
ACTS
OF THE
GENERAL ASSEMBLY
OF
PRINCE EDWARD ISLAND,
FOR THE YEAR
1838.



CHARLOTTETOWN:
PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

1838.

Rec. May 21, 1903.

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Anno 1. Victoriae Reginae.

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ANNO PRIMO
VICTORIA REGINA.

At the General Assembly of Her Majesty's 1838.

Island of *Prince Edward*, begun and holden at *Charlotte Town*, the Twenty-sixth Day of *January*, Anno Domini 1835, in the Fifth Year of the Reign of our late Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, King, Defender of the Faith:

Sir CHARLES
A. FITZ ROY,
Lieut. Governor.

E. J. JARVIS,
President of
Council.

G. DALRYMPLE,
Speaker.

And from thence continued, by several Prorogations, to the Twenty-third day of *January*, 1838, and in the First Year of Her present Majesty's Reign: being the Fifth Session of the Fourteenth General Assembly convened in the said Island.

CAP. I.

An Act to amend an Act passed in the Third Year of His late Majesty's Reign, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.*

[March 9th, 1838.]

WHEREAS it is expedient to amend the said Act: Be it enacted, by the Lieutenant Go-

Divides Road District No. 1 into two Sections.

Northern Section of said District.

Southern Section of said District.

Lieut. Governor, &c. to appoint a Commissioner for Southern District.

Authority, &c. of Commissioner of District No. 1 to be confined to Northern Section of said District.

What Horses and Teams liable to perform Statute Labour.

vernor, Council and Assembly, That from and after the passing hereof, Road District Number One shall be divided into Two Sections or Divisions—the Northern Section of the said District to comprise and include Townships Numbers *One, Two, Three, Four, Five, Six, and Eleven*; and the Southern Section or Division to comprise and include Townships *Seven, Eight, Nine, Ten, and Twelve*.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to nominate and appoint a fit and proper person to be Commissioner of Highways for the said Southern Division of the District so divided as aforesaid, who shall be subject to all the Regulations, Provisions and Enactments, and shall have similar power and authority, and the like allowances as are conferred and given to Commissioners of Highways within their respective Districts by the said Act, of which this is an amendment.

III. And be it further enacted, That the authority and jurisdiction of the Commissioner of the said First District shall be confined to the Northern Section of the said District, as herein-before described, any thing in any other Act contained to the contrary notwithstanding.

IV. And whereas the Teams of none other persons than Male persons, between the ages of Sixteen and Sixty Years, are now by Law liable to work on the Public Roads, and it is deemed just and proper that the Teams of other than such Male persons should be liable to the performance of Statute Labour: Be it therefore enacted, That from and after the passing hereof, the Horses and Teams of all persons shall be liable to the performance of Statute Labour, in like manner as the Horses and Teams of persons under Sixty Years of age now are; and

that the owners thereof respectively, in case of refusing or not sending out such Teams when required by any Commissioner or Overseer for the performance of Statute Labour, shall be liable to all such Fines and Penalties as are now by Law provided, in the case of Male persons in like manner offending: Provided always, that such persons shall have it in their power to commute for the labour of such Horses and Teams, at the rates stated and prescribed in the Twelfth Section of the Act, of which this is an amendment: And provided also, that nothing in this Clause shall extend to Widows having no Male Children under their controul above the age of Sixteen Years, or who employ no Male Servants above that age.

Penalty on persons refusing or not sending Teams, &c. to work when required by Overseer.

Mode of commutinz for Labour of Horses and Teams.

Exempts Widows having no Male Children &c. above 16 years of age from the provisions of this Act.

V. And be it enacted, That from and after the passing hereof, all Commutations for Statute Labour in the Seventh Road District shall be paid on or before the Fifteenth day of *May* in each year; and all Commutation Moneys received by Overseers of Roads shall be paid over to the Road Commissioners for the several Districts, within Ten days next after the Fifteenth day of *May* and the First day of *June*, respectively, which said Commissioners shall expend such Moneys in manner as they are now authorized to do.

Time for commutation of Statute Labour in 7th Road District.

Time for paying over Commutation Moneys received by Overseers.

How to be expended.

VI. And be it enacted, That the Commissioners, or other person or persons authorized to lay out and expend the Public Moneys appropriated for the making and repairing of Roads and Bridges, shall be allowed and paid for such services the sum of Two Pounds Ten Shillings *per centum* upon the amount so laid out and expended, in addition to the percentage at present allowed by Law, any thing in the Act of which this is an amendment contained to the contrary notwithstanding.

Compensation to Road Commissioners for expenditure of Public Money.

CAP. II.

An Act to provide for the management of the *Charlottetown Ferry*, by the use of a Team Boat.

[March 9th, 1838.]

WHEREAS the use of a commodious Boat, to be propelled by Horses, and constructed by proper machinery, for the purposes of the *Hillsborough Ferry* opposite to *Charlottetown*, is deemed an improvement which would afford superior accommodation to the public: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall and may be lawful to and for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, to let for any space of time, not exceeding the term of Seven Years, and so from time to time, as often as occasion may require, the exclusive right to the *Hillsborough Ferry* opposite *Charlottetown*, to any person or persons being an inhabitant or inhabitants of this Island, who shall tender the lowest terms therefor, and become bound with two responsible sureties to convey Passengers, Cattle and Luggage, across the said Ferry, by means of a good and sufficient Team Boat, to be built within this Island, and to be constructed with proper and apt machinery, and which shall not be less than fifty feet in length and a proportionate breadth, and propelled by not less than two able Horses.

Lieut. Governor,
&c. may let
Charlottetown
Ferry for 7
years.

Terms of such
letting.

Ferryman to be
subject to such
rules, &c. as
Lieut. Governor,
&c. may pre-
scribe under Act
of 3d Will. the
4th, relating to
Ferries.

II. And be it enacted, That the person whose Tender under the aforesaid regulations shall be accepted, shall be subject to such rules and regulations as shall be fixed and determined by the Lieutenant Governor, or other Administrator of the

Government, for the time being, and Her Majesty's Council, in manner prescribed by an Act made and passed in the Third Year of the Reign of His late Majesty, intituled *An Act to repeal two certain Acts therein mentioned, for licensing and regulating Ferries, and to make other provisions in lieu thereof*, and which Act shall be operative and binding on the said Ferryman, who, as well as his servant or servants, and all persons acting under him in the management of the said Ferry, shall be subject to all fines, forfeitures and penalties therein mentioned: Provided always, that no Tender to be made for the said Ferry, in pursuance of this Act, shall be accepted, wherein any of the rates of Ferriage proposed shall be higher than are herein-after specified, (that is to say);

No Tender to be accepted for higher Ferriage than the rates herein mentioned.

Single passengers	each	Three-pence.	Rates of Ferriage.
Horses	each	Nine-pence.	
Wheel Carriages	each	Nine-pence.	
Horned Cattle	each	Nine-pence.	
Hogs	each	Three-pence.	
Sheep	each	Two-pence.	
Produce and other matter measured by the bushel	} }	One half-penny per bushel.	

III. And be it enacted, That in case no Tender to manage the said Ferry by such a Boat as aforesaid, should in due time be made, or in case such Boat should not be found to answer the purposes of the said Ferry, and when so declared by order of the Lieutenant Governor, or other Administrator of the Government, in Council, then nothing herein contained shall be construed to alter or suspend the provisions and regulations already made for the said Ferry of *Charlottetown*, in and by the said recited Act.

If Team Boat should not answer purposes intended, Lieut. Governor, &c. may so declare.

And the provisions of the former Act to be in force.

CAP. III.

An Act for further continuing an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.*

[March 9th, 1838.]

Continues Act of 5 Will. 4, 1/2, providing for payment of Interest on Warrants, for Five Years, and to the end of the then next Session of Assembly.

WHEREAS it is expedient to further continue the said Act: Be it therefore 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, intituled *An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand*, and continued for One year by an Act passed in the Seventh Year of His late Majesty's Reign, intituled *An Act to continue for One year an Act passed in the Fifth Year of His present Majesty's Reign, providing for the payment of Interest on Warrants*, be, and the same is hereby further continued for and during the term of Five Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Pidi 2. Act. Cap. 3. 1838.

CAP. IV.

An Act to continue an Act passed in the Seventh Year of His late Majesty's Reign, empowering the Inhabitants of *Charlottetown* to assess themselves for the purpose of purchasing or renting SITES for ENGINE HOUSES, and for erecting such Buildings thereon.

[March 9th, 1838.]

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 *William* the Fourth, intituled *An Act to empower the Inhabitants of Charlottetown to assess themselves for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon*, be, and the same is hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

Continues Act of 7 Will. 4, 7/2 authorizing the Inhabitants of Charlottetown to assess themselves for the purpose of purchasing Sites for Engine Houses, &c. for 5 years, and to the end of the then next Session of the Assembly.

CAP. V.

An Act to continue an Act passed in the Fourth Year of His late Majesty's Reign, for the better preventing accidents by FIRE within the Town of *Charlottetown*.

[March 9th, 1838.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Fourth Year of the Reign of His late Majesty

Continues Act of 4 Will. 4, for preventing

accidents by Fire in Charlottetown for 5 years, and to the end of the then next Session of Assembly.

King *William* the Fourth, intituled *An Act for the better preventing accidents by Fire within the Town of Charlottetown*, be, and the same is hereby continued for Five Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

CAP. VI.

An Act for the Regulation of the PUBLIC WHARF of *Georgetown*.

[*March 9th, 1838.*]

Lieut. Governor, &c. to appoint a Wharfinger for *Georgetown* Wharf.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government for the time being, and he is hereby authorized, by and with the advice of Her Majesty's Council, to appoint a fit and proper person to act as Wharfinger of the Public Wharf of *Georgetown*.

Vessels liable for payment of Wharfage.

II. And be it enacted, That it shall and may be lawful for the said Wharfinger to ask, demand, take and receive for all Vessels (except Her Majesty's Ships) whilst careening, loading, unloading, or lying fast to the said Wharf, the following Rates *per diem* (*Sundays* excepted,) that is to say:

Rates of Wharfage.

Vessels of Ten Tons and under Thirty Tons, Nine-pence.

Vessels of Thirty Tons and under Sixty Tons, One shilling.

Vessels of Sixty Tons and under One hundred Tons, One shilling and sixpence.

Vessels of One hundred Tons and under One hundred and fifty Tons, Two shillings.

Vessels of One hundred and Fifty Tons and under Two hundred Tons, Two shillings and sixpence.

Vessels of Two hundred Tons and under Two hundred and Fifty Tons, Three shillings.

Vessels of Two hundred and Fifty Tons and under Three hundred Tons, Three shillings and sixpence.

Vessels of Three hundred Tons and upwards, Four shillings and sixpence.

Lighters per load, Four-pence.

Provided nevertheless, That no Vessel shall be subject to the payment of Wharfage so long as the navigation shall remain closed by ice, except when undergoing repairs in the Spring, as herein-after mentioned.

Whilst navigation is closed, no Wharfage to be paid.

III. And be it enacted, That every Ship or Vessel which shall at any time only be fast to the aforesaid Wharf, and shall be in a condition capable of being removed, shall be obliged to move off from thence in order to make room for and suffer any other Ship or Vessel to load, unload; or careen thereat; and on refusal or failure so to do, after due notice and request thereof to the Master or Commander, or to any one of the Owners of such Ship or other Vessel, he or they shall forfeit and pay to the Wharfinger a sum not exceeding Five Pounds, for each and every neglect or refusal, upon due proof thereof being made upon the Oath of the said Wharfinger before any one of Her Majesty's Justices of the Peace.

Vessels made fast to Wharf to be removed.

Penalty on Master refusing to remove Vessel.

Mode of recovery.

IV. And be it further enacted, That every Ship or other Vessel that shall make fast to any other Ship or Vessel that shall be fastened to the Wharf aforesaid, and shall continue so to be fastened, or shall there load, unload, or careen, or shall be undergoing repairs prior to or subsequent to the opening of the navigation, shall be subject and liable to

Vessel made fast to another, or undergoing repairs while the navigation is closed, only to pay half Wharfage.

pay the one half of the Rates that such Ship or other Vessel so fastened should and would have been liable to pay by this Act, in case of being fastened to the said Wharf, and there loaded, unloaded or careened.

Wharfinger to cause incumbrances to be removed from off the Wharf.

V. And be it further enacted, That if the said Wharf shall at any time be so incumbered with Lumber, Coals, Bricks, or any other species of Goods, or Ballast or Rubbish, so as unnecessarily to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel, then and in that case, the Wharfinger shall personally warn, or by notice in writing, to be left at the place of residence of the Owner or Owners of such Lumber, Coals, Bricks, or other Goods or Matter, their Agent or Agents, requiring him or them to remove the same from thence within a reasonable time; and if the same shall not be removed accordingly, the Wharfinger by himself or his Agent or Agents is and are hereby empowered to remove the same, and keep them in his custody until the whole charges attending the removal be paid by the Owner or Claimant of such Goods; and in case the Owner or Agent is not to be found, the Wharfinger may and shall at his discretion remove the said Goods, as is herein-before directed.

Wharfinger to cause obstructions in the approach to Wharf to be removed, and to prevent Stones or Rubbish being thrown into the water.

VI. And be it further enacted, That the said Wharfinger is hereby empowered to cause to be removed all obstructions which may be placed on either side of the said Wharf in a line with the Main Street, at the expense of the person causing such obstruction; and to prevent to the utmost of his power the Master or Owner of any Ship, Vessel, Lighter or Boat, or any other person, from throwing or unloading any Stones, Gravel, Ballast, Oyster Shells, Rubbish, or any other thing that will not float, into the water within the limits aforesaid; and the said Wharfinger is hereby authorized and re-

quired to prosecute any person so offending, who shall, upon due proof thereof before any one of Her Majesty's Justices of the Peace, forfeit and pay for every such offence a sum not exceeding Five Pounds, besides being liable to an action for the damage that any Vessel or Cargo may sustain thereby.

Penalty on persons offending herein.

VII. And be it enacted, That it shall and may be lawful to and for the said Wharfinger, during the time that any Ship or Vessel shall continue to use the said Wharf for the purposes aforesaid, daily and every day, to ask, demand, and recover from the Master or Commander, Owner or Agent of the said Ship or Vessel, the several Rates of Wharfage to which the said Ship or Vessel shall or may be liable: Provided, that such Agent or Agents of such Ship or Vessel shall be liable to pay the same only when an account shall be delivered to, or in case of absence, left at his or their place of residence, and the money demanded of him or them, or his or their Clerk, before the sailing or departure of such Ship or Vessel from Port—any thing herein contained to the contrary notwithstanding.

Wharfinger to demand Wharfage daily.

In what case a Ship's Agent shall be liable for Wharfage.

VIII. And be it enacted, That the Wharfinger so to be appointed, is hereby required to furnish an Account (on Oath, if required,) and pay over to the Road Commissioner of the Fourteenth District quarterly in each and every year, all moneys that may come into his hands, either for Wharfage or Fines imposed by this Act (after deducting one moiety of the said Wharfage dues), under a penalty of Ten Pounds for each and every neglect or refusal—the same to be recovered by bill, plaint or information, in Her Majesty's Supreme Court of Judicature of this Island—and shall also be liable to be displaced from his situation as Wharfinger; one half of which said Wharfage shall be retained as aforesaid by the said Wharfinger for his services, and the other half of the Wharfage, together with the fines and penalties, shall be applied by the Whar-

Wharfinger to furnish quarterly Accounts to Road Commissioner of 14th District, and pay over moneys, &c.

Penalty for neglecting so to do

Appropriation of Penalty, Wharfage money, &c.

Penalty on Wharfinger for any other neglect of duty.

finger towards the necessary repairs of the Wharf, under the superintendence and direction of the said Commissioner of Roads; and for each and every neglect of the other duties imposed on the Wharfinger by this Act, he shall forfeit and pay a sum not exceeding Five Pounds, to be recovered before any two of Her Majesty's Justices of the Peace, to be applied as herein-before directed.

Recovery of other penalties.

IX. And be it enacted, That all Fines and Penalties arising under or by virtue of this Act, except such as may be imposed upon the Wharfinger, shall be recovered, together with Costs, upon the Oath of the said Wharfinger, or any other credible Witness, before any one of Her Majesty's Justices of the Peace, to be levied by Warrant of Distress and sale of the offender's Goods and Chattels; and if no Goods and Chattels can be found whereon to levy the same, it shall and may be lawful for the said Justice to commit the party so offending to the Jail of *Georgetown*, for a period not exceeding Two Calendar Months.

Penalty for incumbering Wharf contrary to directions of Wharfinger.

X. And be it enacted, That if any Lumber, or other Goods or Ballast or Rubbish shall be laid or left upon the Wharf contrary to the directions of the Wharfinger for the time being, the party so offending shall be liable to a Fine not exceeding Two Pounds with costs, to be recovered as last herein-before mentioned, over and above the charges of removing the same therefrom, in case the Wharfinger shall cause the same to be removed, as he is herein-before authorized to do.

Wharfinger may direct booms of Vessels to be taken in and yards to be peaked.

XI. And be it enacted, That the person in charge of any Vessel lying at the said Wharf, when directed by the Wharfinger so to do, shall cause the lower yards to be peaked, and the jibboom and main boom of such Vessel, or either of them, to be rigged in or taken on board the said Vessel, under penalty not exceeding Twenty Shillings; and if the Owner,

Penalty on persons in charge

Master, or Person in charge of any Vessel, shall allow such Vessel, through neglect or otherwise, to injure the said Wharf, such person shall be liable for every such offence to a Fine not exceeding Twenty Shillings, over and above the amount of damage thereby done to the said Wharf—the said Fines to be recovered, together with costs, before any one of Her Majesty's Justices of the Peace; and the damage so done to the Wharf, if exceeding Five Pounds, shall be recovered at the suit of the Wharfinger, by action in Her Majesty's Supreme Court of Judicature of this Island; and if under that sum, then to be recovered before any one of Her Majesty's Justices of the Peace.

of Vessels refusing to do so.

Penalty for injury done to Wharf.

Recovery of Fines.

Damage done to Wharf, how recovered.

XII. And be it enacted, That this Act shall continue and be in force for Five Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

CAP. VII.

An Act to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned.

[March 9th, 1838.]

WHEREAS it is necessary and expedient to provide Salaries for such persons as now are, or hereafter may be appointed Sub-Collectors of Her Majesty's Customs, at the several Out Ports of this Island herein-after mentioned, (that is to say); —at *Georgetown* and *Colville Bay*, in *King's County*, and at or near *Princetown*, and at *Bedeque*, in *Prince County*: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and

Administrator of Government, &c.

annually to draw Warrants for £40 for each Sub-Collector of Customs at the Ports specified in this Act.

may be lawful for the Administrator of the Government for the time being, in Council, to draw Warrants on the Treasury for the sum of Forty Pounds, to be paid to each Collector so appointed and duly commissioned, yearly and every year, during the continuance of this Act, and in case such Collector shall so long continue to discharge the duties of his office.

Continuance of Act.

II. And be it further enacted, That this Act shall continue and be in force for and during the space of Five Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. VIII.

An Act to make provision for the payment of a portion of the expense of maintaining LIGHT HOUSES, and for the erection and maintenance of BUOYS and BEACONS.

[March 9th, 1838.]

WHEREAS, in pursuance of an Act of the General Assembly of this Island, made and passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for the appointment of a Commissioner to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses*, His Honor the President then administering the Government of this Island, by his Commission under his Hand and the Seal of the said Island, bearing date the Twentieth day of May, Anno Domini One thousand eight hundred and thirty-six, did constitute and appoint *Thomas Owen*, of *Three Rivers*, Esquire,

a Commissioner, for the purpose of determining and deciding, jointly with the Commissioners who should be appointed for the same purpose by the Provinces of *Lower Canada, Nova Scotia, and New Brunswick*, with respect to the fittest Sites for certain Light Houses proposed to be built on the Islands of *Saint Paul* and *Scatari*, off the coast of *Cape Breton*, together with necessary humane Establishments, and the sums of money required for the erection of the same, as well as for their future support after they shall have been erected; and also to determine under what management and controul the yearly expenses of the said Light Houses ought to be placed, and to apportion the sums of money which this Island ought to contribute annually towards the maintenance of the said Light Houses, to be estimated in manner in the said recited Act mentioned: and whereas the said *Thomas Owen*, having taken upon himself the said office, did, in conjunction with certain other Commissioners authorized and appointed for the like purposes by the respective Provinces of *Lower Canada, New Brunswick, and Nova Scotia*, make a final Award pursuant to the duties of their offices respectively assigned to them, which said Award bears date the Sixteenth day of *August, Anno Domini* One thousand eight hundred and thirty-six; and one part thereof hath been duly laid before the Legislature of this Island agreeably to the directions of the said recited Act, whereby and wherein it is awarded and determined, amongst other particulars, that the superintendence of building the said Light Houses shall be vested in the Board of Commissioners appointed by the Government of *Nova Scotia*, that two good and sufficient Light Houses with bells and guns shall be erected on *Saint Paul's Island*, at the extreme point, so as to be conspicuous on entering and leaving the Gulph of *Saint Lawrence*—that the Light House on the Island of *Scatari* shall be erected on the East point of the said Island, and so forth: and as to the maintenance of the said Lights and humane Establish-

ments, the said Commissioners did award and determine that *New Brunswick* shall pay to the Government of *Nova Scotia* unto the Treasury thereof, Two hundred and Fifty Pounds, *Halifax* currency, on the First day of *July*, in each and every year; after the said Light Houses and humane Establishments shall be in operation, and as long as they continue to be so in conformity with the provisions of the said Award; that *Lower Canada* shall annually pay Five hundred Pounds, *Prince Edward Island* Thirty Pounds, and *Nova Scotia* Two hundred and Fifty Pounds, making the whole annual amount One Thousand and Thirty Pounds; and that with the amount so contributed the Government of *Nova Scotia* shall support, uphold and maintain the said Light Houses and humane Establishments, it being well understood that in case the said amount should prove insufficient in any one year, the deficiency ought to be provided by the respective Legislatures of *Lower Canada*, *Nova Scotia*, and *Prince Edward Island*, in such manner as shall appear to them most eligible and in the same ratio as settled in the said Award; but as to *New Brunswick*, the sum of Two hundred and Fifty Pounds aforesaid shall be a settled and permanent contribution, the overplus (if any) going to *Nova Scotia*, and the proportionate deficiency being borne altogether by the said last mentioned Province: provided however, that should Her Majesty's Government contribute at a future period to the support of the said Establishments by an annual grant, a ratable deduction shall be made from the amount of each Provincial contribution; and it was also by the said Award expressed, that if the said Light Houses and Establishments are destroyed by fire, tempest, or other causes, the expense of rebuilding the same shall not devolve upon *Nova Scotia*; and also that the Board of Commissioners of *Nova Scotia* shall render Accounts in each and every year to the House of Assembly of *Nova Scotia*, duplicates of which shall be transmitted annually to the Legislatures of

Lower Canada, New Brunswick, and Prince Edward Island, respectively—for the purpose therefore of carrying into effect the said in part recited Award, and providing the annual proportion of the expenses thereby charged upon this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, all Vessels clearing out at any of the Custom Houses of this Island, for any other Port or Colony whatsoever, shall be subject to a Light Duty of one penny *per* Ton, for each and every Ton which each and every such Vessel shall admeasure, agreeably to their Registers: Provided always, that all Vessels of the burthen hereinafter specified, clearing out at any such Custom Houses, for any port or place being within Her Majesty's *North American Colonies* or Provinces, shall, at the election of the Masters of such Vessels, be subject either to the foregoing Duty *per* Ton, or to the annual Rates following; (that is to say)—all such last mentioned Vessels which shall not exceed Thirty Tons Register burthen, the sum of Ten Shillings, and all such Vessels exceeding Thirty Tons and not more than Sixty Tons, the sum of Fifteen Shillings, and all such Vessels exceeding Sixty Tons and not more than One hundred Tons, the sum of Twenty Shillings; the said rate to become payable every year, commencing from the period of the payment thereof, and to continue so long as the Masters of such Vessels shall elect; which said Duty shall be paid in all cases by the Masters of such Vessels as aforesaid, before the clearing of any such Vessels at the Custom House, to such person or persons as are now or may hereafter be appointed by the Administrator of the Government for the time being, to receive the same; and upon refusal of payment, such person so appointed is hereby directed to sue for and recover such Duty before any one of Her Majesty's Justices of the Peace, which Justice is hereby directed and required, on Oath being made

One penny per ton to be paid for all Vessels clearing for other Colonies.

Masters may pay an annual Duty instead of Tonnage Duty, if they shall so elect.

Rates of annual Duty.

Period of payment.

To whom payable.

Mode of recovery of Tonnage and annual Duty.

by such Collector of the amount being due, to cause a *Capias* to be issued for the recovery of the same; and immediately to proceed and adjudicate thereon.

Vessels engaged in Fishery exempted from Duty.

II. Provided always, and be it further enacted, That all Vessels belonging to this Island, while actually and exclusively engaged in the Fishery, shall be exempted from paying any Light Duty, any thing in this Act to the contrary notwithstanding.

When Light Houses, &c. shall be erected, Lieut. Governor, &c. annually to cause £30 to be paid into the Treasury of Nova Scotia, as the contribution agreed to be paid by this Colony toward the support of said Light Houses, &c.

III. And be it enacted, That upon the First day of *July*, which shall be next ensuing the period when the said Light Houses and humane Establishments in the preamble to this Act mentioned, shall be erected and in operation, that then out of the Duties levied and raised by this Act, there be and is hereby granted to the Lieutenant Governor or person administering the Government of the Province of *Nova Scotia*, to be paid into the Treasury of the said Province, the sum of Thirty Pounds, of the currency of *Nova Scotia*; and at the same period of the First day of *July* in every year, as long as the said Light Houses and humane Establishments are in operation, in conformity with the provisions of the said Award, there shall be paid in like manner a proportionate part of a sum which added to the unexpended balance of the aforesaid One Thousand and Thirty Pounds, (if any) remaining from the preceding year, would amount to the said sum of One Thousand and Thirty Pounds, the said proportionate part bearing such proportion to the sum so required to be added, as Thirty Pounds doth bear to the said sum of One thousand and Thirty Pounds; such annual amount to be drawn out of the Treasury of this Island by Warrant of the Lieutenant Governor or person administering the Government of the same for the time being, with the advice and consent of Her Majesty's Executive Council; and that all moneys levied under this Act which shall be over and above the proportional sum so

Appropriation of moneys raised by this Act above

required towards the support of the aforesaid Light Houses, shall be applied for or towards the establishment and support of Light Houses within this Island, or the erection and preservation of Beacons and Buoys in any of the Harbours or the Bays thereof, in such particular Sites or Stations as shall by Act of the General Assembly be deemed needful and necessary for the safety and preservation of shipping.

said sum of £30.

IV. Provided always, and be it enacted, That no second or subsequent payment of the said yearly sum of Thirty Pounds shall be made, nor shall any Warrant be issued for the same, until full Accounts duly certified of the expenses incurred in the maintenance of the said Light Houses and Establishments during the preceding year, shall have been transmitted to and received by His Excellency the Lieutenant Governor, or other person administering the Government of this Island for the time being; nor shall any such payment be made or Warrant issued until and unless it shall be made to appear by Certificates from the respective Commissioners and Superintendents of the said Light Houses and Establishments, that the same have been in continued and uninterrupted operation, provided and furnished with men, provisions, and other necessaries, according to the terms of the said Award.

No second payment to be made until Accounts are furnished, shewing expense of Light Houses, &c.

V. And be it enacted, That if Her Majesty's Government shall at any time hereafter contribute to the support of the said Light Houses and Establishments, by an annual Grant or other pecuniary assistance, a ratable deduction from the amount of the Grant herein-before given shall be made, and the balance only, after making such deduction, shall be drawn out of the Treasury of this Island, and paid to the Province of *Nova Scotia*.

If Imperial Government contributes to support of said Light Houses, &c. a ratable deduction to be made from sum now payable by this Colony.

VI. And be it enacted, That the annual amount to be borne by this Island towards the maintenance

Nothing to be paid by this

Colony until
Legislatures of
Lower Canada,
Nova Scotia,
and New Brun-
swick confirm
Award made by
Commissioners,
by Act.

of the said Light Houses and Establishments in manner aforesaid awarded, shall not be paid until it shall be duly certified unto His Excellency the Lieutenant Governor, or other person administering the Government of this Island for the time being, that the General Assemblies of the Provinces of *Lower Canada, Nova Scotia, and New Brunswick* have respectively made and enacted Laws or Statutes confirming the Award recited in the preamble of this Act, and providing for the fulfilling and carrying into effect the said Award, so far as the same relates to the said Provinces respectively; and until it shall also be duly certified to His Excellency the Lieutenant Governor, or Commander in Chief for the time being, that the Light Houses and Establishments mentioned and contemplated in the said Award have been erected and made, and are in full operation.

Compensation to
Collectors of
Light Duty.

VII. And be it further enacted, That every Collector of the Duties imposed by this Act shall be allowed and paid Fifteen *per centum*, as commission on all moneys received by him under and by virtue of this Act.

Repeals Act of
4 Will. 4,
levying Light
Duty.

VIII. And be it further enacted, That an Act made and passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island*, be, and the same is hereby repealed.

*Moneys raised by this Act, appropriated by
2^d Vict. C. 5*

CAP. IX.

An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Election Laws.*

[March 9th, 1838.]

WHEREAS it is deemed expedient to amend the Law now in force for regulating the Election of Members to serve in General Assembly, by adding to the number of the Representatives, and by dividing the several Counties into Electoral Districts: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Sheriff of any County in this Island, or his Deputy for the time being, shall, within Four days after he shall have received Her Majesty's Writ for electing Members to serve in the General Assembly, cause a copy thereof to be posted in at least three of the most populous parts or places within such County, District, or Town and Royalty, as he shall be directed to hold such Election for—and notice of such Election shall be inserted as often as may be practicable previous to holding the same, in the Newspapers published in this Island—and under each and every such copy there shall be fairly and distinctly written or printed the time and place of holding the said Election, and shall describe the extent of such District by stating the Numbers of the several Townships comprised within the same, which said Notice shall be signed by the said Sheriff or his Deputy, or such other Returning Officer as may be appointed by the said Sheriff; and shall cause the said Election to be holden at such time and place and in such manner as in and by the said Writ shall or may be di-

Duty of Sheriff, on receiving Writ of Election.

Places where Notice is to be posted.

Also to be published in Newspapers.

Duty of Sheriff, &c. in holding Poll.

rected, when and where all those persons who shall be duly qualified to vote at such Election may proceed to elect the Member or Members required by the said Writ to be elected.

Sheriff, &c. to be sworn.

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

Sheriff, &c. to appoint two Poll Clerks, who shall be sworn.

II. And be it further enacted, That the Sheriff or other Returning Officer shall, before proceeding to any Election, take and subscribe before a Magistrate, in presence of three or more Electors, who with the said Magistrate shall certify his having taken an Oath, the form of which appears in Schedule (A.) to this Act annexed, which Oath shall be annexed to the Return of every Writ of Election, under a penalty of Fifty Pounds upon every Returning Officer refusing or neglecting so to do—and the Sheriff or other Returning Officer shall, before opening the Poll, appoint two Clerks to assist in taking the Election, who shall be sworn by the said Sheriff or other Returning Officer, according to the form in Schedule (B.) to this Act annexed—a copy of which Oath shall be annexed to the Poll Books.

Division of Counties into Districts.

Prince County,
1st District.

2d District.

3d District.

Queen's County,
1st District.

III. And be it further enacted, That each County in this Island shall be divided into three Districts; and that for the County of *Prince County*, the First District shall comprise and include the several Townships following; (that is to say)—Townships Numbers *One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, and Fourteen, and Savage Island*; and that the Second District shall comprise and include Townships Numbers *Fifteen, Sixteen, Seventeen, and Eighteen*, and the several Islands in *Richmond Bay*; and that the Third District shall comprise and include Townships Numbers *Nineteen, Twenty-five, Twenty-six, Twenty-seven and Twenty-eight, and Indian Island*: and that for the County of *Queen's County*, the First District shall comprise and include Townships Numbers *Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Thirty-three, Thirty-four, and Sixty-seven, and*

Peter's Island; and the Second District shall comprise and include Townships Numbers *Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-five, Thirty-six, Thirty-seven, Forty-eight, and Sixty-five, and Saint Peter's Island*; and that the Third District shall comprise and include Townships Numbers *Forty-nine, Fifty, Fifty-seven, Fifty-eight, Sixty, and Sixty-two, and Governor's Island*: and for the County of *King's County*, the First District shall comprise and include Townships Numbers *Forty-seven, Forty-six, Forty-five, Forty-four, and Forty-three*; and that the Second District shall comprise and include Townships Numbers *Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Fifty-five, and Fifty-six, and Boughton Island*; and that the Third District shall comprise and include Townships Numbers *Fifty-four, Fifty-three, Fifty-two, Fifty-one, Sixty-six, Fifty-nine, Sixty-one, Sixty-three, and Sixty-four*, and the several Islands in the Harbour of *Murray Harbour and Panmure Island*; and that each of the said Districts in the said Counties of *Prince County, Queen's County, and King's County*, shall be entitled to return two Members to serve in the General Assembly of this Island.

2d District.

2d District.

King's County,
1st District.

2d District.

3d District.

Each District to
return two Mem-
bers to General
Assembly.

IV. And be it further enacted, That when any Writ or Writs of Election for any Member or Members to serve in General Assembly shall be directed to any Sheriff or other Returning Officer for any County, District, or Town and Royalty within this Island, he shall, if for any Town and Royalty, after having complied with the requisitions of this Act, and of the Act of which this is an amendment, proceed to take the Poll at any convenient place in the said Town and Royalty, and continue the same from day to day for the space of Three Days, unless otherwise agreed on by the Candidates: and if for the First District of the County of *Prince County*, the Poll shall be opened first at or near *Hill's Town, Cascumpeque*, where the Poll shall be kept

Duty of Sheriff,
&c. on receiving
Writ of Election.Time for holding
Poll for any
Town or Royalty.Place for opening
Poll in 1st Dis-
trict of Prince
County.

Place of ad-
journment of
Poll for said Dis-
trict.

open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *Yeo's*, on Township Number *Thirteen*, where the Poll shall be kept open for the space of Two days; and if for the Second District of the said County of *Prince County*, the Poll shall be opened first at or near the Court House at *Saint Eleanor's*, where the Poll shall be kept open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place within the Royalty of *Princetown*, where the Poll shall be kept open for the space of Two days; and if for the Third District of the said County of *Prince County*, the Poll shall be opened first at any convenient place on the South side of *Dunk River, Bedeque*, where the Poll shall be kept open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *Webster's*, at *Tryon*, where the Poll shall be kept open for the space of Two days: and if for the First District of the County of *Queen's County*, the Poll shall be first opened at any convenient place at or near *Campbelltown*, on Township Number *Twenty-one*, where the Poll shall be kept open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *James M'Callum's, Brackley Point*, on Township Number *Thirty-three*, where the Poll shall be kept open for the space of Two days; and if for the Second District of the said County of *Queen's County*, the Poll shall be first opened at any convenient place at or near *Elliot River Bridge*, on Township Number *Thirty*, where the Poll shall be kept open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place

Place for opening
Poll in 2d Dis-
trict of Prince
County.

Place of ad-
journment of
Poll for said Dis-
trict.

Place for opening
Poll in 3d Dis-
trict of Prince
County.

Place of ad-
journment of
Poll for said
District.

Place for opening
Poll in 1st Dis-
trict in Queen's
County.

Place of ad-
journment of
Poll for said
District.

Place for opening
Poll in 2d Dis-
trict of Queen's
County.

Place of first ad-
journment of
Poll for said
District.

at or near *M'Rae's, Scotchfort*, on Township Number *Thirty-six*, where the Poll shall be kept open for the space of *Two* days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to *Charlottetown*, where the Poll shall be kept open for the space of *Two* days; and if for the *Third* District of the said County of *Queen's County*, the Poll shall be first opened at any convenient place at or near *Pinette Mills*, on Township Number *Fifty-eight*, where the Poll shall be kept open for the space of *Two* days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *Macdonald's Farm, Second Creek*, on Township *Forty-nine*, where the Poll shall be kept open for the space of *Two* days; and if for the *First* District of the County of *King's County*, the Poll shall be first opened at any convenient place at or near *Maceachern's Mill*, on Township Number *Forty-five*, where the Poll shall be kept open for the space of *Two* days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *Coughlan's*, on the *East* side of the Harbour of *Souris*, on Township Number *Forty-five*, where the Poll shall be kept open for the space of *Two* days; and if for the *Second* District of the said County of *King's County*, the Poll shall be first opened at any convenient place at or near *Cooper's Mill*, on Township Number *Fifty-six*, where the Poll shall be kept open for the space of *Two* days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to any convenient place at or near *Morel Bridge*, where the Poll shall be kept open for the space of *Two* days; and if for the *Third* District of the said County of *King's County*, the Poll shall be kept open at any convenient place at or near *Taudvine's*, on the *South* side of *Mur-*

Place of second adjournment of Poll for said District.

Place for opening Poll in 3d District of Queen's County.

Place of adjournment of Poll for said District.

Place for opening Poll for 1st District of King's County.

Place of adjournment of Poll for said District.

Place for opening Poll for 2d District of King's County.

Place of adjournment of Poll for said District.

Place for opening Poll in 3d District of King's County.

Place of ad-
journment of
Poll for said Dis-
trict.

ray Harbour, Township Sixty-four, where the Poll shall be kept open for the space of Two days; and from thence the Poll shall be adjourned, at the request of any Candidate, or any Elector representing him, to Georgetown, where the Poll shall be kept open for the space of Two days.

Time for keep-
ing open Poll in
the different
Districts.

V. And be it further enacted, That whenever the Poll is hereby directed to be kept open at any of the Polling places in the different Districts as herein-before mentioned, the same shall be kept open for the said space of Two days, (unless sooner closed by the consent of the Candidates, or persons representing them,) for the purpose of receiving the Votes of all persons duly qualified to vote at such Election, who shall then and there appear and offer their votes: Provided always, that the days of Polling and the period of adjournment shall always be reckoned exclusive of Sunday, Christmas, and Good Friday.

Days of polling
to be exclusive
of Sunday, &c.

Mode and time
of application
for adjournment
of Poll.

VI. And be it further enacted, That no application for adjournment or removal of the Poll shall be received unless the same shall be openly made at the hustings on the day on which the Poll is first opened, or on the day next succeeding, during the time of polling, at each of the respective places as herein-before mentioned; and the Sheriff or other Returning Officer shall, on such application being made, forthwith notify the Electors of the District to which the Poll shall be adjourned, by posting advertisements at three of the most public places in such District, that he will on the Fourth day next after the opening of the Poll at the place where the same was first opened, continue the same at the place directed by this Act for such adjournment, should the same be required; and if for the County of Queen's County, that he will on the Fourth day next after the opening of the Poll at the place where the same was first opened, continue the same at the place directed by this Act for the first adjourn-

Duty of Sheriff,
&c. on such
application.

Time for holding
adjourned Poll
for Queen's
County.

ment, and that he will on the Seventh day next after the opening of the Poll where the same was first opened, continue the same at the place directed by this Act for the last adjournment, should such adjournment be required.

VII. And be it further enacted, That all General Elections for Members to serve in the General Assembly for the several Districts of any County in this Island, shall commence, and the Poll shall be first opened, on one and the same day in each of the said Districts respectively, into which such County is divided as herein-before mentioned.

All General Elections for the several Districts in any County to commence and be opened on same day.

VIII. And be it further enacted, That every Male person of the age of Twenty-one years and upwards, and not subject to any legal incapacity, who shall be in the actual possession of any Freehold Estate of the value of Forty Shillings *per annum*, -or who shall be in the actual possession of a Leasehold Estate for a term of years, of the Rent of Forty Shillings *per annum*, or who shall occupy a Dwelling House, or Dwelling House and Land, of the Rent of Five Pounds *per annum*, and shall have been so seized and possessed of such Freehold or Leasehold Estate as aforesaid for Twelve Calendar Months previous to the teste of the Writ of the Election of a Member or Members to serve in General Assembly, or shall have been in possession or occupation of such Dwelling House, or Dwelling House and Land as aforesaid, Twelve Calendar Months previous to the teste of the Writ of Election, shall be entitled to vote at said Election for a Member or Members to represent the District where such Freehold, Leasehold, Dwelling House, or Dwelling House and Land shall be situate: Provided always, that in case of the Premises constituting any of the before-mentioned qualifications being jointly occupied, that not more than one of the said joint occupants shall vote thereon, and that not more than one person shall vote on any Leasehold quali-

Qualification of Electors for Districts of Counties.

fiction, in case the Land so leased be relet, and the person voting thereon shall be in actual possession of the same.

Any Elector may be sworn as to his qualification.

Sheriff, &c. to administer Oath.

Elector refusing to take Oath, not entitled to vote.

Regulates mode of Electors' voting.

IX. And be it further enacted, That if any Elector shall be questioned by any Candidate, or any Elector representing him, as to his qualification at the time of voting, or afterwards, before any other vote is polled, the Sheriff or other Returning Officer shall, and he is hereby empowered to administer to him the Oath or Affirmation in Schedule (C.) to this Act annexed; and if the said Elector refuse to take the said Oath or Affirmation (as the case may be,) his name shall not be recorded nor remain on the Poll Books as a qualified Elector; and if the Election be for more Members than one, any Elector refusing or neglecting to give the number of votes which he is entitled to give at one and the same time, or at least before any other vote is polled, shall not be entitled to vote afterwards at such Election; and if during the continuance of such Election, and at the time of polling or recording any Vote on the Poll Books, any Candidate or any person representing him shall object to such vote, the Sheriff or other Returning Officer shall cause to be marked such vote by the word "objected" on the margin of the Poll Books, immediately opposite the said Vote, and shall take down the person's place of abode, and make such other remarks as may be sufficient to identify him afterwards.

Duty of Sheriff, &c. at the close of the Poll.

Scrutiny must be demanded in writing.

X. And be it further enacted, That the Sheriff or other Returning Officer at the close of the Poll at any Election for a Member or Members to serve in General Assembly, shall sum up the number of votes for each Candidate, and shall declare the person or persons having the majority of votes duly elected; and in case a Scrutiny shall be demanded in writing within Twelve hours after the closing of the Poll, the Sheriff or other Returning Officer shall grant the same, and shall with the two Poll

Clerks proceed in such Scrutiny at the place where the Poll finally closed, the day following the close of the Poll (unless such day be *Sunday*, and if so the said Scrutiny shall be on the *Monday* following,) and the said Returning Officer may adjourn from day to day as may be required to prosecute the said Scrutiny, if the party claiming the same, or some Elector in his behalf shall persist in such demand: Provided always, that no vote shall be scrutinized unless such vote or votes shall have been marked "objected" at the time of taking down such vote or votes in the Poll Books; and the Sheriff or other Returning Officer shall, and he is hereby required and empowered to summon all such persons before him as may be required by any Candidate or Candidates, or any Elector or Electors on his or their behalf, for the purpose of enabling him to proceed in such Scrutiny, and to examine them upon Oath; and after all such votes as were requested as aforesaid to be scrutinized have been gone through, or in case there shall not have been any Scrutiny, then after the Candidate or Candidates shall have been declared duly elected, the said Returning Officer shall make a due return of all proceedings, together with the Poll Books and Writ of Election, to the Colonial Secretary's Office, on the back of which said Writ of Election shall be written or endorsed the name or names of such Candidate or Candidates as shall have been duly elected, and the said Sheriff or other Returning Officer shall execute to each and every Candidate so elected an Indenture, agreeably to the form in Schedule (D.) to this Act annexed—a copy of which Indenture shall be returned by the Sheriff or other Returning Officer to the said Colonial Secretary's Office; and the said Sheriff or other Returning Officer is hereby empowered to ask and demand of each of the Candidates in whose favour the objected votes have been given, and for the decision of which a Scrutiny has been granted, the just and proper share or part of the expenses incurred by such Returning Officer and Poll Clerks in prosecu-

Mode of proceeding with Scrutiny.

No Vote to be scrutinized unless marked "objected" when given.

Sheriff, &c. may summon Witnesses on Scrutiny, and examine them on Oath.

Place where return of proceedings is to be made.

Sheriff, &c. to execute an Indenture to Candidate elected.

Expense of Scrutiny, how to be paid, and by whom.

Mode of enforcing payment of expenses of Scrutiny.

ting the said Scrutiny, over and above the expense attending the summoning and attendance of Witnesses of the said Candidate; and in case any such Candidate shall neglect or refuse to pay his share of the expenses as aforesaid, the said Returning Officer is hereby empowered to prosecute for the same in any Court of Record within this Island, capable of taking cognizance of the same.

Qualification of Candidates.

XI. And be it further enacted, That no person shall be capable of being elected a Member for any Town and Royalty, or for any District within any County in this Island, unless he shall be in the seizin or possession of a Freehold or Leasehold Estate within this Island, of the value of Fifty Pounds, previous to the date of his Election; and shall before he be permitted to take his seat in the House of Assembly, take the usual Oaths prescribed by Law, and also the Oath in the Schedule to this Act annexed, marked (E.), and which last mentioned Oath the Sheriff or other Returning Officer is hereby empowered and required to administer to each and every Candidate previous to taking any Vote or Votes for such Candidate, unless in the event of any such Candidate being absent from the Island at the time of the Election.

Oaths to be taken by Members of Assembly.

Oath to be administered to Candidates.

Prohibits Members of Legislative Council from canvassing or voting at Election.

XII. And be it further enacted, That no Member of the Legislative Council shall canvass for or Vote at the Election of any Member or Members to serve in the General Assembly of this Island.

With the exception of High Sheriff any Returning Officer may be elected a Member of Assembly for a place for which he does not act as such Returning Officer.

XIII. And be it further enacted, That nothing in this or any other Act shall extend, or be construed to extend, to prevent or exclude any person other than the Sheriff of any County in this Island, who shall or may be nominated and appointed Returning Officer, from being elected a Member of the Assembly for any District within any County in this Island, or Town and Royalty, other than the District or Town and Royalty for which such person

shall have been appointed or nominated Returning Officer.

XIV. And be it further enacted, That the Repeals 2d, 3d, 9th, 10th, 11th, 12th, 16th, 22d, 23d, and 28th Sections of the Act of 6 Will. 4. Second, Third, Ninth, Tenth, Eleventh, Twelfth, Sixteenth, Twenty-second, Twenty-third, and Twenty-eighth Sections of the said Act, intituled *An Act to consolidate and amend the Election Laws*, and also the Schedules to the said Act annexed, marked Also Schedules annexed to said Act. (A.), (B.), (C.), (D.), and (E) be, and the same are hereby repealed.

XV. And be it further enacted, That nothing Suspending Clause. in this Act contained shall have any force or effect until Her Majesty's pleasure thereon shall be known.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

THE OATH OF THE RETURNING OFFICER.

Oath of Return-
ing Officer.

I A. B. Returning Officer for the District of the County of [or Town and Royalty of] do solemnly swear, that I have not, directly or indirectly, received any sum or sums of money, office, place or employment, gift, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself, or any person to my use, benefit or advantage, for favouring the Election of any particular person or persons, or making, or endeavouring to make, the return of any particular person or persons at the present Election of a Member (or Members) to serve in the General Assembly of *Prince Edward Island*; and that I will proceed in taking the Votes of the Electors, and will make return of such person or persons as shall appear to me to have a majority of legal votes—and this I solemnly swear to do, without partiality, fear, favour, ill-will or affection.

So help me GOD.

SCHEDULE (B.)

POLL CLERK'S OATH.

Poll Clerks
Oath.

I A. B. do swear, that I will, at the ensuing Election of a Member (or Members) to serve in General Assembly for the District of the County of [or Town and Royalty of] truly and indifferently take the Poll, and set down the name of each Voter, and for whom he shall vote—and that I will not enter upon the Poll Books the name or vote of any person but such as shall be permitted by the Sheriff or other Returning Officer to vote at this Election—and that I will truly enter on the Poll Books every such Vote without partiality.

So help me GOD

SCHEDULE (C.)

FORM OF ELECTOR'S OATH.

I *A. B.* do swear, that I am in possession of a Freehold (Leasehold, or other qualification, *as the case may be*), situate in the Town or Royalty of [or District of the County of *as the case may be*], and that I am now and have been in possession thereof, for now last past; and that I have not received or got possession of the same, on purpose to qualify me to vote at this Election; and that I have not received nor had by myself, or any person whatsoever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift, or reward of any kind, in order to induce me to give my vote at this Election; and that I have not before voted at this Election; and that I am of the age of Twenty-one years and upwards, as I verily believe.

Elector's Oath.

So help me GOD.

SCHEDULE (D.)

FORM OF INDENTURE.

THIS Indenture made this day of Form of Indenture.
in the Year of our Lord
and in the Year of the Reign of our Sovereign Lady *Victoria*, of the United Kingdom of *Great Britain and Ireland*, Queen, &c. &c. &c.
Between Returning Officer for the
District of the County of [or
Town and Royalty of *as the case may be*,] in *Prince Edward Island*, of the one part,
and *A. B.*, *C. D.* and *E. F.*, of the other part:
Witnesseth, That agreeably to Her Majesty's Writ, bearing date the day of after Proclamation thereof being made according to Law,
We the said *A. B.*, *C. D.* and *E. F.*, &c. Electors

of the said District [*or Town and Royalty, as the case may be,*] in full Assembly, have chosen *F. G.* as a Member to serve for the said District [*or Town and Royalty, as the case may be,*] in the General Assembly of this Island, to be held the day of _____ next, at *Charlottetown*; and by these Presents we have and do give to the said *F. G.* ample and sufficient power, for us and the Electors of the said District [*or Town and Royalty, as the case may be,*] to make and consent to such matters as in the said Assembly of the said Island shall be by favour of God ordained.

In Witness whereof, each of the said Parties hath interchangeably set his Hand and Seal to these Presents, the day and year above written.

SCHEDULE (E.)

OATH TO BE TAKEN BY CANDIDATES AND MEMBERS.

Candidate's and Member's Oath.

I *A. B.* do swear, that I truly and *bona fide* have such a Freehold or Leasehold Estate on this Island, to and for my own use and benefit, over and above what will clear all incumbrances that may affect the same,) of the value of Fifty Pounds, as doth qualify me to serve as a Member for _____ of _____ according to the tenor and true meaning of the Act of the General Assembly in such case made and provided.

So help me GOD.

CAP. X.

An Act for the regulation of **GRIST MILLS** in this Island, and to repeal the Acts formerly passed for that purpose. *

[April 7th, 1838.]

WHEREAS it is expedient that the Statutes now in force, relating to **Grist Mills**, should be repealed, and that the provisions thereof should be consolidated and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, no greater Toll shall be taken by any Miller within this Island, for grinding **Wheat, Rye, Barley, Oats, Buck-wheat or Indian Corn**; than one Fourteenth part; and for kiln-drying, shelling and grinding **Oats into Meal**, the Toll shall be one Sixth part, and no more.

Rate of Toll for grinding Wheat, &c.

II. And be it enacted, That no greater Toll shall be taken by any Miller as aforesaid, for pearling **Barley**, than **Eight Pounds** for every Bushel delivered to any such Miller to be manufactured into **Pearl Barley**.

Rate of Toll for pearling Barley.

III. And be it enacted, That if **Oats** shall be brought to any Mill, dried and ready for grinding, the Toll to be taken for shelling and grinding such **Grain**, shall be equal to one Sixteenth part, and no more.

Rate of Toll for grinding Oats.

IV. And be it enacted, That every Miller who keeps, or may in time coming keep, a **Bolting Mill**, shall be obliged to bolt the **Meal** of all **Wheat, Rye, Barley or Buckwheat**, ground at his Mill,

Miller keeping a Bolt, to bolt all Flour of Wheat, &c. if required.

Rate of Toll for bolting.

Miller keeping Oatmeal Sifter to sift Oatmeal, if the quantity be 25 Bushels, gratis.

Rate of Toll for lesser quantity.

Tolls how to be taken.

Penalty on Miller for offences against this section of Act.

Miller not obliged to grind Corn, &c. unless the same be in good order.

Miller to return Bran, &c.

Imposes a Penalty on Miller taking greater Toll, or neglecting or refusing to deliver Grain or changing the same.

when required, and that the Toll to be taken for the same shall not exceed one Pint of that Grain *per* Bushel, to be taken in addition to the former Toll; and that every Miller who keeps, or may hereafter keep, an Oatmeal Sifter, shall be obliged to sift the Meal of all Oats ground at his Mill when so required, without taking away Toll for so doing; provided that the quantity of any one Grist of such Grain shall amount to Twenty-five Bushels; but for any Meal sifted when the Grist at one time shall be less than that number of Bushels, then the Toll to be taken for such less quantity shall not exceed one Quart of that Grain *per* Bushel, to be also taken in addition to the former Toll of the said Grain; and all Tolls allowed under this Act shall be taken from the Grist in the state in which it is brought to the Mill; and every Miller refusing to comply herewith shall be subject to and incur a Penalty of Forty Shillings for every transgression; but no Miller shall be obliged to receive and grind any Indian Corn, Wheat, Rye, Barley, or Buckwheat, which shall not be clean, dry, and in good order.

V. And be it enacted, That no Miller shall be entitled to keep any Bran or other Offal that may be made from any Grain manufactured as aforesaid, but that the same shall belong to the owner of such manufactured article; provided the same shall be removed with the Flour, Meal, or Pearl Barley, but not otherwise, except with the consent of the Miller; but no Miller shall be liable to any Penalty if the owner of any Grist shall not send a bag or bags at the time of sending such Grist to the Mill, sufficient to contain such Bran or Offal.

VI. And be it enacted, That if any Miller within this Island shall demand, take or receive any greater Toll than is herein directed to be taken, or who shall change any Grain so delivered as aforesaid to be ground or manufactured (except with the

consent of the owner thereof), or who shall neglect or refuse to deliver any such Grain as aforesaid, when ground or manufactured, shall for every such offence, neglect or refusal, forfeit and pay a Fine not exceeding Two Pounds, over and above any damage the owner of the same may thereby sustain.

Penalty for either of those offences.

VII. And be it enacted, That all Millers within this Island shall be obliged, and they are hereby required, in all time coming, to grind all Grain brought to their respective Mills regularly, so as that whoever brings Grain first shall be first served, without the said Millers, or any of them, giving undue preference to one man beyond another in point of time or priority, under a Penalty of Two Pounds for every transgression.

Grain to be ground in the order in which it is delivered at the Mill.

VIII. And be it enacted, That every Miller shall be provided with Scales and Weights, and that each Grist at being brought into the Mill shall be weighed by the Miller, if required, under a Penalty of Two Pounds, and an entire weight of the Flour or Meal of such Grist be returned, excepting the deduction for Toll allowed by this Act; but no conviction shall take place on any prosecution that may be made against any Miller for any deficiency on the Grist received from the Mill, unless such Grist shall have been weighed as aforesaid, and unless such prosecution shall be commenced within ten days after the owner shall have received the Flour or Meal as aforesaid.

Miller to be provided with Scales and Weights, and Grain to be weighed on delivery, under a penalty of £2.

Entire weight to be returned, deducting Toll.

No penalty to be recovered against Miller, unless Grist is weighed before leaving Mill.

All prosecutions to be commenced within 10 days after receipt of Flour by Owner.

IX. And be it enacted, That each Miller shall be provided with a copy of this Act within Two Calendar Months after the publication hereof, or within Three Calendar Months after his Mill shall be erected, which copy he shall keep posted up in some conspicuous part on the inside of his Mill, on pain of forfeiting Five Shillings for each offence.

Copy of this Act to be hung up in Mill, under Penalty of 5s.

Mode of recovery
of Fines imposed
by this Act.

X. And be it enacted, That all Fines arising under and by virtue of this Act, shall be recovered, over and above the Costs of prosecution, before any one or more of Her Majesty's Justices of the Peace, upon the Oath of one or more credible Witness or Witnesses, and be levied, upon due conviction, by Warrant of Distress, and sale of the offenders Goods and Chattels, under the Hand and Seal, or Hands and Seals, of such Justice or Justices; and for want of sufficient Distress whereon to levy, the offender to suffer imprisonment for such time as the Justice or Justices, before whom he may be prosecuted, may in his or their discretion think just and adequate to the offence, so as the said imprisonment shall not exceed Two Calendar Months; and one half of every such Fine imposed by this Act shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government, and the other half to the person who shall prosecute for and recover the same.

Appropriation of
Fines.

Repeals Act of
the 43 Geo. 3,
cap. 1, so far as
it relates to Act
of the 30th year
of the same King,
cap. 1.

XI. And be it enacted, That so much of an Act passed in the Forty-third Year of His late Majesty King George the Third, intituled *An Act for making perpetual certain Laws therein mentioned, and for continuing sundry other Laws that are near expiring*, as relates to an Act passed in the Thirtieth Year of His said late Majesty's Reign, intituled *An Act ascertaining the Toll to be taken at the different Grist Mills in this Province*; and also an Act passed in the Fourth Year of His late Majesty King William the Fourth, intituled *An Act for regulating the Toll for the manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills*, shall be, and the same are hereby repealed.

And also Act of
1 Will. 4, cap. 3.

CAP. XI.

An Act to amend an Act, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the trial of Issues for a limited period.*

[April 7th, 1835.]

WHEREAS by an Act made and passed in the Third Year of His late Majesty's Reign, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the Trial of Issues, for a limited period,*—one of the Terms of the Supreme Court for *Prince County*, is appointed to be holden on the Second *Tuesday* in *November*, in each year, which has been found to be an inconvenient season for that purpose: and whereas the *Petit Jurors* are directed to be summoned for the respective Courts on the Second day of each Term, whereby the business of the said Courts is unnecessarily protracted and delayed: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Term of the Supreme Court in and for *Prince County*, now holden on the Second *Tuesday* in *November*, shall be hereafter holden on the First *Tuesday* in *October*, in each year.

Term of Supreme Court formerly held in Prince County on 2d Tuesday in November, to be held on the 1st Tuesday in October.

II. And be it further enacted, That all *Petit Jurors* (where by Law required) shall be in future summoned to attend each of the Terms of the Su-

Petit Jurors in future to attend on the 1st day of

each Term in the
several Counties.

preme Court, in the several Counties within this Island, on the First day of each Term—any Law, usage or custom; to the contrary notwithstanding.

CAP. XII.

An Act for regulating the several Jails within this Island, and establishing PRISON DISCIPLINE therein.

[April 7th, 1838.]

WHEREAS it is expedient that Rules should be made for the Regulation of the Jails in the several Counties in this Island, and for the better management of the Prisoners confined therein: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Council, to nominate and appoint two or more Magistrates, who shall consent thereto, in each County in this Island, to be Visitors of the Jail within such County—whose duty it shall be, to personally visit and inspect such Jail at least three times in each quarter of a year, and oftener, if occasion shall require, and shall examine into the state of the Buildings, the instruction and employment of the Prisoners, and into the conduct of the Jailer, or other respective Officers, and the treatment, behaviour and condition of the Prisoners, and of all abuses within the Prison, and shall make a true Report thereof in writing to the Lieutenant Governor, once every Three Months, or oftener, if occasion shall require.

Lieut. Governor,
&c. to appoint
Visiting Magis-
trates for Jails
in this Island.

Duty of such
Magistrates.

II. And be it further enacted, That the following Rules and Regulations shall be adopted and

observed in every Jail and House of Correction within this Island:

1. That no Keeper or Officer of any Prison shall sell, or have any benefit or advantage from the sale of any article, to any Prisoner, nor have any interest in any contract for the supply of the Prison; and the Keeper of every such Prison shall reside therein.

Duty of Keeper of Prison.

2. The Sheriff of any County, on the recommendation of the Visiting Magistrates, shall appoint a Matron for the Jail of the said County, when and as often as such a person shall be required, whose duty it shall be constantly to superintend the Female Prisoners; and the said Sheriff and Visiting Magistrates shall fix and determine the amount of Salary or Allowance to be paid to such Matron.

Sheriff in each County to appoint a Matron for Jail when required.

3. The Keeper shall visit every Ward, and see every Prisoner, and inspect every Cell, at least once in every Twenty-four hours; and shall keep a regular Journal of every occurrence of importance within the Prison, which Journal shall be submitted to, and inspected by the Visiting Magistrates at their several Visitations.

Duty of Keeper of Prison.

4. The Male and Female Prisoners shall be confined in separate apartments, so as to prevent them from seeing, conversing or holding intercourse with each other.

Male and Female Prisoners to be kept separate.

5. The Prisoners shall be kept in separate Cells as much as possible; and where this cannot be done, they shall be classed according to their character, degree of guilt, age, &c.; but in no case shall Prisoners before conviction be allowed to intermix with those who are under sentence; and Debtors shall be kept distinct and apart from Criminals.

Classification of Prisoners.

6. No Prisoner shall be put in Irons except in case of urgent and absolute necessity; and the particulars of such case shall be forthwith entered in the Keeper's Journal, and notice thereof forthwith given to one of the Visiting Justices: and the Keeper shall not continue the use of Irons on any Pri-

No Prisoner to be put in Irons unless in case of urgent necessity.

Duty of Keeper thereupon.

soner after such notice shall have been given, without an order in writing from a Visiting Justice, specifying the cause thereof, which order shall be preserved by the Keeper as his Warrant for the same.

No Prisoner to receive any food, &c. beyond Jail allowance, unless by order of a Visiting Magistrate.

7. No Prisoner confined under the sentence of any Court, or on any Conviction before a Justice or Justices, shall receive any food, clothing or necessaries, other than the Jail allowance, except under special circumstances, to be judged of by one of the Visiting Magistrates.

Regulates the mode of admission of Visitors to Prisoner.

8. Due provision shall be made by the Visiting Magistrates for the admission, at proper times, and under proper restrictions, of persons with whom Prisoners committed for trial may wish to communicate; but no person shall be allowed to visit or have intercourse with convicted Prisoners under sentence, without the special permission of one of the Visiting Magistrates.

Prison to be cleaned.

9. The walls and ceilings of the Wards, Cells, Rooms and Passages, used by the Prisoners, shall be scraped and lime-washed at least once in the year, and the Rooms and Cells shall be washed and cleaned once a week at least.

Prisoners to be allowed air and exercise.

10. All Prisoners shall be allowed as much air and exercise as may be deemed proper for the preservation of their health; and separate Yards shall be assigned to Debtors and Criminals respectively.

No Tap to be kept in Prison, or Wine, &c. admitted for use of Prisoners, unless by order of one of the Visiting Magistrates, &c.

11. No Tap shall be kept in any Prison; nor shall any Wine, Spirituous or Fermented Liquors be admitted for the use of any of the Prisoners therein, unless by a written order of one of the Visiting Magistrates or Surgeon, specifying the quantity, and for whose use.

No gaming permitted in Prison.

12. No Gaming shall be permitted in any Prison; and the Keeper shall seize and destroy all Dice, Cards, or other Instruments of Gaming.

Duty of Keeper on death of Prisoner.

13. Upon the death of a Prisoner, notice thereof shall be given by the Keeper forthwith to one of the Visiting Justices, as well as to the Coroner,

and to the nearest relative of the deceased, where practicable.

14. No Prisoner before trial shall be compelled to wear a Prison dress, unless his or her own clothes be deemed insufficient or improper, or necessary to be preserved for the purposes of justice; and no Prisoner who has not been convicted of Felony shall be liable to be clothed in a party-coloured dress; but if it be deemed expedient to have a Prison dress for Prisoners not convicted of Felony, the same shall be plain.

Regulates Prison dress.

15. The Keeper of the Prison or House of Correction shall have power to hear and determine all complaints touching the following offences:

Power of Keeper of Prison in several cases.

1. Disobedience of any Rules of the place.
2. Assaults by one Prisoner on another, or on any Officer of the Establishment, where no dangerous wound or bruise is given.
3. Profane swearing or cursing.
4. Idleness, or neglect of work, or wilful mismanagement of instruments or tools.

16. The Keeper may examine any person touching such offences, and may punish all such offences, by ordering any offender into close confinement in the solitary Cells, and keep such offender there until he shall have reported the same to one of the Visiting Magistrates, which he (the Keeper) shall be bound to do within two hours, or as soon after as possible.

Keeper may punish offenders against Prison Rules.

17. The Visiting Magistrates may punish such offender by imprisonment in the solitary Cells, for a term not exceeding Seven days.

Visiting Magistrates may punish offenders against Rules.

18. The Keeper shall, if required, afford assistance to any Prisoner desirous of presenting a Petition to the Court, or other competent authority.

Keeper to afford assistance to Prisoner desirous of petitioning Court, &c.

19. Prisoners under charge or conviction of any Crime, shall attend Divine Service on *Sundays*, and other days when such Service is performed, unless prevented by illness or by other reasonable cause to be allowed by the Keeper, or unless their attendance shall be dispensed with by one of the Visiting Justices.

Prisoners to attend Divine Worship, unless prevented by illness, &c. or excused by Gov. of the Visiting Magistrate.

CAP. XIII.

An Act to prevent the STREETS and SQUARES of
Charlottetown, being incumbered with NUI-
SANCES.

[April 7th, 1838.]

WHEREAS the Streets and Squares of *Char-*
lottetown are frequently incumbered with
Nuisances of various descriptions, which not only
obstruct the thoroughfare, but also endanger the
health of the Inhabitants: For remedy whereof: Be
it enacted, by the Lieutenant Governor, Council and
Assembly, That the Commissioner of Highways
for the time being, for the District comprising *Char-*
lottetown, shall have power, and he is hereby au-
thorized and directed, to nominate and appoint,
within Fourteen days after the passing of this Act,
and from thence annually on or before the First day
of *May*, in each and every succeeding year, during
the continuance of this Act, any number of persons
in his discretion necessary, not being less than two,
nor more than four, whose duty it shall be, to over-
see the state of the Streets and Squares within the
particular Wards or Districts to which they shall be
respectively assigned by the said Commissioner, and
to cause the Streets and Squares therein to be kept
free and clear of all Nuisances and Obstructions
whatsoever.

Commissioner of
Highways for
District of Char-
lottetown, to
appoint annually,
from 2 to 4
persons to keep
the Streets and
Squares of said
Town free of
Nuisances.

Inhabitants to
keep Street and
Gutters before
their Premises
free from filth, &c.

Persons living
nearest Nuisance
liable to a Fine.

II. And be it enacted, That any person an In-
habitant of *Charlottetown*, or a Proprietor therein,
shall be obliged to keep the Gutters and Street be-
fore the Houses, Buildings or Land inhabited, oc-
cupied or possessed by him, her or them, clear and
free from Nuisances of every kind: and every per-
son being the occupier of the House or Premises

nearest to which any such Nuisance or Obstruction shall be thrown or deposited, and who shall suffer the same to continue for the space of six hours, between sunrise and sunset, shall forfeit and pay for every day, he, she or they shall suffer such Nuisance so to continue, a sum not less than Five Shillings, nor more than Ten Shillings; and every person who shall put or place any Nuisance on any Street or Square of the said Town, shall be subject to a penalty of not less than Five Shillings, nor more than Twenty Shillings, together with the expense of the Overseer in removing or causing the same to be removed: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons who may be erecting or repairing any Building whatever, from placing or causing to be placed on the Street or Streets, next the site of such Building, any such necessary Materials as are to be used, either in the construction or in the repairing of such Building, so that the same do not extend further than Ten feet from the line of the Street or Streets, and shall be inclosed within a fence of not less than Five feet in height; and that such Materials shall in no manner obstruct the free course of the water in the Gutters of the said Street or Streets.

if suffered to remain over a limited time, not exceeding 10s.

Persons placing any Nuisance in Street or Square liable to a Fine not exceeding 20s. and expense of removing same.

Not to prevent persons building or repairing from placing Materials, &c. on Street.

Materials not to extend beyond ten feet from line of Street, and to be enclosed within a Fence.

And not to obstruct the Gutters.

III. And be it enacted, That any Carriage of whatsoever description, which may be left or placed in any Street or Square in the day time, without any beast of burden being attached thereunto, and which shall have been suffered to remain in that situation for the space of two hours, or shall be left in any Street or Square after sunset, the owner or owners of any such Carriage shall, for each offence, forfeit and pay a sum not exceeding Five Shillings.

Owner of any unyoked Carriage left in Street for 2 hours in day time, or any time after sunset, to pay a Fine of 5s.

IV. And be it further enacted, That all Penalties and Forfeitures herein-before imposed by this Act, shall be sued for and recovered, together with Costs, by the Overseer for the District or Ward in which

Made effect over of Fines imposed by this Act.

the penalty shall be incurred, and before any one of Her Majesty's Justices of the Peace residing in *Charlottetown*, by Distress and Sale of the Goods and Chattels of the offender, and in default thereof, by imprisonment of such offender for a period not exceeding Five days; which Fines shall be applied, one half to the Overseer who shall sue for the same, and the remainder towards the keeping in repair the Fire Engine or Engines belonging to the said Town.

Appropriation of
Fines.

Overseers of
Streets exempt
from performance
of Statute La-
bour.

Overseer refusing
to accept ap-
pointment or
guilty of neglect
of duty, to forfeit
20s.

Mode of recovery
of this Fine.

Appropriation
thereof.

Continuance of
this Act.

V. And be it enacted, That the Overseers aforesaid shall, during their continuance in office, be exempt from performing or contributing to their yearly labour on the Streets or Highways required by the Statutes of this Island; and that in case any of the said Overseers shall refuse to accept their appointment, or shall wilfully neglect or delay to prosecute for any of the foregoing Penalties, or in any other respect to perform his duty under this Act, each and every Overseer so offending shall forfeit and pay a Fine of Twenty Shillings for every such neglect, to be recovered on the Oath of any one credible Witness, in manner herein-before directed, and applied towards the repair of the aforesaid Engines.

VI. And be it enacted, That this Act shall be and remain in force for the space of Seven Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

CAP. XIV.

An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the STREETS and PUBLIC ROADS.

[April 7th, 1838.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall not be lawful for any person to ride at full speed, or gallop any Horse, Mare, Gelding, Mule or Ass, on any Street in any of the Towns within this Island.

Persons not to ride at full speed, or gallop on any Street of any Town in this Island.

II. And be it enacted, That each and every person who shall hereafter drive any Truck, Sled or Wheel Carriage, used for the carriage of Goods, within the Town of *Charlottetown*, or any other Town within this Island, shall not, on any pretence whatever, drive swifter than a slow or easy trot; and shall at all times take care to lead his, her or their Horse or Horses, with a halter, or to guide them with proper reins.

Regulates the driving of Trucks &c. for the carriage of Goods within any Town in this Island.

III. And be it enacted, That all and every person or persons who shall hereafter drive any Sleigh, or any Truck, Cart, Chaise, or other Wheel Carriage whatsoever, within any Town, or on any of the Highways in this Island, shall drive the same in a moderate and careful manner.

Regulates the driving of Sleighs, &c. within any Town or on any Highway.

IV. And be it further enacted, That it shall not be lawful for any person or persons, travelling with empty Sleds, to suffer pointed Stakes to remain standing, or carry frames, or projecting pieces, outside of the said Sled.

Persons travelling with empty Sleds not to suffer pointed stakes, &c. to remain thereon.

Persons riding or driving, in meeting others coming in opposite direction, to pass on the right hand.

V. And be it further enacted, That every person who shall ride any Horse, or drive any Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled, on any Street in any Town within this Island, or on any Public Road or Highway within the same, every such person or persons shall always hereafter in meeting any other Horse, Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled, leave the same on his right hand side in passing.

Loaded Waggon, &c. not to be placed nearer centre of Highway than 2 feet.

VI. And be it further enacted, That whenever any Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall at any time hereafter stop, or be suffered to stand, loaded or unloaded, on any of the said Streets or Highways, every such Carriage, Waggon, Cart, Truck, Sleigh or Sled, shall not be placed nearer to the centre of such Street or Highway than two feet.

Imposes a Fine on persons offending against the provisions of this Act, and points out mode of recovery.

VII. And be it further enacted, That every person offending against any of the foregoing regulations of this Act, shall, upon conviction, on the Oath of one credible Witness, before any one of Her Majesty's Justices of the Peace for the County wherein the offence shall have been committed, or on the view of any one of such Justices, forfeit and pay for each and every offence a sum not exceeding Ten Shillings, together with Costs, over and above the amount of damages sustained, if the same be under Five Pounds; and in case of refusal or neglect to pay the same, shall be levied by Warrant of Distress on the Goods and Chattels of such offender; and for the want thereof, such offender shall be committed by such Justice to the County Jail, for a period not exceeding Three Months.

Damages also to be recovered, if under £5, in same manner as Fine.

Persons driving Sleighs to have at least on Bell affixed to Harness, under penalty of 5s.

VIII. And be it further enacted, That all and every person and persons who shall hereafter drive any Sleigh or Sled, in any of the Streets or Highways within this Island, shall have affixed to the Harness used for the purpose of drawing such Sleigh or Sled,

at least one good and sufficient Bell, under the Penalty of Five Shillings for each and every offence: Provided, that no person shall be liable to more than one Penalty in one and the same day—to be recovered, with Costs, in manner herein-before mentioned.

IX. And be it further enacted, That all Prosecutions under this Act shall be commenced within Six days after the committing of the offence.

Commencement
of prosecutions
under this Act.

X. And be it further enacted, That all Moneys arising from Fines under the Provisions of this Act, shall be paid into the Public Treasury of this Island.

Appropriation of
Fines.

XI. And be it further enacted, That an Act made and passed in the Twenty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent disorderly riding of Horses, and driving of Carts, Trucks and Sleds, or any other Carriage whatsoever, within Charlottetown*, shall be, and the same is hereby repealed.

Repeals Act of
21 Geo. 3, cap.
14.

CAP. XV.

An Act relating to the Office of SURROGATE and JUDGE OF PROBATE of WILLS, and for granting Letters of Administration.

[April 7th, 1838.]

WHEREAS it hath become necessary to invest the Surrogate and Judge of Probate of Wills, and for granting Letters of Administration,

Surrogate or
Judge of Probate
may issue process
of contempt.

with sufficient power to enable him to carry his orders and decisions into effect: Be it enacted, by the Lieutenant Governor, Council and Assembly, That when the said Surrogate or Judge shall have issued any Citation, Monition, Precept, or Order, commanding any Executor or Administrator, Executor *de son tort*, or any other person or persons who are or may be within his legitimate jurisdiction, to be or appear before him, or to do, or abstain from doing, any act, matter or thing which by the Rules of the said Court, or the Laws of *Great Britain*, or of this Island, he, she or they would have been bound to have done, or to have abstained from, in case the person upon whom such Summons, Citation, Monition, Precept, or Order, shall have been duly served, shall refuse or neglect to appear, or shall refuse or neglect to obey the lawful order of the said Surrogate or Judge, it shall and may be lawful for the said Surrogate or Judge, to issue Process of contempt against the person or persons so offending—which said Process shall be executed by the Sheriff of the County in which the person or persons guilty of such contempt shall reside—or in case such Sheriff shall be of kin to the parties, or interested in the event of the matter pending before the said Surrogate or Judge, by the Coroner—and the parties against whom the same shall have issued shall be committed to Prison till they shall have purged their said contempt, to the satisfaction of the said Surrogate or Judge, agreeably to the Rules of the said Court.

By whom executed.

Persons guilty of
contempt may
be committed to
Prison.

Surrogate or
Judge of Probate
to appoint Guar-
dians to Minors.

II. And be it further enacted, That when the said Surrogate or Judge shall have been applied to, by or on behalf of any Minor or Minors entitled to Real or Personal Estate within his jurisdiction, to assign him, her or them a Guardian or Guardians, it shall and may be lawful to and for the said Surrogate or Judge, and he is hereby empowered and required, to assign such Minor or Minors a Guardian or Guardians, by Warrant for that purpose under

Mode of ap-
pointment.

his Hand and Seal of Office: Provided, that there be no legal objection to the said Guardians, in consequence of either the Laws of *Great Britain* or this Island; and such Guardians when so appointed, shall be vested with the like powers and authority as Guardians are in *England* and this Island, or as if they had been appointed by the Chancellor of this Island.

Powers of Guardians.

CAP. XVI.

An Act to further amend an Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

[April 7th, 1838.]

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the Term for the Return of such Writs as shall be issued under the said Act, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation*, and for the Return of the Verdicts taken thereunder, shall be extended to the period of Forty days from the teste of such Writs; and all Verdicts under such Writs shall be taken in duplicate, one part of which shall be returned into the Office of the

Time for Return of Writ under Road Compensation Act of 30 Geo. 4, extended to 40 days from teste.

Verdicts to be taken in duplicate, one part to be returned into

office of Clerk of
the Council;
and the other
part into office
of Prothonotary
of Supreme
Court.

Clerk of Her Majesty's Executive Council for this Island, and the other part into the Office of the Prothonotary of the Supreme Court of Judicature, in the manner prescribed in the herein-before recited Act.

CAP. XVII.

An Act to continue for One Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled *An Act for the increase of the Revenue of this Island.*

[April 7th, 1838.]

WHEREAS it is deemed necessary to continue and amend the said Act: Be it enacted, by the Lieutenant Governor, Council and Assembly, That the said Act, intituled *An Act for the increase of the Revenue of this Island*, shall be, and the same is hereby continued for One Year, from and after the Seventh day of *May* next, and no longer.

Continues Revenue Act of 7 Will. 4, cap. 32, for 1 year.

II. And be it enacted, That from and after the passing hereof, and during the continuance of this Act, the following Goods, Wares and Merchandise, being of the manufacture or production of the United Kingdom or of any of the *British Possessions in America*, and imported into this Colony; (that is to say), Hemp and Chain Cables, Anchors, Cordage, Canvass, Sails, Rigging, Blocks, Pitch, Tar, Oakum, and Copper, and which said enumerated articles are by the herein-before recited Act made chargeable with a Duty of Five Pounds for every One hundred Pounds of the value thereof.

Exempts certain enumerated articles from Ad-valorem Duty.

shall respectively be free and exempt from the said Duty, any thing in the said recited Act to the contrary notwithstanding.

III. And be it further enacted, That this Act shall continue and be in force until the Seventh day of *May*, which will be in the Year of our Lord One thousand eight hundred and thirty-nine, and no longer.

Continuance of Act.

CAP. XVIII.

An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.*

[April 7th, 1838.]

WHEREAS by an Act of the Imperial Parliament of the United Kingdom, made and passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters*, it is enacted, that any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy, exchange or receive from any Soldier or Deserter, or any other Person, on any pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in

Barracks, provided under Barrack Regulations or Regimental necessaries, or any article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the colour of any Clothes as aforesaid, shall forfeit, for every such offence any sum not exceeding Twenty Pounds, nor less than Five Pounds, together with treble value of all or any of the several Articles of which such offender shall so become possessed; and it is in the said recited Act provided, that it shall be lawful for the Legislatures of each or any of Her Majesty's Colonies, on the recommendation of the Officer for the time being administering the Government of any such Colony, but not otherwise, to make provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, nor less than Five Pounds, to such amount as may to any such Legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's Subjects, and others inhabiting the same: and whereas the lesser amount of the said Penalty is deemed too high, comparatively with the ability and pecuniary means of the people of this Colony, and His Excellency the Lieutenant Governor and Commander in Chief of this Island has recommended that the same be lowered: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, it shall be lawful for the Magistrates before whom any person shall or may be convicted for any offence against the provisions as herein-before set forth of the said recited Act, to fine each and every person so convicted, any sum less than the said Penalty of Five Pounds, but not less than Five Shillings; and that it shall not be lawful for any Magistrate or Magistrates to fine any person, although convicted for any such offence as aforesaid, any greater sum than a Penalty of Five Pounds, over and above the treble value of any such Clothes—any thing in the said recited Act to the contrary thereof notwithstanding.

In Prosecutions under Mutiny Act, Magistrates may mitigate the Penalty imposed by that Act, on persons purchasing Soldiers' necessaries, &c. to any sum less than £5, but not less than 5s.

CAP. XIX.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-eight.

[April 7th, 1838.]

May it please your Excellency;

WE Her Majesty's dutiful and loyal subjects, the House of Assembly of *Prince Edward Island*, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted—and be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That by or out of such Moneys as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid, for the services herein mentioned, the several sums following; (that is to say),

The sum of Five hundred Pounds to the Treasurer of the Island, for his Salary for the present year.

£500 to the Treasurer, for his Salary for the present year.

And a further sum of Two hundred and Sixty Pounds to the Collector of Impost and Excise for the District of *Charlottetown*, for his Salary, and the sum of Forty Pounds, to defray the expense of a Clerk, Office Rent, and other contingent expenses, for the present year.

£260 to Collector of Impost, for his Salary.

And the sum of £40, for Clerk and Office Rent.

And a further sum of One hundred and Sixty Pounds, to defray the Salaries of the Sub-Collectors of Her Majesty's Customs.

£160 for Salaries for Sub-Collectors of Customs.

And a further sum of One hundred and Sixty Pounds, to defray the Salaries of the Commissioners of Highways.

£160 for Salaries for Commissioners of Highways.

£38 to the person appointed to correspond with Road Commissioners.

And a further sum of Thirty Pounds, to the person appointed to correspond with the Road Commissioners, for his services for the present year.

£36 to defray the allowance to persons appointed to protect Herring and Alewives' Fisheries.

And a further sum of Thirty-six Pounds, or as much thereof as may be necessary, to defray the allowance to persons appointed under the Act for the protection of the Herring and Alewives' Fisheries.

£75 to Inspecting Field Officer.

And a further sum of Seventy-five Pounds, to the person appointed to inspect the Militia, and to receive the Returns, for the present year.

£40 to the Wharfinger for Charlottetown.

And a further sum of Forty Pounds to the Wharfinger of the Public Wharf at *Charlottetown*, to defray his Salary for the present year.

£40 to the Market Clerk.

And a further sum of Forty Pounds, to defray the Salary of the Clerk of the Market at *Charlottetown*, for the present year.

£10 to Assayer of Weights and Measures for Queen's County.

And a further sum of Ten Pounds to the Assayer of Weights and Measures for *Queen's County*, in lieu of Office Rent and other contingent expenses.

£20 to the Chaplain of the House of Assembly.

And a further sum of Twenty Pounds to the Reverend *Louis Charles Jenkins*, for his services as Chaplain to the House of Assembly, for the present year.

£40 to the Messenger of the Executive Council, Crier and Tipstaff.

And a further sum of Forty Pounds, to defray the Salary of the Messenger of the Executive Council, Crier of the Supreme Court, and Tipstaff in Chancery, for the present year.

£150 for the contingent expenses of the Government.

And a further sum not exceeding One hundred and Fifty Pounds, to defray the contingent expenses of the Government, for the present year.

£250 for Public Printing and Stationery.

And a further sum not exceeding Two hundred and Fifty Pounds, to defray the expense of Public Printing and Stationery, for the present year.

£240 to Colonial Secretary and Clerk of Executive Council, and for Stationery.

And a further sum not exceeding Two hundred and Forty Pounds, to defray the Fees of the Colonial Secretary and Clerk of the Executive Council, and to provide Stationery, for the present year.

£350 for Crown Prosecutions and

And a further sum of Three hundred and Fifty Pounds, or as much thereof as may be necessary,

to defray the expense of Crown Prosecutions, including Fees of Crown Officers, Clerks of Courts and Witnesses, also Coroner's and Jurors' Fees, for the present year.

Fees of Witnesses, &c.

And a further sum not exceeding Fifty Pounds, to defray the Crown Officers' Fees for other services, should the same be required.

50*l.* for Fees to Crown Officers, for other services.

And a further sum of One hundred Pounds, to defray the Chief Justice's travelling charges, for the present year.

100*l.* to Chief Justice, for travelling charges.

And a further sum of Twenty Pounds to each of the High Sheriffs of the different Counties, for their services, for the present year.

20*l.* to each of the High Sheriffs of the several Counties.

And a further sum of Two hundred and seventy Pounds, to defray the expenses of the three County Jails, and to supply the same with Fuel and Bread, for the present year.

270*l.* to defray expenses of the three County Jails.

And a further sum of Forty Pounds, to defray the Salary of the Keeper of the Jail at *Charlottetown*, for the present year.

40*l.* to the Keeper of the Jail in Charlottetown.

And a further sum of Sixty Pounds, to defray the Salaries of the Keepers of the Jails at *Saint Eleanor's* and *Georgetown*, for the present year.

60*l.* to defray Salaries of Keepers of Jails in King's and Prince Counties.

And a further sum of Ten Pounds, to the Medical Attendant of *Charlottetown* Jail, and for supplying the Prisoners with Medicines, for the present year.

10*l.* to Medical Attendant of Charlottetown Jail.

And a further sum of Ten Pounds, to *Robert Hutchinson*, Keeper of the Jail at *Charlottetown*, to remunerate him for his trouble and expense in taking care of persons labouring under mental derangement, committed to his custody.

10*l.* to the Keeper of Charlottetown Jail, for his trouble in the case of insane persons there confined.

And a further sum not exceeding Five hundred Pounds, to defray the expense of conveying the Mails for the present year, under the provisions of the Act, 6th Will. 4th, cap. 11.

500*l.* for the conveyance of the Mails by a Steam Vessel.

And a further sum of Two hundred Pounds, or as much thereof as may be necessary, to defray the expense of conveying the Inland Mails, for the present year.

200*l.* for conveyance of Inland Mails.

1501. for conveying the Winter Mails to Nova Scotia.

And a further sum of One hundred and fifty Pounds, to defray the expense of conveying the Winter Mails to and from the Province of *Nova Scotia*.

201. to Post-mistrees.

And a further sum of Twenty Pounds to *Elizabeth Chappell*, for conducting the business of the Inland Mails, for the past year.

17001. for Roads and Bridges.

And a further sum of One thousand seven hundred Pounds, for the service of Roads and Bridges—to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads and Bridges.

501. for building a Bridge over Hermitage Creek.

And a further sum of Fifty Pounds, to defray the expense of building a Bridge over *Hermitage Creek*, in addition to the sum already granted for that purpose.

1407. for making a Road between Montague, on Lot 59, and the Wood Island Settlement, on Lot 62.

And a further sum of One hundred and Forty Pounds, towards defraying the expense of making a Road of communication between *Montague*, on Township Number *Fifty-nine*, and the *Wood Islands Settlement*, on Township Number *Sixty-two*, as laid off by the Surveyor General in the Year One thousand eight hundred and thirty-five, under the Act for regulating the laying out and altering of Highways.

1401. for making a Road between Cardigan River and Mount Stewart.

And a further sum of One hundred and forty Pounds, towards defraying the expense of making a Road of communication between *Cardigan River* and *Mount Stewart*.

1301. for completing a Road from Haslem's, on Princetown Road, to the Scotch Settlement, on Lot 67, and repairing Anderson's Road in Queen's County.

And a further sum of One hundred and thirty Pounds, to defray the expense of completing a Road from *Haslem's*, on the *Princetown Road*, to the *Scotch Settlement*, on Township Number *Sixty-seven*, and for repairing that part of *Anderson's Road*, in *Queen's County*.

1001. for incidental expenses of Roads & Bridges.

And a further sum of One hundred Pounds, to defray the incidental repairs of Roads and Bridges—the said sum to be equally apportioned among the three Counties.

And a further sum of One hundred Pounds, to defray the expense of carrying into effect the provisions of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, for regulating the laying out and altering of Highways, and of the Acts in amendment thereof, should the same be required, during the present year.

160*l.* for carrying into effect Road Compensation Act.

And a further sum sufficient to defray the charges allowed by Law to the Commissioners for determining the point of commencement of the new line of Road between Township Number *Seven* and Township Number *Eight*.

Sum sufficient to defray the expenses of Commissioners in laying off new line of Road between Lots Nos. 7 and 8.

And a further sum of Fifteen Pounds to *Donald Mackinnon*, of *Charlottetown* Royalty, to indemnify him for the damage sustained by him in consequence of a public Road having been run through his farm.

15*l.* to *Donald Mackinnon*.

And a further sum of Ten Pounds to *Charles Stockdale*, to indemnify him for the expense of removing an Out-building at present on the Road lately opened through the Royalty of *Charlottetown*.

10*l.* to *Charles Stockdale*.

And a further sum of One hundred and Twenty Pounds, to defray the expense of extending the Public Wharf of *Georgetown*.

120*l.* for extending *Georgetown* Wharf.

And a further sum of Fifty Pounds, towards building a Wharf at *Indian* (or *Eon's*) *Point*, *Picette*, on the sum of Thirty-two Pounds eleven shillings, subscribed for by the Inhabitants, having been paid into the hands of the Road Commissioner of the District, in aid of that object.

50*l.* for building a Wharf at *Indian Point*, *Picette*.

And a further sum of Fifty Pounds, towards defraying the expense of constructing a Hard or Slip on the North side of the *Hillsborough*, at *Maccconnell's Ferry*.

50*l.* for constructing a Hard on North side of the *Hillsborough* River.

And a further sum of Twelve Pounds, towards defraying the construction of a Slip on the South side of *Elliot River*, at the end of the Ferry Road, on Township Number *Sixty-five*.

12*l.* for constructing a Slip on the South side of *Elliot* River.

And a further sum of Fifty Pounds, towards defraying the expense of lengthening and securing *Hope* River Wharf.

50*l.* for lengthening *Hope* River Wharf.

120l. for repairing and lengthening *Princetown Wharf*.

And a further sum of One hundred and twenty Pounds, to the Road Commissioner of District Number *Three*, and two other Commissioners, to be specially appointed, to defray the expense of repairing and lengthening the *Princetown Wharf*.

100l. for building a Wharf at *Green's Shore, Bedeque*, on certain conditions.

And a further sum of One hundred Pounds, towards defraying the expense of building a Wharf at *Green's Shore, Bedeque*, as soon as the Inhabitants shall have advanced and paid to the Road Commissioner of the District the sum of Fifty Pounds, in aid of that object, and that a Road shall be opened from *Darby's Portage* to *Cairns's*, on Township Number *Seventeen*, and from the said Road to the site of the proposed Wharf, on the line between the Farms of *George Green* and *Daniel Green*.

Sl. 19s. 9d. to *Jabez Barnard*, for work done at *National School*, in 1837.

And a further sum of Eight Pounds nineteen shillings and ninepence to *Jabez Barnard*, for work done at the *National School*, in *January*, One thousand eight hundred and thirty-seven.

34l. 10s. 10d. to *Smiths and Wright's*, for work done at *Central Academy*, and 14l. 13s. 3d. for work done at *National School*,

And a further sum of Thirty-four Pounds ten shillings and ten-pence, to defray *Smiths and Wright's Account*, for work done at the *Central Academy*; and a further sum of Fourteen Pounds thirteen shillings and threepence, to defray their Account for work done at the *National School*; and a further sum of One hundred and ninety-nine Pounds fourteen shillings and sixpence, to defray their Accounts for work done at the *Government House*.

and 199l. 14s. 6d. for work done at *Government House*.

18l. 18s. 6d. to *John Easton*, for work done at *Government House*.

And a further sum of Eighteen Pounds eighteen shillings and sixpence to *John Easton*, to defray his Account for work done at the *Government House*, during the past year.

10l. 0s. 5d. to *H—Narraway*, for work done at *Government House*.

And a further sum of Ten Pounds and five-pence to *H—Narraway*, to defray his Account for work done at the *Government House*, during the past year.

22l. 10s. 6d. to *James Millner*, for work done at *Government House*.

And a further sum of Twenty-two Pounds ten shillings and sixpence to *James Millner*, to defray his Account for work done at the *Government House*, during the past year.

And a further sum of Five Pounds twelve shillings to *William Birch*, to defray his Account for work done at the Government House.

5/ 12s. to William Birch, for work done at Government House.

And any sum not exceeding Two hundred and Fifty Pounds, to the Joint Committee of the Council and Assembly, to defray the expense of painting, paper-hanging, and providing Stoves for certain Rooms in Government House, and also for erecting Gates and Fences for the preservation of the House and Offices, should the same be required, during the present year.

250/ to Joint Committee of Council & Assembly, to defray the expense of certain work to be done at Government House.

And a further sum of Ten Pounds to *Isaac Smith*, to defray his charge for a Plan of a new Colonial Building.

10/ to Isaac Smith, for plan of a new Colonial Building.

And a further sum of Ten Pounds ten shillings, to defray the Assessment on Government Pews in *Saint Paul's Church, Charlottetown*.

10/ 10s. to defray Assessment on Government Pews in Saint Paul's Church.

And a further sum of Five Pounds, to defray the expense of repairing the Slip on the North side of *Ellis River Ferry*.

5/ for repairing Slip on North side of Ellis River.

And a further sum of Five Pounds, to be paid to *James Walsh*, of Township Number *Forty-eight*, on his producing a Certificate from the Road Commissioner of the Seventh District, that he has cleansed out the Public Well at the Ferry-house opposite *Charlottetown*, walled the same with stone, and placed a sufficient Pump therein.

5/ to James Walsh, for new Pump, &c. in Public Well at Ferry House.

And a further sum of Twenty-five Pounds to *James Dix Cantelo*, to defray his Account for cleansing several stand of Arms.

25/ to James Dix Cantelo, for cleansing Militia Arms.

And any sum not exceeding One thousand Pounds, for carrying into effect the Act for the encouragement and support of District and other Schools, including the allowance to *Saint Andrew's College*.

1000/ for support of District and other Schools, and St. Andrew's College.

And a further sum of Three hundred Pounds, to defray the Salaries of the two Masters of the *Central Academy*, for the present year.

300/ to Masters of Central Academy, for their Salaries.

And a further sum of Twenty-five Pounds, to defray the Salary of the Master of the *National School*, for the present year.

£25 to Master of National School.

£7 10s. to
Hannah Bullpitt.

And a further sum of Seven Pounds ten shillings to Mistress *Hannah Bullpitt*, for conducting a preparatory School at *Charlottetown*.

£150 to Central
Agricultural Society, to buy Live
Stock.

And a further sum of One hundred and fifty Pounds to the Central Agricultural Society, in aid of the objects of that Institution—to be expended in the importation of Live Stock, to be sold at Public Auction in this Island.

£40 to Eastern
Agricultural Society, and same
sum to each of
the three Agricultural Societies
in Prince County.

And a further sum of Forty Pounds to the Eastern Agricultural Society in *King's County*, and the like sum to each of the three Agricultural Societies in *Prince County*.

£40 to Central
Agricultural Society, to purchase
Seeds, &c. for
St. Margaret's
Society.

And a further sum of Forty Pounds to the Central Agricultural Society, to be expended in the purchase of Seeds and Agricultural Implements, for the use and benefit of the *Saint Margaret's Branch Agricultural Society*.

£40 for premium
for Bears and
Loupcerviers.

And a further sum of Forty Pounds, to defray the Premiums allowed by Law for the destruction of Bears and Loupcerviers, for the present year.

Sufficient sum to
defray contingent
expenses of Legislative Council
and Assembly, for the present
Session.

And a further sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present Session—to be paid to the parties entitled thereto, on their Accounts being approved of by each House respectively, and certified by their respective Speakers.

£60 to the
Speaker of the
Assembly.

And a further sum of Sixty Pounds to the Speaker of the House of Assembly; and the sum of Thirty Pounds to each of the other Members of the Assembly, to indemnify them for their disbursements while attending the sittings of the House this Session, with travelling charges, at the rate of Eight-pence *per* mile, in making two journeys to and from the same—with the exception of the Members who were committed to the custody of the Sergeant at Arms, on the Twenty-fourth day of *January* last, and the Member absent from the Island.

£30 to each
Member of the
Assembly, and
travelling
charges, at the
rate of 8s. *per*
mile.

£20 to purchase
Books for Library of Assembly.

And a further sum of Twenty Pounds to the Speaker of the House of Assembly, to be expended (in addition to the sum granted last Session) for the purchase of Books for the Library of the House of Assembly.

And a further sum of One hundred Pounds, for defraying the charge of making the alterations that may be deemed necessary in the three County Jails, under the provisions of the Act of the present Session, relating to Prison Discipline.

£100 to defray
expense of alter-
ations in Coun-
ty Jails.

And a further sum of One hundred Pounds, for carrying into effect the Quarantine Regulations (should the same be required,) during the present year.

£100 to carry
into effect Qua-
rantine Act.

And any sum not exceeding Ninety Pounds, for the maintenance and safe keeping of Insane persons, for the present year.

£90 for the
maintenance of
Insane persons.

And a further sum of Five Pounds to *Daniel Quigley*, of Township Number *Eighteen*, an infirm Pauper.

£5 to Daniel
Quigley.

And a further sum of Five Pounds to *Amable Barnard*, of Township Number *Fifty*, an infirm Pauper.

£5 to Amable
Barnard.

And a further sum of Ten Pounds to the Reverend *John Macleinnan*, towards the support and safe keeping of *Alexander Finlayson*, of *Little Sands*, a Lunatic.

£10 to Alexan-
der Finlayson.

And a further sum of Eight Pounds to the Reverend *John Macleinnan*, towards the support of *James Maddox*, of *Newtown*, a blind person.

£8 to James
Maddox.

And a further sum of Five Pounds to the Reverend *John Macleinnan*, towards the support of *Christian Macphee*, of Township Number *Fifty-seven*, a person in indigent circumstances.

£5 to Christian
Macphee.

And a further sum of Seven Pounds to *Ann Macgillivray*, of Township Number *Forty-four*, Widow, towards the support of her son, a Lunatic.

£7 to Ann
Macgillivray.

And a further sum of Ten Pounds to *Elizabeth Le Page*, of Township Number *Forty-nine*, towards the support of her husband, *Andrew Le Page*, a Lunatic.

£10 to Elizabeth
Le Page.

And a further sum of Five Pounds to *Charles Russell*, an aged and infirm Teacher.

£5. to Charles
Russell.

And a further sum of Seven Pounds ten shillings to *John Ready*, a blind person.

£7. to John
Ready.

61. to Archibald Macniven.

And a further sum of Six Pounds to *Archibald Macniven*, of Township Number *Thirty*, towards the support of his two sons, who are Idiots.

101. to William and Margaret Holmes.

And a further sum of Ten Pounds to the Reverend *Sylvanus Perry*, towards the support of *William* and *Margaret Holmes*, two aged and infirm persons, residing at *Mascouche*.

121. for the support of 3 blind persons named Mackay.

And a further sum of Twelve Pounds to *James Simpson*, Senior, of *New London*, for the support of three blind persons, of the name of *Mackay*.

51. to John Joseph Artman Betture.

And a further sum of Five Pounds to *James Simpson*, Senior, of *New London*, towards the support of *John Joseph Artman Betture*, an aged and infirm Pauper.

51. to Martin Dwyer.

And a further sum of Five Pounds to *Andrew Coffin*, of *Saint Peter's Bay*, towards the support of *Martin Dwyer*, an old and infirm Pauper.

51. to Mary Macleod.

And a further sum of Five Pounds to *Donald Macdonald*, of *Glenaladale*, Esquire, towards the support of *Mary Macleod*, of *Fort Augustus*, Widow.

51. to William Gain.

And a further sum of Five Pounds to *Charles MacNutt*, towards the support of *William Gain*, of Township Number *Eighteen*, a person deaf and dumb.

51. to John Griffin.

And a further sum of Five Pounds to *John Lewellin Lewellin*, Esquire, towards the support of *John Griffin*, of Township Number *Sixty-one*, an Idiot.

51. to Joanna Redmond, and Mary her daughter.

And a further sum of Five Pounds to *Francis Longworth*, Esquire, towards the support of *Joanna Redmond*, of Township Number *Thirty-four*, and *Mary* her daughter, in indigent circumstances.

391. to the Ladies' Benevolent Society, for the relief of certain poor persons.

And a further sum of Thirty-nine Pounds to the Ladies' Benevolent Society, to be by them expended in the following manner, (that is to say)—For the relief of *David Frisby*, of *Charlottetown*, an infirm Pauper, the sum of Five Pounds; and for the relief of *John Macnamara*, of *Charlottetown*, a disabled Seaman, the sum of Five Pounds; and for the relief of *James Conway*, of Township Number *Thirty-two*, a blind person, the sum of Six Pounds;

and for the relief of *William Purcell*, of *Charlottetown*, a blind person, the sum of Ten Pounds; and for the relief of *Hercules Frize*, of *New London*, a blind person, the sum of Ten Pounds; and for the purchase of wearing apparel for *Mistress Patience*, Senior, of *Saint Peter's Bay*, Widow, the sum of Three Pounds.

And a further sum of Six Pounds to *John Macdonald*, Junior, of *Allisary*, for the support of a family named *Jackson*, residing near *Mount Stewart Bridge*, in indigent circumstances.

6l. for the support of a family named Jackson.

And a further sum of Five Pounds to *James Macdonald*, of Township Number *Twenty-seven*, in indigent circumstances.

5l. to James Macdonald.

And a further sum of Five Pounds to *William Macneill*, a blind person.

5l. to William Macneill.

And a further sum of Five Pounds to the Reverend *Sylvanus E. Perry*, towards the support of the mother of *Christiana Macneill*, of Township Number *Eighteen*.

5l. for the support of the mother of Christiana Macneil.

And a further sum of Three Pounds, in addition to the sum granted last year, to defray the expense of purchasing a set of *Weights and Measures* for the *Town and Royalty of Princetown*.

3l. to defray expense of Weights and Measures for Princetown and Royalty.

And a further sum of Fifteen Pounds, (should the same be required) to defray the expense of procuring an *Index or Indexes* to all the *Books of Registry* in this *Island*, previous to the year *One thousand eight hundred and thirty-four*, which have not formed part of the *Books* that were indexed by directions of the *House of Assembly* in the year *One thousand eight hundred and thirty-three*: *Provided*, that on examination of the *Record Office*, by the *Committee of the House of Assembly* appointed for that purpose, it shall appear that such service has not been already paid for in the sums voted to the *Deputy Registrar*, in the *Years One thousand eight hundred and thirty-three*, and *One thousand eight hundred and thirty-four*.

15l. for completing Index to Registry Books, on certain conditions.